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# Nigeria: Query Response

The situation of Indigenes and Settlers

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19 January 2018 (COI up to 8 November 2017)

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## **Nigeria: The situation of Indigenes and Settlers**

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## **Explanatory Note**

This report presents country of origin information (COI) and expert testimony on Nigeria up to 8<sup>th</sup> November 2017 on issues for research identified to be of relevance in refugee status determination for Nigerian nationals.

The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided unless otherwise stated. Interlocutors have been anonymised to maintain confidentiality.

A list of sources and databases consulted is also provided, to enable users to conduct further research and source assessments. Research focused on **events**, which occurred between January 2016 and 8<sup>th</sup> November 2017 and all sources were accessed between August and November 2017. Some sources pre-dating the cut-off point for research were included to provide background and contextual information where necessary given the nature of this cultural and administrative issue in Nigeria.

To supplement the publicly available information included, country experts on Nigeria were contacted asking the following questions:

1. In practice, are the Federal Character or citizenship laws implemented in means which are potentially discriminatory to 'settlers' (e.g. to all those who do not possess a certificate of indigeneity, or for those who are not perceived to be indigenous to an area)?
2. Do you have any information on the processes (lack of processes) in place to access indigene certificates in different regions?
3. Are there situations where Local Governments may provide preferential treatment to those who are indigenous to their local area?
4. Is there any information about /examples of situations where the lack of access to a certificate of indigeneity has impacted the ability of individuals to access to services and rights in certain areas? (for instance, access to education, ownership of land, access to employment in the public sphere)
5. Have there been incidents where local governments may try to encourage 'settlers' to return to their area of origin, as they perceive that this group are not the responsibility of their local area?
6. Is there any information about /examples of situations where the social perception of a particular group of 'settlers' has led to violence by the state and/or non-state actors in the local area?
7. Do you have any information on the ability for civilians (other than the herders) who may move from one area to another to access various services, such as education, employment?
8. In relation to questions 3-7, is there a difference in the treatment of 'settlers' in urban areas versus rural areas?

More information on the three country experts that agreed to be interviewed can be found in [Annex A](#) of this report, along with the full notes of the interviews conducted.

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. **This report is not a substitute for individualised case-specific research and therefore this document should not be submitted in isolation as evidence to refugee decision making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

### *i. Contextual background*

The following explanations and distinction might be useful in relation to the terms 'Indigenes' and 'Settlers' referred to in this report:

#### *a. Indigenes and Settlers - Definition*

A 2006 Human Rights Watch (HRW) report on government discrimination against non-indigenes in Nigeria explained that [emphasis added]:

The population of every state and local government in Nigeria is officially divided into two categories of citizens: those who are indigenes and those who are not. **The indigenes of a place are those who can trace their ethnic and genealogical roots back to the community of people who originally settled there. Everyone else, no matter how long they or their families have lived in the place they call home, is and always will be a non-indigene.**<sup>1</sup>

Similarly, an April 2013 'Factsheet Nigeria' published jointly by the German, Austrian and Swiss departments responsible for asylum noted that [emphasis added]:

In every state and local government area (LGA) of Nigeria, the population is divided into "indigene" and "non-indigene" citizens, or into "host" and "settler" communities. **In theory, the indigenes are the people who can trace their roots back to the original inhabitants of a particular place. In practice however, it is very difficult to prove historically who the first settlers where in a specific area [sic]. Indigenes and nonindigenes have usually lived together in the same place for many generations, and the divide between them simply corresponds to ethnic and linguistic differences.**<sup>2</sup>

Also in reference to Jos Plateau, Dr. Adam Higazi, Research Fellow, Department of Anthropology, University of Amsterdam, and Affiliated Lecturer, Department of Politics and International Studies, University of Cambridge, noted in Chapter 9 of a forthcoming book that "In Plateau political discourse the 'indigenes' are the first-comers (or natives) and the 'settlers' are the latecomers to a particular territory (with implied lack of traditional land and institutions there)".<sup>3</sup>

#### *b. Indigenes and Settlers - Discrimination*

The April 2013 'Factsheet Nigeria' published jointly by the German, Austrian and Swiss departments further explained that this distinction between indigenes and non-indigenes formed the basis for discrimination and that "Non-indigenes usually have less access to employment, to education, to political participation, and in some places to land. As poverty and unemployment have become more widespread and severe in Nigeria in the past 20 years, the competition for resources has intensified, and the indigeneity problem has resulted in increased tensions and violence".<sup>4</sup>

