

## **Resetting Nigeria**

***By Chidi Anselm Odinkalu***

### INTRODUCTION

I should begin by congratulating the Just Friends Club of Nigeria (JFCN) for making it to 10 years. In a country in which most start-ups die in their first year, this is no mean feat. The survival feat of the JFCN is even more impressive when we recall that it began its associational journey as an informal wedding planning enterprise.

Even more than congratulations from outsiders, members of the club also deserve to indulge in some thanksgiving at the fact that their membership has enjoyed additions only over the period since the club has been in existence.

I would, therefore, want to thank the leadership and members of the for inviting me to be part of the 10th anniversary of the Club. At a time and in a year where events in politics and public life continue to put to test bonds of coexistence across the country, the value of friendships and the need for sustaining them cannot be taken for granted.

In a country in which government only works for those who run it, friends can often be the only people standing between us and fate. The COVID-19 Pandemic showed us all how invaluable

friends can be for our mental, psychological and overall health and wellbeing.

Good friends in particular are also assets for those who wish to make progress in life. It is therefore a privilege to be able to join in this celebration of multi-dimensional bonds of friendship at a time when coexistence in Nigeria is challenged.

I am informed that JFCN began in the modest circumstances of planning a wedding one decade ago. In other words, it began as an exercise in family solidarity, itself, the basis for building society. Since then, it has evolved into a socio-cultural association that seeks to foster companionship, comradeship, and oneness among the members as well as solidarity with others based on shared values.

Its membership of about thirty-five persons comprises mostly professionals in engineering, communication, accounting, business, legal and other sectors of the economy. In a sense they are mostly drawn from the liberal professions in vocations bound up by some rules of ethics, including social responsibility. The club promotes wellbeing through investment in leisure and sport, both human rights guaranteed (unknown to many) in Article 24 of the Universal Declaration of Human Rights. It also advances social solidarity through outreach to needy members of our communities.

This public lecture began in 2014. The speakers who have preceded me in this event include senior public servants, such as the Director-General of the Bureau of Public Enterprises;

Director-General of the Debt Management Office; the President of Abuja Chamber of Commerce; and a senior Catholic priest who headed the Secretariat of the Conference of Catholic Bishops of Nigeria. I cannot hope to match the erudition, experience, expertise, or authority of any of these.

## ABOUT NIGERIA, ITS SETTINGS AND AN IDENTITY CRISIS

The theme, “Resetting Nigeria” is pregnant with more questions than illumination. First, it implies that Nigeria was already set without disclosing who did so. Second, it suggests also that the initial setting is flawed, imperiled, or spent, without indicating why, when or how this happened. Third, it suggests that this old setting now needs reworking but does not say who will do it, why they are qualified for that task or from whence they derive their mandate to do so. Taking on any of these three sets of questions would itself be a mammoth intellectual task. Taking on all three is fraught with assumption and risk about my ability to do so, none of which I can guarantee. I do not presume to come to this task with any pre-notions or promises.

Three events signpost the significance of the theme for this lecture and its rationales. One thing that is clear from the framing is not merely that Nigeria has problems but that the causes of those problems are in the structures of its political economy. This event takes place while the National Assembly continues with the task of confirming nominees for ministerial

positions in government at the federal level. S. 147 of the constitution requires the president to nominate at least one minister from each state of the country, an indication that national cohesion is far from achieved.

This lecture also takes place a mere 48 hours after the current incumbent in the presidency declared in a prime-time broadcast devoted to the economy that the country was “exiting the darkness to enter a new and glorious dawn”. It is not clear, however, that the economic dimensions of Nigeria’s problems are the causes rather than the consequences of the underlying settings of the country.

And this event equally occurs a little over five months after elections that were bitterly fought and which showed up the deep fault-lines and fractures that afflict the country, fault-lines that have been deepened in the past eight years by the narrow prejudices of the Muhammadu Buhari administration. The Buhari mis-adventure showed how deeply unsettled the notion of equal citizenship in Nigeria is. Since every country belongs to its citizens, a country which - like Nigeria - seems unable or unwilling to treat its citizens equally, has a problem. In drilling down to why Nigeria is unable to unwilling to treat its citizens equally, we may be able to get to an understanding of where the challenge lies with the country’s settings.

This dysfunction with civics and citizenship itself is reflected in a leadership ethos that is incapable to treating citizens with dignity as well as in a national preoccupation with

discrimination. In Nigeria today, the only significant minorities are Nigerians. We are all polarized along a multiplicity of lines: Christians vs. Muslims; Militants vs. Boko; Men vs. Women; ruling party vs. opposition; Indigenes vs. Settlers; Poor vs. Rich; Army vs. Police; Police vs. Bloody Civilians. I could go on. It is increasingly difficult to find or celebrate or protect the human being outside these instrumentalised and narrow epithets. Despite the firm prohibition against it in s. 41 of the 1999 constitution, discrimination has become institutionalized. Those who think they do service would only seek to serve those that they know not those who need to be served. A re-engineering of the service space is called for before we can effectively re-claim the ethos of service.