A report published by the Geneva Declaration in 2011 spoke of an "indigene or citizenship crisis" whereby "The constitution privileges local descent over residency. Those who leave their state of

<sup>1</sup> Human Rights Watch, *'They do not own this place': Government Discrimination Against "Non-Indigenes" in Nigeria*, April 2006, Summary, p. 1

<sup>2</sup> D-A-CH Kooperation Asylwesen Deutschland – Österreich – Schweiz, *Factsheet Nigeria*, April 2013, 3.2.1 The "indigeneity" issue

<sup>3</sup> Adam Higazi, *Chapter 9: Rural Insecurity on the Jos Plateau: livelihoods, land, and cattle amid religious reform and violent conflict*, p. 3, in (forthcoming) Abdul Raufu Mustapha and David Ehrhardt (eds.) (2018), *Creed & Grievance: Muslim-Christian Relations & Conflict Resolution in Northern Nigeria*. Oxford: James Currey. For a copy of this Chapter please contact Dr. Adam Higazi directly at: [ah652@cam.ac.uk](mailto:ah652@cam.ac.uk)

<sup>4</sup> D-A-CH Kooperation Asylwesen Deutschland – Österreich – Schweiz, *Factsheet Nigeria*, April 2013, 3.2.1 The "indigeneity" issue

origin risk becoming ‘second-class citizens’ in another part of the federation. Within a country of more than 250 ethnic groups, the discrimination against non-indigenes in all six geopolitical zones threatens to tear the country apart. Indigene status is an important tool in the politics of identity and labelling. Differing interpretations of local history are applied to mark the boundaries of who belongs and who is left out”.<sup>5</sup>

In an academic paper published by David Ehrhardt, assistant professor in International Development at Leiden University, he summarised the negative effects of indigeneship as “weaken[ing] the uniformity of Nigerian citizenship; politiciz[ing] ethnic and religious identities; marginaliz[ing] Nigeria’s minority ethnic groups; increase[ing] discrimination of ethnic and religious ‘non-indigenes’; and even caus[ing] ethnic and religious conflict”.<sup>6</sup>

A 2012 report by the International Crisis Group (ICG) on the violence in Jos, Plateau State, explained further that:

The indigene principle, or indigeneity (that is, local origin), means that some groups control power and resources in states or local government areas (LGAs) while others – who have migrated for different reasons – are excluded. This gives rise both to grievances and fierce political competition, which too often lead to violence. Indigeneity was given constitutional force at independence in 1960 to protect the ethnic minorities from being submerged by the larger Hausa-Fulani, Igbo and Yoruba groups and preserve their cultural and political identity and traditional institutions of governance. Religion is a pertinent, albeit secondary factor, which reinforces underlying tension and, over the years, has assumed greater importance, especially since the return of democracy in May 1999. Fierce and unregulated political competition characterised by ethnic mobilisation and violence, coupled with poor governance, economic deregulation and rampant corruption, have severely exacerbated ethnic, religious and regional fault lines. The notion of national citizenship appears to have been abrogated by both ethnicity and ancestry.<sup>7</sup>

Also in reference to Jos Plateau, Dr. Adam Higazi, Research Fellow, Department of Anthropology, University of Amsterdam, and Affiliated Lecturer, Department of Politics and International Studies, University of Cambridge, noted in Chapter 9 of a forthcoming book that:

Christians form a substantial majority on the Jos Plateau but there is also a large Muslim population, among ethnic groups considered to be ‘indigenous’ and among ‘settlers’. The categories of ‘indigene’ and ‘settler’ and of who is included and who is excluded are contentious in Plateau State. In Plateau political discourse the ‘indigenes’ are the first-comers (or natives) and the ‘settlers’ are the latecomers to a particular territory (with implied lack of traditional land and institutions there). These categories can be contested, as they ignore the complexities of inter-marriage, longterm residency, and the ambiguities of customary land tenure. But they are popularly used and those regarded as the indigenes of a particular area tend to hold on strongly to such ideas of primordial belonging. This is the case not only in Plateau State but also throughout much of Nigeria. Disputes over indigeneity and tensions between Muslims and Christians in the political sphere, over land, and to some extent socially, sparked violence from 2001 in urban and rural areas. The social unrest and contestation over identity and land is linked to the distinct history and sociology of the Jos Plateau. Communal violence in other parts of central and northern Nigeria has a comparable basis, but there are variations in the pattern of violence and in the nature of the grievances.<sup>8</sup>

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<sup>5</sup> Geneva Declaration, [Executive Summary: A Deadly Cycle: Ethno-Religious Conflict in Jos, Plateau State, Nigeria](#), June 2011, Box 1, p. 2

<sup>6</sup> David Ehrhardt, [Indigeneship, Bureaucratic Discretion, and Institutional Change in Northern Nigeria](#), African Affairs, 116/464, 462-483, 27 April 2017

<sup>7</sup> International Crisis Group, [Curbing Violence in Nigeria \(I\): The Jos Crisis](#), December 2012, *Executive Summary and Recommendations*, p. i

<sup>8</sup> Adam Higazi, *Chapter 9: Rural Insecurity on the Jos Plateau: livelihoods, land, and cattle amid religious reform and violent conflict*, p. 3, in (forthcoming) Abdul Raufu Mustapha and David Ehrhardt (eds.) (2018), *Creed &*

## Certificates of Indigeneity

The 2006 HRW report further explained in relation to ‘Certificates of Indigeneity’ that:

Local governments throughout Nigeria issue “certificates of indigeneity” to people who are indigenes of their jurisdictions. These certificates serve as documentary proof that the bearer is an indigene of the area of the local government that issues them. Possession of such a certificate is in fact the only way for a Nigerian to prove that he or she is an indigene of his or her community, and a Nigerian who does not have an indigeneity certificate will be treated as a non-indigene in his or her formal interactions with all levels of government. In addition, a Nigerian who does not have a certificate of indigeneity from a local government somewhere in Nigeria is effectively an indigene of nowhere. An increasing number of Nigerians find themselves trapped in this category of stateless non-indigenes. In some cases this is because their families have been living on the land they now occupy for generations and no longer remember precisely where their ancestors migrated from. In other cases non-indigenes may know where their families originated but cannot persuade local officials there that they are bona fide indigenes [...]

Some local governments also issue certificates of “residence” or “settlement” to nonindigenes, but these are generally useless except as a form of identification [...].<sup>9</sup>

With regards to the processes involved in applying for such a certificate, the same source observed:

In spite of the importance of these certificates of indigeneity, local governments do not generally adopt formal procedures or guidelines for deciding who the certificates should and should not be issued to. Individuals must generally submit a simple application form to obtain an indigeneity certificate. It is then the duty of local government officials to determine whether each applicant is a bona fide indigene, theoretically by investigating their claims of historical connection to the locality. In practice, however, local government officials have unfettered discretion to exercise their authority however they see fit. In many cases their informal, ad hoc approach yields results that are broadly seen as legitimate by a given LGA’s constituents. But in other cases local governments exercise their discretion in an opaque or even an arbitrary manner easily influenced by personal relationships, prejudice and corruption. Of additional concern is that the process is not open to any realistic manner of appeal [...]

Some local governments actually delegate the primary authority to evaluate applications for indigene certificates even further, to the district heads within each local government area. This is done because the district heads are seen as being closer to local communities and thus better able to determine who is a bona fide indigene and who is not. The local governments then sign off on the district heads’ decision. District heads, however, are unelected and are accountable only to the traditional rulers who appoint them.<sup>10</sup>

Similarly, the 2012 report by the ICG noted that “The certificate of indigeneity is weighty and those without it are deprived of meaningful citizenship. The actual number of those affected is not known, but all of them are considered as non-indigenes or settlers”.<sup>11</sup> The same report further found that:

The process of procuring a certificate of indigeneity is fraught with unpredictability and patronage, if not outright corruption. Local officials and district heads determine who is an indigene. The federal and state governments handed over the responsibility to them in violation of the spirit of the constitution, but they rarely take into account that the definition of an indigene is far from static.

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Grievance: Muslim-Christian Relations & Conflict Resolution in Northern Nigeria. Oxford: James Currey. For a copy of this Chapter please contact Dr. Adam Higazi directly at: [ah652@cam.ac.uk](mailto:ah652@cam.ac.uk)

<sup>9</sup> Human Rights Watch, *‘They do not own this place’: Government Discrimination Against “Non-Indigenes” in Nigeria*, April 2006, *Government Discrimination Against Non-Indigenes*, pages 20-22

<sup>10</sup> Human Rights Watch, *‘They do not own this place’: Government Discrimination Against “Non-Indigenes” in Nigeria*, April 2006, *Government Discrimination Against Non-Indigenes*, pages 20-22