According to S. 14(2)(a) of Nigeria's 1999 Constitution, "sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority." Article 21(3) of the Universal Declaration of Human Rights affirms that "the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures." But, given the above context, it is difficult to know who "the people" of Nigeria are.

Disenfranchisement has become a mechanism for access to and retention of power. At the heart of everything, citizenship is in crisis in Nigeria and that crisis in turn cascades into and derives from an underlying crisis of nation-building.

I should make clear the underlying assumptions that frame my own reasoning. First, I regard Nigeria's diversity as a positive resource not a curse but recognise that Nigeria's leaders have, for the most part, failed to transcend the narrownesses inherent in this diversity. I would argue that professionals have a role to correct this. Second, I believe that Nigeria is greater and better than the sum of its individual parts but understand that achieving this coherent whole remains a promise as yet unrealised. Third, I argue that the synergies inherent in a big country like Nigeria offer greater long-term prospects to all within it than the risks and inefficiencies in smaller territories. Harnessing these prospects, however, requires vision and leadership of the sort that the country has historically not been blessed with on a significant scale. Whether that happens will depend significantly on whether professionals, like the MPC, accept the challenge of civic leadership. I want to illustrate the challenge with Nigeria's settings with the citizenship problem.

## A POLITICAL ECONOMY OF ALLOCATION

The framing for this lecture implies a fraying or an imperiled civics and unstable polity. If so, several lines of inquiry suggest themselves. We could investigate the nature of the instability in the polity; its causes and symptoms; the lines and nature of responsibility for it or the history and provenance of the instability. Any or all of this and more would be a worthwhile venture. Given the limitations of time and attention span at our

disposal presently, I propose to work my way from fundamentals to symptoms in locating a handle on the subject.

Many explanations have been proffered for Nigeria's current unhappy condition: corruption, violence, impunity, among others. I want to suggest that these are symptoms not the underlying problem. Two decades ago, Chinua Achebe declared that the "the trouble with Nigeria is simply and squarely a failure of leadership", and argued that "Nigerians are corrupt because the system under which they live today makes corruption easy and profitable."

As a supplement or complement to this, I propose shortly to suggest that we have a structural crisis in our political economy indexed as it is on allocation rather than production. This is an important point to make to a gathering of professionals. The defects of this fundamentally flawed political economy are compounded by a long-established ethics of deliberate political innumeracy. As a political economy, we specialize in fraudulent counting and accounting, legitimized post-hoc by the instruments and skills of the law.

To preserve our innumeracy of public accounts, we have used everything from coercive instruments to commissions of inquiry whose reports have never been seen. In over half a century as a country, we have never held a credible census. To legitimize the outcome without addressing the underlying malfeasances, we establish Census Tribunals. In the same period, we have struggled to undertake credible elections. For each flawed

election, we establish an Election Petitions Tribunal, procuring judicial legitimacy for returns that have been - in most cases - fundamentally flawed.

Over 20 years before the 2007 elections, in its 1986 report, the Judicial Commission of Inquiry into the Affairs of the then Federal Electoral Commission (FEDECO) between 1979-1983, which was chaired by former Supreme Court Justice, Bolarinwa Babalakin, noted with reference to election petitions that followed the 1983 general elections that:

As the verdicts began to be pronounced, the general public often expressed shock and dismay. Some commentators in the nation's newspapers took the view that the verdicts in a number of instances constituted a rape of democracy perpetrated through the law courts. Allegations of corruption in high places were freely made.

The defining character of those flawed elections was that they neither reflected the will of the people nor promoted democratic accountability, thereby encouraging an appearance of government without legitimacy. In place of the votes of citizens, most office holders procured the authority to govern from court orders, leading the Economist to describe Nigeria's as a form of "democracy by court orders." To understand how extensive this pattern of judicialisation of our elections is:

arising from the 2007 general elections alone, there were 1,299 election petitions challenging official results out of a total of 1,496 elective offices in respect of which INEC organizes

elections, yielding an astounding 86.5%. From the 2011 elections, there were an additional 769 petitions, which despite the decrease still netted a majority (51.4%) of electoral posts challenged.

The price we have paid for this is huge, for the tendency to get electoral legitimacy from the courts instead of the people corrupts the judiciary and judicialises corruption. It makes it impossible to evince remedies for even the most basic wrongs in our country. As a result, the only remedy that matters is vigilantism or self-help.