<sup>11</sup> International Crisis Group, *Curbing Violence in Nigeria (I): The Jos Crisis*, December 2012, *Section II, A. A National Problem*, p. 4

“Troubles start with the award of ... indigeneity certificates .... Without written guidelines, local officials can have almost unfettered discretion .... The well-heeled buy up certificates from multiple local government areas, then pick and choose among them like passports to wealth”.<sup>12</sup>

The following is a non-exhaustive collection of reports that contain relevant sections providing contextual information in relation to the situation of indigenes and settlers in Nigeria:

- Human Rights Watch, *[‘They do not own this place’: Government Discrimination Against “Non-Indigenes” in Nigeria](#)*, April 2006
- African Center for Strategic Studies, *[Nigeria’s Pernicious Drivers of Ethno-Religious Conflict](#)*, July 2011
- Geneva Declaration, *[A deadly cycle: Ethno-religious conflict in Jos, Plateau State, Nigeria](#)*, 7 November 2011
- United States Institute of Peace, *[Rethinking Nigeria’s Indigene-Settler Conflicts](#)*, 24 July 2012
- International Crisis Group, *[Curbing Violence in Nigeria \(I\): The Jos Crisis](#)*, December 2012
- Human Rights Watch, *[“Leave Everything to God”: Accountability for Inter-Communal Violence in Plateau and Kaduna States, Nigeria](#)*, 12 December 2013
- Nigeria Research Network at the University of Oxford, *[Indigeneity, Belonging, & Religious Freedom in Nigeria, Citizens’ View from the Street](#)*, 2014
- Laurent Fourchard (2015). BUREAUCRATS AND INDIGENES: PRODUCING AND BYPASSING CERTIFICATES OF ORIGIN IN NIGERIA. *Africa*, 85, doi:10.1017/S0001972014000734. PDF Download Available from: [https://www.researchgate.net/publication/318284285\\_Bureaucrats\\_and\\_indigenes\\_producing\\_and\\_bypassing\\_certificates\\_of\\_origins\\_in\\_Nigeria\\_Africa\\_85\\_1\\_2015\\_pp\\_36-57](https://www.researchgate.net/publication/318284285_Bureaucrats_and_indigenes_producing_and_bypassing_certificates_of_origins_in_Nigeria_Africa_85_1_2015_pp_36-57) [accessed 9 November 2017]
- Conciliation Resources, *[From cooperation to contention; Political unsettlement and farmer-pastoralist conflicts in Nigeria](#)*, March 2017

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<sup>12</sup> International Crisis Group, *[Curbing Violence in Nigeria \(I\): The Jos Crisis](#)*, December 2012, *Section II, A. A National Problem*, p. 5

## **List of sources and databases consulted**

### Search engines

[Asylos's Research Notes](#)  
[EASO COI Portal](#)  
[European Country of Origin Information Network \(ECOI\)](#)  
[Relief Web](#)  
[UNHCR Refworld](#)

### NGOs/Media/ Research centres/Think Tanks

[African Studies Centre Leiden](#)  
[Africa Center for Strategic Studies](#)  
[African Arguments](#)  
[Africa Review](#)  
[Armed Conflict Location & Event Date Project \(ACLED\)](#)  
[Al Jazeera](#)  
[All Africa](#)  
[Amnesty International](#) [Nigeria country page]  
[Assessment Capacities Project](#) [Nigeria country page]  
[Brookings Institution](#)  
[Carnegie Endowment for International Peace](#)  
[Centre for Strategic and International Studies](#)  
[Christian Solidarity Worldwide](#)[Nigeria country page]  
[CHR. Michelsen Institute \(CMI\)](#)  
[Council for Foreign Relations](#)  
[Democracy in Africa](#)  
[Foreign Affairs \(published by Council on Foreign Relations\)](#) [Nigeria country page]  
[Freedom House](#) ['Freedom in the World 2017': Nigeria country page]  
[The Guardian \(Nigeria\)](#)  
[The Herald \(Nigeria\)](#)  
[Humanitarian Aid Relief Trust](#) [Nigeria country page]  
[Human Rights Watch](#) [Nigeria country page]  
[Immigration and Refugee Board of Canada](#) ['Responses to Information Requests']  
[Institute for Human Rights and Development in Africa](#)  
[Institute for War and Peace Reporting](#)  
[Internal Displacement Monitoring Centre](#)  
[International Committee of the Red Cross \(ICRC\)](#)  
[International Crisis Group](#) [Nigeria country page]  
[International Federation for Human Rights](#)  
[International Refugee Rights Initiative](#)  
[International Organization for Migration - Nigeria](#)  
[Inter Press Service](#)  
[IRIN news](#) [Nigeria country page]  
[Jamestown Foundation](#)  
[Minority Rights Group International](#)  
[Minorities at Risk Project](#)  
[The Nigerian Observer](#)  
[Nigeria Watch](#)  
[Oakland Institute](#)  
[Open Society Foundations](#)  
[Premium Times \(Nigeria\)](#)

[UK Foreign and Commonwealth Office](#)  
[United Nations High Commissioner for Refugees \(UNHCR\)](#)  
[United Nations Human Rights Council](#)  
[United Nations News Centre](#)  
[United Nations Office for the Coordination of Humanitarian Affairs \(UNOCHA\)](#) [Nigeria country page]  
[United Nations Office of the High Commissioner for Human Rights \(OHCHR\)](#)  
[United Nations Secretary General](#)  
[United Nations Special Rapporteur on minority issues](#)  
[United States Commission on International Religious Freedom](#)  
[United States Institute of Peace](#) [Nigeria country page]  
[United States Department of State](#)  
[Unrepresented Nations and People's Organisation](#)  
[Vanguard \(Nigeria\)](#)  
[ViewPointNigeria](#)  
[World Watch Monitor](#) [Nigeria country page]

## Issues for research

### 1. Relevant legal framework

#### 1.1 The law

The relevant sections of the Nigerian Constitution in relation to the 'Federal Character' and the term 'indigene' and as discussed further below in sub-section '1.2 Analysis of the law' have been highlighted in bold below:

##### [1999 Constitution of the Federal Republic of Nigeria](#)

[...] Chapter II

Fundamental Objectives and Directive Principles of State Policy [...]

**14.** (1) The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice.

(2) It is hereby, accordingly, declared that:

(a) sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority;

(b) the security and welfare of the people shall be the primary purpose of government: and

(c) the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution.

**(3) 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, thereby ensuring that there shall be no predominance of persons from a few State or from a few ethnic or other sectional groups in that Government or in any of its agencies.**

(4) The composition of the Government of a State, a local government council, or any of the agencies of such Government or council, and the conduct of the affairs of the Government or council or such agencies shall 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.

**15.** (1) The motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress.

(2) Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.

**(3) 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 [sic] the Federation.

**(b) secure full residence rights for every citizen in all parts of the Federation.**

(c) encourage inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic association or ties; and

(d) promote or encourage the formation of associations that cut across ethnic, linguistic, religious and other sectional barriers.

(4) The State shall foster a feeling of belonging and of involvement among the various people of the Federation, to the end that loyalty to the nation shall override sectional loyalties.

(5) The State shall abolish all corrupt practices and abuse of power [...]

Chapter III

Citizenship<sup>13</sup>

**25. (1) The following persons are citizens of Nigeria by birth-namely-**

**(a) every person born in Nigeria before the date of independence, either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria;**

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<sup>13</sup>Note by author of this Query Response: For a useful report on citizenship laws see Bronwen Manby, [Citizenship Law in Africa: A Comparative Study](#), January 2016

**Provided that a person shall not become a citizen of Nigeria by virtue of this section if neither of his parents nor any of his grandparents was born in Nigeria.**

(b) every person born in Nigeria after the date of independence either of whose parents or any of whose grandparents is a citizen of Nigeria; and

(c) every person born outside Nigeria either of whose parents is a citizen of Nigeria.

(2) In this section, "the date of independence" means the 1st day of October 1960 [...]

Chapter VI

The Executive

Part I

Federal Executive

A – The President of the Federation [...]

**147. (1)** There shall be such offices of Ministers of the Government of the Federation as may be established by the President.

(2) Any appointment to the office of Minister of the Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President.

**(3) Any appointment under subsection (2) of this section by the President shall be in conformity with the provisions of section 14(3) of this Constitution:-**

**provided that in giving effect to the provisions aforesaid the President shall appoint at least one Minister from each State, who shall be an indigene of such State.**

(4) Where a member of the National Assembly or of a House of Assembly is appointed as Minister of the Government of the Federation, he shall be deemed to have resigned his membership of the National Assembly or of the House of Assembly on his taking the oath of office as Minister.