Most of Nigeria's crises with corruption, impunity, mal-governance and resulting instability come down to this: as a people, we cannot count honestly and our public institutions and professionals (such as are represented in Rotary) have encouraged a system in which there are no consequences for dishonest counting and accounting. This has removed rationality as an impetus for progress or competitive politics from among us, establishing in its place a politics of irrationality and denuding our civics. This reality has destroyed the potential of the system to deliver macro-justice; undermined its credibility with respect to micro-justice; robbed it of legitimacy; brought us to the point where violence has become largely democratized and threatens generalized instability on the country if we don't address it honestly and urgently. Without addressing this context and re-engineering it, we cannot credibly build an ethos of service, fairness, benefit or co-

existence. We have created a political economy that has no interest in accounting its citizens, their votes or their money or accounting for any of these.

## WHY COUNTING AND ACCOUNTING MATTER

A country that does not care to evolve the capacities to count its citizens or account for or to them will always struggle for legitimacy of its existence, its institutions and its government. This is easily borne out by Nigeria's experience. It is necessary for present purposes, however, to explain the relevance of the institutional skills and political values of counting and accounting in a modern political economy. Three processes are essential to the effective functioning of a country. These are:

- (a) the processes of legitimating public power (elections);
- (b) the processes of quantifying the demographic coverage/composition of the country (census); and
- (c) the processes of estimating and distributing the commonwealth (public accounts, including revenues and appropriations).

These three inter-related processes – elections, demography, and public accounts - rely on the basic skills and institutions of honest policy numeracy. In elections, this involves the counting of votes and the conferment of a mandate usually on the persons with the greatest number of counted votes. In a census, we count the people, which in turn helps to determine

the bases for allocation of representation, social services, revenue and sundry public goods. In the management of public accounts, we count the size of the common wealth, so as to know exactly the pool of resources that those who have the legitimate mandate through elections can distribute for the benefit of those that we have counted.

The rationales for these and relationships between them are obvious. Through the votes validly counted, government acquires its legitimacy to rule; through the census, it knows the number of people it needs to cater for and among whom the resources need to be distributed; and in the public accounts, it knows what it needs to manage in the interest of these people. Democratic politics, after all, is about acquiring the legitimate exercise of power over the commonwealth/public accounts for the benefit of the people.

The proper conduct of these three signal foundations of public policy making in a modern political economy requires the articulation of a coherent national interest, norms of political ethics and values, and an infrastructure of capable state institutions to underpin them.

That infrastructure is built on three values, which I will explain briefly. Theoretically at least, the dispersal of power within the institutions and processes of democratic government should constrain possibilities for venality. The accompanying protection of civil liberties and human rights should make for open and transparent government and provide a check on

abuse of power. Competitive politics under-pinned by periodic renewal through elections of the mandate to govern should reward politicians with a credible record of protecting the public resources and interest. Together, these three occurrences – dispersal of power, kinetising the institutions of accountable government, and competitive electoral politics for periodic renewal of government's mandate – are essential elements of democratic government.

But if you can acquire power or win without counting, then why bother with any of these? Paul Collier explains how not counting votes properly can undermine everything as follows:

If politicians can still face a reasonable chance of winning without bothering to deliver good performance, then....the sort of people who seek to become politicians will change. If being honest and competent does not give you an electoral advantage, then the honest and competent will be discouraged. Crooks will replace the honest as candidates. ...Evidently, one reason elected office is more attractive to criminals than to the honest is that only the criminals will take advantage of the opportunities for corruption. But there is a further reason: elected office provides immunity from prosecution.

The stability of a polity is, therefore, founded on a tripod of three values: legitimacy, accountability, and capacity. To explain briefly, the legitimacy or credibility of the government is essential for its authority, revenue generation and service delivery. Credibility is a function of both the nature of its

electoral legitimacy or mandate, and government's fidelity to the norms of political behaviour (counting). This is founded on effective civics. Illegitimate government is not accountable and lacks the authority to deliver anything.

There is a logical connect between credibility and accountability. Accountability has both political and institutional dimensions. Politically, it speaks to the ability of people to participate in their government, and if necessary, to change it through transparent electoral processes; institutionally, it refers to how far the institutions and mechanisms of government are able to play their roles in ensuring that government operates properly within the law – in one word, ensuring oversight (accounting).

Implicit in the political, institutional, and service delivery dimensions of government is the assumption that there is the institutional capacity to fulfil these functions. This institutional capacity is located in the independence and abilities of the legislature, judiciary, civil service, and bureaucracies of government to police the rules without which government becomes whimsical, arbitrary, and personalised. Put differently, therefore, the establishment of a stable, democratic polity is thus, inherently a project in both counting and accounting.