(5) No person shall be appointed as a Minister of the Government of the Federation unless he is qualified for election as a member of the House of Representatives.

(6) An appointment to any of the offices aforesaid shall be deemed to have been made where no return has been received from the Senate within twenty-one working days of the receipt of nomination by the Senate. [...]

Part III

Supplemental [...]

Political Parties [...]

**223. (1)** The constitution and rules of a political party shall-

(a) provide for the periodical election on a democratic basis of the principal officers and members of the executive committee or other governing body of the political party; and

(b) ensure that the members of the executive committee or other governing body of the political party reflect the federal character of Nigeria.

**(2)** For the purposes of this section -

(a) the election of the officers or members of the executive committee of a political party shall be deemed to be periodical only if it is made at regular intervals not exceeding four years; and

**(b) the members of the executive committee or other governing body of the political character of Nigeria only if the members thereof belong to different states not being less in number than two-thirds of all the states of the Federation and the Federal Capital Territory, Abuja. [...]**

Part IV

Interpretation, Citation and Commencement

**318. (1)** In this constitution, unless it is otherwise expressly provided or the context otherwise requires-

"Act" or "Act of the National Assembly" means any law made by the National Assembly and includes any law which takes effect under the provisions of this constitution as an Act of the National Assembly;

"appointment" or its cognate expression includes appointment on promotion and transfer or confirmation of appointment;

"area council" means each of the administrative areas within the Federal Capital Territory, Abuja;

"authority" includes government;

**"belong to" or its grammatical expression when used with reference to a person in a state refers to a person either or whose parents or any of whose grand parents was a member of a community indigenous to that state;**

"civil service of the Federation" means service of the Federation in a civil capacity as staff of the office of the President, the Vice-President, a ministry or department of the government of the Federation assigned with the responsibility for any business of the Government of the Federation;

"civil service of the state" means service of the government of a state in a civil capacity as staff of the office of the governor, deputy governor or a ministry or department of the government of the state assigned with the responsibility for any business of the government of the state;

"Cod of Conduct" refers to the Code of Conduct contained in the fifth schedule to this constitution;

"Commissioner" means a Commissioner of the Government of a State;

"Concurrent Legislative List" means the list of matters set out in the first column in Part 11 of the second schedule to this constitution with respect to which the National Assembly and a House of Assembly may make laws to the extent prescribed, respectively, opposite thereto in the second column thereof;

"decision" means, in relation to a court, any determination of that court and includes judgement decree, order, conviction, sentence or recommendation;

"enactment" means provision of any law or a subsidiary instrument;

"Exclusive Legislative List" means the list in Part 1 of the second schedule to this constitution;

"existing law" has the meaning assigned to it in section 315 of this constitution;

"federal character of Nigeria" refers to the 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 as expressed in section 14 (3) and (4) of this constitution;

"Federation" means the Federal Republic of Nigeria;

"financial year" means any period of twelve months beginning on the first day of January in any year or such other date as the National Assembly may prescribe;

"function" includes power and duty;

"government" includes the Government of the Federation, or of any state, or of a local government council or any person who exercises power of authority on its behalf;

"Governor" or "Deputy Governor" means the governor of a state or a deputy governor of a state;

"House of Assembly" means the House of Assembly of a state;

"Financial year" means any period of twelve months beginning on the first day of January in any year or such other date as the National Assembly may prescribe;

"function" includes power and duty;

"government" includes the Government of the Federation, or any State, or of a local government council or any person who exercises power or authority on its behalf;

"Governor" or Deputy Governor" means the Governor of a State or a Deputy Governor of a State;

"House of Assembly" means the House of Assembly of a State;

"Judicial office" means the office of Chief Justice of Nigeria or a Justice of the Supreme Court, the President or Justice of the Court of Appeal, the office of the Chief Judge or a Judge of the Federal High Court, the office of the Chief Judge or Judge of the High Court of the Federal Capital Territory, Abuja, the office of the Chief Judge of a State and Judge of the High Court of a State, a Grand Kadi or Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, a President or Judge of the Customary Court of Appeal; of the Federal Capital Territory, Abuja, a Grand Kadi or Kadi of the Sharia Court of Appeal of a State; and a reference to a "judicial officer" is a reference to the holder of any such office;

"law" means a law enacted by the House of Assembly of a State;

"Legislative house" means the Senate, House of Representatives or a House of Assembly.

"Local government area" or "local government council" includes an area council;

"public service of a State" means the service of the State in any capacity in respect of the Government of the State and includes service as:

- (a) Clerk or other staff of the House of Assembly;
- (b) member of staff of the High Court, the Sharia court of Appeal, the Customary Court of Appeal; or other courts established for a State by this Constitution or by a Law of a House of Assembly;
- (c) member or staff of any commission or authority established for the State by this Constitution or by a Law of a House of Assembly;
- (d) staff of any local government council;
- (e) staff of any statutory corporation established by a Law of a House of Assembly;
- (f) staff of any educational institution established or financed principally by a government of a State;

and

(g) staff of any company or enterprise in which the government of a State or its agency holds controlling shares or interest;

"School Certificate or its equivalent" means

(a) a Secondary School Certificate or its equivalent, or Grade II Teacher's Certificate, the City and Guilds Certificate; or

(b) education up to Secondary School Certificate level; or

(c) Primary Six School Leaving Certificate or its equivalent and -

(i) service in the public or private sector in the Federation in any capacity acceptable to the Independent National Electoral Commission for a minimum of ten years, and

(ii) attendance at courses and training in such institutions as may be acceptable to the Independent National Electoral Commission for periods totalling up to a minimum of one year, and

(iii) the ability to read, write, understand and communicate in the English language to the satisfaction of the Independent National Electoral Commission, and

(d) any other qualification acceptable by the Independent National Electoral Commission;

"Secret society" includes any society, association, group or body of persons (whether registered or not)

(a) that uses secret signs, oaths, rites or symbols and which is formed to promote a cause, the purpose or part of the purpose of which is to foster the interest of its members and to aid one another under any circumstances without due regard to merit, fair play or justice to the detriment of the legitimate interest of those who are not members;

(b) the membership of which is incompatible with the function or dignity of any public office under this Constitution and whose members are sworn to observe oaths of secrecy; or

(c) the activities of which are not known to the public at large, the names of whose members are kept secret and whose meetings and other activities are held in secret;

"State" when used otherwise than in relation to one of the component parts of the Federation, includes government.

(2) Wherever it is provided that any authority or person has power to make, recommend or approve an appointment to an office, such power shall be construed as including the power to make, recommend or approve a person for such appointment, whether on promotion or otherwise, or to act in any such office.

(3) In this Constitution, references to a person holding an office shall include reference to a person acting in such office.

(4) The Interpretation Act shall apply for the purpose of interpreting the provision of this Constitution [...]

## 1.2 Analysis of the law

A 2006 Human Rights Watch (HRW) report on government discrimination against non-indigenes in Nigeria reported that [emphasis added]:

As a matter of longstanding government policy, every Nigerian is either an indigene or a non-indigene of the place where they reside. **The meaning and practical consequences of this distinction have never been clearly defined in Nigerian law and have been subjects of great controversy since even before independence in 1960.** In general terms, an "indigene" is a person who belongs to the group of people who were the original inhabitants of a particular place and who therefore claim to be its rightful "owners." In practice, the lines between indigene and non-indigene are rigidly drawn along ethnic or cultural lines and there is no real way for a non-indigene to become an indigene, no matter how strongly they identify with the community they live in. Nigeria is home to many communities of people who are non-indigenes even though they can trace their connection to the land they occupy back more than a century before Nigeria existed as an independent state.<sup>14</sup>

The same report further noted that:

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<sup>14</sup> Human Rights Watch, [\*'They do not own this place': Government Discrimination Against "Non-Indigenes" in Nigeria\*](#), April 2006, *Introduction*, p. 5

Nigerian law contains no clear definition of “indigeneity” even though a broad range of policies at every level of government make use of the concept. The Nigerian Constitution makes use of the term and even requires that the President’s cabinet include at least one indigene of each of the country’s 36 states, but does not explicitly define the word [...]

<sup>49</sup> Constitution of the Federal Republic of Nigeria, Article 147(3). The closest the Constitution comes to defining the concept of indigeneity is in Articles 223(2)(b) and 318(1). Article 223(2)(b) requires that the executive of any national political party contain members who “belong to” at least two-thirds of the states in the federation. Article 318(1) defines the phrase “belong to” in that context as applying to “a person either of whose parents or any of whose grandparents was a member of a community indigenous to that state.”<sup>15</sup>

A 2012 report by the International Crisis Group (ICG) similarly noted:

The indigene principle promoted in Section 147 (3) [of the 1999 Constitution] appears to be in conflict with the citizenship provisions of Section 15 (3) (b), which stipulates that “for the purpose of promoting national integration, it shall be the role of the State to secure full residence rights for every citizen in all parts of the Federation”. The Nigerian state has not ensured implementation of this provision. Experts have suggested that residency, rather than indigeneity, should become the determining factor of citizenship.