Because so much hangs on this, logic and intuition would suggest that we should take them seriously. But Nigeria is both illogical and counter-intuitive. Nigeria's multiple crises of governance exist because these foundations are non-existent

or have been methodically destroyed and corruption is such a problem because whenever we have to count as a people, we compromise the institutions that exist to do it and subvert the processes of counting and accounting without which it is impossible to run a State that works. In the terms of this innumerate political economy, the citizen is displaced in significance by the indigene who is set up in conflict with the settler. In this formulation, three conflicts are set up contemporaneously. One between politics vs. economics; another is a livelihood conflict between the sedentary vs. pastoralist peasant; and the third is between documented and un-documented Nigerians.

## INDIGENE, SETTLER AND CITIZEN: A CONCEPTUAL CHECK ON AN IDENTITY CRISIS

All over Nigeria, as in many other African countries, the various conflicts and associated atrocities over the citizenship rights of the indigene and settler are invariably characterized by conceptual ambiguity and confusion with bases in the constitution. The 1999 Constitution consecrates Federal Character in Sections 14(3)-(4) as a Fundamental Objective and Directive Principle of State Policy, directing that the conduct of government at all levels – federal, State and local – should be carried out “in such manner as to recognise the diversity of the people within its area of authority and the need to promote a

sense of belonging and loyalty among all the people of the Federation.”

Since 1979, Chapter III of Nigeria’s Constitution has recognized both national citizenship which may be founded on descent from grandparents who belong “or belonged to a community indigenous to Nigeria” and, rather curiously, state indigeneship, requiring the President to appoint at least one federal minister from each State “who shall be an indigene of such state.” The Constitution does not necessarily define the word “indigene” but, in a provision remarkable for circuitous lack of imagination, contains a definition for “belong to or its grammatical expression”, which, “when used with reference to a person in a State, refers to a person, either of whose parents or any of whose grand-parents was a member of a community indigenous to that State.” Yet, the same Constitution guarantees that “Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof”, and also prohibits discrimination in the following terms:

A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:-

(a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities,

ethnic groups, places of origin, sex, religion or political opinions are not made subject; or

(b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions.

Thus, having set up a conflict between the citizen and the indigene, Nigeria's Constitution offers no sensible framework for resolving this tension and sets the country on course for violating its international obligations on nationality rights. In the absence of clear constitutional guide, several interpretations have naturally mushroomed serving narrow interests. In 1993, Nigeria's former President, Olusegun Obasanjo, had warned that:

The concept of "settler" or "non-native" syndrome has of recent hardened into a theory of ethnic exclusiveness and moulded and propagated to foist a pejorative meaning to advance economic and political control among competing elite groups for interests during democratic regimes.

In its 2005 report, the Plateau Peace Conference defined indigenes as "People who are the first to have settled permanently in a particular area and who are considered traditional natives", which "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, traditions and culture.” In particular, the conference determined that “Indigene Certificates should only be issued to Afizere, Anaguta, and Berom in Jos North Local Government Area in line with the definition of indigeneship.” These conclusions relied heavily on the earlier work of the Justice Aribiton Fiberesima Commission of Inquiry which argued in its 1994 report that:

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 grand-father 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 advise them that they can qualify only as ‘citizens’ of Jos....

These attempts at definition polarize the relationships between indigene, settler and citizen over space and time. They distinguish between politically explosive concepts without attaching consequences to categories. With reference to space, the latter formulation suggests that “indigene” is a bounded or territorialized identity marked by supposedly defining characteristics and not a racial category. Implicitly, the indigene

loses their status as such if s/he steps out the recognized territorial markers of this identity grouping into a zone of less or no protection.

In terms of time, the establishment of indigeneship is posited as an exclusive, once-and-for-all-time occurrence that can only be asserted by one group or set of groups and their descendants. It is also determined on a group not individual bases. Thus, on this definition, a person from a group not recognized as an indigene group cannot be recognized as an indigene irrespective of how long they and their descendants have lived in the location and even if their proof of contact or settlement in the land pre-dates that of members of a group recognized indigenous. One clear consequence of this, for instance, would be both naturalized Nigerians and their descendants would be ineligible to access federal appointments as they can never qualify to claim indigeneship of any place.

There are several flaws with the Fiberesima formulation. Firstly, its vaguely neo-Biblical suggestion that there can be citizenship of a city of Nigeria has no legal or constitutional bases because Nigeria's Constitution only recognizes citizenship of one country and not of any constituents thereof. Secondly, this definition of indigeneship privileges sedentary over pastoralist communities in an asymmetrical competition of livelihood styles and does not account for the transitory character of pastoralist communities, which do not establish themselves in a

place by building sedentary populations. It is easy to see why this formulation can be a source of conflict and crises.

Third, most claims of indigeneship in Nigeria are founded on colonial records of settlement and occupation, themselves made by colonialist settlers involved in establishing what Jules Harmand described as “colonies of domination” over indigenous populations, which involved convenient manufacture of historical memory. Such colonial domination was based on the dubious notion that the settlements established were both un-owned and un-occupied.

It bears recalling that most of the cities in Nigeria as in the rest of the continent, are the results of relatively recent settlement. Claims of indigeneship based on such recent records of settlement privilege recent settlement activity backed by settler-colonial records and amount to no more than an assertion of “My ancestors were here before yours”, which is quite different from a claim of “My ancestors were surely the first people here.” Sam Egwu illustrates this with reference to the dispute between the Tiv on the one hand and the Kambari, Alago and Jukun on the other in Nassarawa State, founded on competition for political influence between the Tiv of the Benue-Plateau region and the Kambari, originally of Kanuri extraction in north-eastern Nigeria, who now control the Lafia Emirate in Nassarawa State, following their arrival there in the 19th century, notwithstanding the fact that the Tiv have been present in this area for up to one century.

In reality, settlements and the establishment of communities based on them pre-date the contemporary cartography of Nigeria's geo-politics. It is not always possible to date historical patterns of migration with certainty. Outside Nigeria, many African ethnicities and communities – such as the Masai, Luo, and Somalis in East Africa; the Banyarwanda, Hima, and Twa in East and Central Africa; the Hausa, Fulani and Mandingo in West Africa; the Tswana and Khoi-San in Southern Africa, and many more – straddle the boundaries of more than one country, making it even more difficult to date their location on parts of the continent where maps were drawn after the ancestors of the contemporary inhabitants first arrived or passed through such places.

Based largely on claims founded on the flawed Fiberesima formulation, the tendency has thus emerged of sub-ordinating Nigerian citizenship to local indigeneship. Abubakar Momoh rightly complains that the situation is now such that “to be accepted as an indigene, one is expected to be a native; and to be accepted as a citizen, one is expected to be an indigene.” In its 2009 report, the Bola Ajibola Commission of Inquiry asserts, rather extravagantly, that :

One is a Nigerian in the first place because he or she belongs to a community indigenous to Nigeria. See Section 147 of the Constitution of the Federal Republic of Nigeria 1999. It is the application of indigeneship that makes us know who is a Nigerian and who is not.

This conclusion is patently mistaken on many grounds. Although membership of a community indigenous to Nigeria is one of the grounds for citizenship, it is not the only ground. Other grounds for citizenship include descent from a citizen of Nigeria or naturalization. Contrary to the claim by the Commission, s.147 of Nigeria's Constitution does not provide bases for any such claim, limited as it is to the question of sourcing nominees for ministerial appointments. In the argument over supremacy of indigeneship and citizenship, Nigeria's Court of Appeal has in fact held that Sections 25(1)(a)-(b) are a "binding guide" in the determination of who is an indigene of Nigeria, suggesting somewhat (but without resolving the problem) that citizenship has primacy over indigeneship.

In reality, the problem here is at least three-fold. First, the real scope of the indigene-settler dichotomy is situational. It is, therefore, both dubiously ambulatory and elusive, mutating and adapting depending on the communities confronting one another. The concepts of 'indigene' and 'settler' on close examination appear to be epithets of convenience deployed freely in proxy elite political wars. Secondly, the dichotomy reflects the demographics of political control of territories within the Nigerian federation. Professor Egwu rightly points out that:

While the indigenes seek exclusive control of existing social and political rights at the expense of the latter, settlers seek to resist their exclusion. The consequence is that millions of Nigerians who live outside the socio-political space within which they can affirm their indigeneity suffer exclusion and are exposed to all kinds of humiliation. While some have endured deprivations in passivity, others have contested their exclusion, leading to a spate of communal conflicts. In many instances, this has assumed the dimension of violent conflicts with dire consequence for development, national unity and the resolution of the National Question.

This dichotomy relies on poorly documented and verified historical narratives to construct claims of exclusivity of ownership of settlements in changed contexts where even recognition of such claims of original settlement would not necessarily preclude recognition of other such claims. As such, it is a fertile site legends.

Thirdly, the site of contestation, though very real, is, as a normative proposition, manufactured in an extra-constitutional zone, for, while Nigeria's constitution contemplates the indigeneship of Nigeria and, for limited purposes, indigeneship of a State, it does not provide for indigeneship of a settlement, community, local government or city. To understand how this has evolved, it is necessary to return to the historiography of post-colonial Nigeria and its territorialisation.

## TERRITORIALISING VICTIMHOODS

Since independence, the unitarisation of Nigeria's federalism especially under nearly 30 years of post-colonial military rule and the resulting micro-territorialisation of the federating units following the Nigerian Civil War (1967-1970) has emerged as arguably the source of the most serious threats to citizenship and coexistence in Nigeria. At Independence in 1960, Nigeria comprised three regions. In 1963, a fourth region was created, bringing the number of regions to four. To head off the ultimately unsuccessful secession of Biafra in May 1967, the four regions were further split into 12 States. Currently, Nigeria comprises 36 States and one Federal Capital Territory. The last exercise in "State creation" was in 1996. All exercises in the "creation" of States were undertaken by military regimes. Communal identities and boundaries have mutated and evolved as States have been created, un-created and re-created. The balance of the relationship between the centre and the states as federating units has also decidedly shifted in favour of the centre. The result is stiff elite competition for access to federal goods, including appointments, access to and preferment in positions in the security agencies, such as the police and the armed forces, access to federal educational institutions and allocations of federally-held funds. In this competition, the territory of the state and belonging to it is mobilized for narrow gain. Jos illustrates citizenship crisis created in the intersection between territorialisation and the absence of any effective framework of minorities protection.

These structural causes combust at their point of contact with cleavages of identity, sect, livelihood, traditional institutions, access to land, markets and natural resources, and territorialisation and boundary adjustments for access to power (including location of administrative headquarters for new administrative units). The consequences of this contact and abject failure or co-optation into conflict of institutions designed to prevent, mediate or contain them are dramatized in different ways across different locations in Nigeria. Jos is only one of such locations. It is not the only one. Indeed, it is impossible to understand or address the situation in Jos in isolation of similar situations across the Nigeria, for the Jos crises and the atrocities associated with it – as shown shortly - are symptomatic of national problems the contours of whose settlement need to be agreed with substantial regard to nationally applicable principles.

The lines of conflict in Jos, centered over the control of the city and access to federal patronage and goods, were crystallized sharply with the creation of Jos North Local Government Area in 1991 and boiled over into violence on 12 April 1994 when a counter-demonstration by members of the Hausa-Fulani Community against the refusal of the Berom, Anaguta and Afizere to allow the installation of Alhaji Aminu Mato as the Chairperson of the Caretaker Committee for Jos North Local Government Area turned violent, leading to large-scale destruction of property and loss of lives. According to the 1994 report of the Fiberesima Commission of Inquiry:

A recurrent friction for many years, between the Berom, Anaguta, and Afizere tribes on the one hand, and the Hausa-Fulani tribes on the other hand, is a remote cause of the riot. Each part lays claim to Jos. The Berom, Anaguta, and Afizere claim that they are the indisputable indigenous people of Jos, that the Hausa-Fulani are settlers, strangers, who migrated into Jos for various reasons which include commerce, employment and repair of fortune. But the Hausa-Fulani contend that they, as owners of Jos, had the privilege of producing the rulers of the town since way back in 1902. They also claim political ascendancy over the other communities at all times. This feeling of one having supremacy over the other simmered for years, only to break out into open confrontation and riot on 12th April, 1994.

In 1991, Nigeria's Federal Military Government (FMG) created 89 new Local Government Areas (LGAs). Until then, the metropolitan area of Jos was one local government area in which all major populations in Nigeria existed. The major ethnic groups in Jos were the Afizere, Anaguta and Berom (sedentary) and the Hausa-Fulani (with significant pastoralist population). Both groups respectively petitioned the then FMG for the creation of new LGAs from the then Jos metropolitan area. Both groups had requested that Jos be split into two. However, the sedentary populations sought the creation of a new "Federe Local Government" while the Hausa and Fulani communities petitioned for the creation of a Jos North LGA. In 1991, the FMG split Jos into two, creating Jos North LGA with

Jos Metropolis as its Headquarters and Jos South with its Headquarters in Bukuru. According to the Aribiton Fiberesima Commission of Inquiry report

This was totally against the wishes of the Berom, Anaguta, and Afizere communities who prior to the exercise had requested for the creation of Federe Local Government Area out of the then Jos Local Government Area. With what actually transpired, the said communities 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. The former 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 Gbom Gwom Jos, isolated in an enclave of the Hausa-Fulani in Jos municipality.

In April 1994, the then Military Administrator of Plateau State appointed Alhaji Aminu Mato, a Hausa-Fulani, Chairperson of Jos North LGA Caretaker Management Committee. The Anaguta, Afizere and Berom rejected this, and, on 5 April, the day before the scheduled swearing in of the new Committee, organized protest marches to both the then Military Administrator and the Palace of the Gbom Gwom Jos, ostensibly threatening to prevent Alhaji Mato from assuming office. On 8 April, 1994, when the new Committee was to

assume office, the Plateau State Cabinet Office, apparently responding to a public show of force by Afizere, Anaguta and Berom youths, threatening to physically prevent Alhaji Mato and his team from assuming office, issued a letter Reference Number S/SSG/E/81/V.1, requesting the Director of Personnel Management in the LGA to temporarily assume management of its affairs.

In a counter-protest on 11 April 1994, some Hausa-Fulani butchers slaughtered cows and other animals on the highway near the Abattoir in Jos to protest Government's suspension of the assumption of office of Alhaji Aminu Mato, vowing that they would continue their protests until Alhaji Mato was allowed to assume office. A protest demonstration by the Jasawa Development Association (Hausa) Youths in Jos North led to what the Fiberesima Commission described as "chaos", in which many lives and property running into millions of Naira in value were destroyed.

Since then, Jos has experienced several other situations of mass violence, each succeeding one more serious than the ones that preceded it. The 2002 report of the Niki Tobi Commission of Inquiry contained 63 pages of killing and destruction including the names of 904 persons killed in the crisis of 2001 and an itemisation of destroyed property which it valued at millions of dollars, excluding forced displacement. Other researchers claim that "initial estimates compiled by local human rights groups, religious communities and other organisations indicate

that more than one thousand people were killed in the six days that the violence lasted.”

The response to these cycles of atrocities and reprisals has been largely expeditionary, including enhanced security sector presence, curfews and a state of emergency. Following another cycle of killings and reprisals in Yelwa, Plateau State, in 2004, then President Olusegun Obasanjo, declared a State of Emergency in Jos and appointed a former Chief of Army Staff, General Chris Alli (Rtd) as the Administrator of Plateau State for a period of six months. General Alli organized a State-Wide Peace Conference which issued a consensus document, Plateau Resolves, which he assented to as Administrator, outlining measures to be implemented to restore normalcy to the State.

Far from restoring normalcy, however, things appear to have degenerated in Jos. In 2009, the Ajibola Commission report identified by name over 323 persons killed in the November 2008 crisis. In 2010 alone, there were three major incidents of mass killing and arson in Jos and several other less known ones. The casualty count from these incidents may never be fully known. However, over one decade beginning from 1999, the attacks associated with the conflicts in and around Jos in Plateau State “according to estimates from the United Nations (UN) Committee on the Elimination of Racial Discrimination, killed 13,500 in Plateau State since 1999.”

It is worth noting that Jos is not the only place where the creation of new administrative units has crystallized identity-

based crises in Nigeria founded on dichotomies between competing claims of rootedness, belonging and alienage. In a study of the Urhobo-Itsekiri crises in Delta State, for instance, Ukoha Ukiwo, recalls that following the creation of the Mid-West region in 1963:

The Constitution of the Midwest Region became a source of conflict because it essentially recognised Warri Division as Itsekiri homeland and reserved all elective positions to the Itsekiri. By this legislation, the Urhobo and Ijaw could not contest for election in Warri or be appointed to any elective positions from Warri. This remained the position until the post-civil war period, when the military government appointed an Urhobo as member of the Warri Division Management Board.

This crisis was to intensify and boil over into killings and reprisals following successive exercises in state and local government creation in 1991 and 1996 in which the creation of new local government areas raised issues as to which community to host the headquarters of the new administrative units. Similarly, the Itu-Odukpani crisis in Cross-River/Akwa-Ibom was crystallized by the creation of Akwa-Ibom State from the former Cross River State in 1987.

In the three year period between 1999 and 2002, the Organisation Mondial Contre la Torture (OMCT) and CLEEN Foundation, documented over “50 outbreaks of targeted violence” in Nigeria associated with local citizenship issues of the indigene-settler variant. These outbreaks were usually characterized by “extrajudicial killings, rape, torture, maiming and destruction of property and livelihood.” Some of the other well-known locations of similar conflict and occasional atrocity include Aguleri/Umuleri in Anambra State in the south-east; Ife/Modakeke in Osun State in the south-west; Zango Kataf in Kaduna State in the north-west; Itu/Odukpani crisis (over the Ikoroffiong) at the Akwa-Ibom/Cross-River State boundary in the south-south; Tiv-Jukun in Taraba State in the north east; Urhobo-Itshekiri crisis in Delta State in the south-south; and the Tiv-Kambari-Jukun crisis in Nassarawa State in the north-central. The geo-political spread of these crises indicates clearly that Nigeria confronts a national pathology.

In addition to the huge toll of tragic mortality associated with it, the Jos situation is arguably the most well-known of these situations largely because of a sense of nostalgia for what it represented before the onset of this brutal spiral. A city of stunning natural and locational endowments, Jos is the capital of Plateau State in north-central Nigeria, a State comprising over 54 ethnic and national groups but whose description as the “Home of Peace and Tourism”, now has a ring of cruel irony to it. Established at the beginning of the 20th century as a tin transportation camp, “Jos is one of the most cosmopolitan

cities in Nigeria on account of the mass migration into the area during the tin mining boom at the turn of the 20th century.” Since the last decade of the 20th century, a murderous spiral of cyclic violence has pitted presumed “owners” or indigenes of Jos against presumed “settlers” resulting in the killing of thousands, the displacement of possibly hundreds of thousands and the destruction of property valued in multiples of millions.

These situations are often a contest over context and varying claims of historically-sourced superiority of territorial entitlement. In Jos, the contest is between the claims to ownership of the city, exclusive indigeneship of the Anaguta, Afizere and Berom to the city and the competing claims of the Fulani and Hausa communities to be recognized also as indigenous to the city. This conflict has a history in the organization and territorialisation of Northern Nigeria that pre-dates its more recent descent into mass killings.

Politically and demographically, the Anaguta, Afizere and Berom of the Plateau are minorities in Northern Nigeria. In 1957-58, the United Middle Belt Conference (UMBC) took their fears of domination in a post-colonial Nigeria to the Willink Commission, established by the colonial government to “enquire into the fears of the minorities and the means of allaying them.” The Willink Commission described the communities represented by the UMBC as “both ethnic and religious minorities and it is the claim of some of them that

their best hope for the future lies in the carving out from the Northern Region of a Middle Belt state.”

Until May 1967, Jos was an administrative division within the Northern Region and all ethnic groups in the region were indigenous to the region and all parts thereof. The deepening of the indigene-settler problem is thus one of the consequences of re-territorialisation through the creation of new administrative units like States and local government areas. In a testament to the undisguisedly situational character of the indigene-settler dichotomy, the Willink Commission did point out in its 1958 report that:

It was until recently usual to find Southerners throughout the Northern Region in posts as clerks, overseers, artisans, ticket collectors and the like; today there is sharp resentment at their presence. They are regarded as foreigners and are now being discouraged, sometimes by positive steps, from taking or even keeping employment of this kind.

In May 1967, Jos became the administrative capital of the newly-created Benue-Plateau State (the forebear of the current Benue, Nassarawa and Plateau States), before becoming in 1975 the capital of Plateau State, following the creation of Benue State. Rather than resolve the tensions between the various ethnicities of the Middle Belt, re-territorialisation through State and local government creation has deepened them. Ironically, the ethnic groups that argued as minorities in the unified territory of pre-colonial and early post-colonial

Nigeria have now become majorities in the newly created States since 1967. By contrast, the Hausa and Fulani who were majority in the old Northern Region are now a minority in and around the Plateau. This changed architecture of the demographics underlying the indigene-settler is an important one.

The response of government – both State and Federal - to the cycle of violence that has characterized the crises in Jos and other parts of Plateau State has been to establish Commissions of Inquiry often chaired by judges. Since the beginning of these crises in 1994, there have been over twelve of such commissions. Thus the reports of these Commissions have themselves become part of the contest over both context and history in Jos, illustrating a pattern of leadership failure and a deepening of internal citizenship crisis.

## CONCLUSION

Evidently, the end of colonialism in most of Africa simultaneously de-racialised mobility and re-tribalised power. The African political, educated, and urban elite emerged into independence as a new class of economic and social mobility and opportunity while the un-educated or rural folk remained locked in the dynamic of extended post-colonial exclusion, thereby transforming the colonial-era distinction between the native and the European into a post-colonial one of status and class among Africans depending on economic mobility.

However, access to power, defined as it is by local concerns, was shaped with reference to local identity, essentially excluding the migrant population of the nouveau post-colonial elite who have to migrate out of their localities as the price for their new-found material comforts. What has, emerged, therefore, as the post-colonial contest between indigenes and settlers reflects a rough symmetry in distinction between our politics and our economics – the dynamisation of economics and the tribalisation of politics. In a sentence, the indigene-settler divide forces the “settler” to concede political participation in return for transactional mobility and economic prosperity.

This bi-furcation of political and economic life in our post-independence context diminishes society, denudes politics (governance), and eviscerates rights, without enriching economics. It is always looking back to where people come from rather than forward to what they have contributed to the societies that they re-locate to.

Ultimately, however, the persistence of indigene-settler crises announces a clear failure of post-colonial political leadership to expand the frontiers of opportunity, transform the normative architectures they inherited or ensure compliance with the international norms that they have signed up to. For places like Jos, peace building initiatives without reform of the structures and opportunities of both political governance and economic and human development will not be enough. Expeditionary

responses to what are essentially a failure of political leadership, laws and institutions will probably also not work. A far-reaching re-modelling of the architecture leadership, participation and inclusion is also needed.

For the moment, the promise of post-colonial citizenship is still just that, a promise. Most Nigerians continue to aspire to equal citizenship – “wannabes” at best in the only country that they can call theirs. The victims of Nigeria’s many citizenship crises are victims of a failure of leadership at all levels – federal, state, local. 63 years after independence, the avoidable tragedies of the story of their earthly sojourns should inspire the current generation of the country’s leadership to prioritise citizenship as the project of our next half-century.

The consequences of not doing so may be too difficult to imagine. The only way to avoid those consequences is to come to terms with reality that the country needs to be re-setting. That re-setting, however, must begin with attention to the political values that underpin coexistence in the country. But addressing this values problem requires a new kind of leadership that is national in outlook. That is where we must begin and in this, associations like the JFCN have a significant role to play.

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