Section 25 (1) (a) declares as citizens of Nigeria “every person born in Nigeria before the date of independence, either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria”. The modalities for such a determination are nowhere spelled out and the constitution offers little clarity. Its main emphasis is on “ethnic groups” and “states”.

Article 14 (3) stipulates 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, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that Government or any of its agencies”. The Federal Character Commission (FCC), created and mandated by the constitution to ensure strict adherence to the federal character principle, first used the phrase “indigenes of each state” at the federal level, thereby contradicting the citizenship provisions.

The constitution mentions protecting Nigerian citizens, not indigenes of states or local councils. Despite the attempt of Section 42 to protect Nigerians from “any disability or deprivation merely by reason or circumstance of his birth”, a Nigerian is a citizen only in his/her state of origin and not in other states. Neither the federal government nor the National Assembly has done much to address the various constitutional ambiguities.<sup>16</sup>

The former UN Special Rapporteur on minority issues, Rita Izsák, following her mission to Nigeria in February 2014 reported that:

Nigeria’s Constitution guarantees the right to equality and non-discrimination and contains provisions conducive to fostering the equal representation of diverse groups at the different governmental levels, in the application of the federal character principle. Nevertheless, the distinction between those considered the native inhabitants of a territory (indigenes) and those who are not (settlers) leads in many cases to discriminatory treatment of citizens in fields such as access to land and resources, public positions, university education and scholarships, and has contributed to tensions and created and reinforced ethnic and religious cleavages.<sup>17</sup>

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<sup>15</sup> Human Rights Watch, [‘They do not own this place’: Government Discrimination Against “Non-Indigenes” in Nigeria](#), April 2006, *Government Discrimination Against Non-Indigenes*, p. 19

<sup>16</sup> International Crisis Group, [Curbing Violence in Nigeria \(I\): The Jos Crisis](#), December 2012, *Section II, A. A National Problem*, pages 3 & 4

<sup>17</sup> UN Special Rapporteur on minority issues, [Report of the Special Rapporteur on minority issues, Rita Izsák Mission to Nigeria \(17 to 28 February 2014\)](#), 5 January 2015, *Summary*, p. 1

She further highlighted the following regarding the indigenes/settlers dichotomy:

The Constitution contains a provision in its article 147, paragraph 3, relative to the appointment by the President of “at least one Minister from each State, who shall be an indigene of such State”. However, the Constitution does not provide a definition of “indigene” or “settler” status. Those interviewed described a socially entrenched distinction between those recognized as the original inhabitants of a State (indigenes) and those who are not (settlers).<sup>18</sup>

An academic specialising in Nigerian politics with a particular interest in communal violence interviewed by ARC on 6<sup>th</sup> October 2017 noted with regards to the question whether ‘In practice, are the Federal Character or citizenship laws implemented which are potentially discriminatory to ‘settlers’ (e.g. to all those who do not possess a certificate of indigeneity, or for those who are not perceived to be indigenous to an area)?’ that the general situation is made worse by the vagueness of the Constitution as to who exactly is entitled to such status.<sup>19</sup>

### 1.3 Implementation of the law

In an academic paper, David Ehrhardt, assistant professor in International Development at Leiden University, explored how “bureaucratic discretion in the implementation of Nigeria’s power-sharing institutions, the Federal Character<sup>20</sup>, has led to the formalization of local informal norms on belonging”.<sup>21</sup> He found that:

Under the Federal Character, Nigerians have to be ‘indigenes’ to access certain economic and political opportunities at the federal as well as state and local government levels. However, what makes a person indigenous is not formally defined, leaving street-level officials free to decide how to allocate indigeneship certificates. Using original qualitative and quantitative data on Kano, northern Nigeria’s largest city, this article shows that local officials faced with this discretion often turn to locally salient norms on belonging. In Kano, several of these norms set ethnic and religious criteria for belonging, particularly those that prioritize the rights of the ‘native’ over those of the citizen. The article demonstrates how street-level bureaucrats use these ethnic and religious criteria to allocate indigeneship certificates, prioritizing Kano’s ‘natives’ over other Nigerian citizens. This dynamic may be mirrored across Nigeria, depending on the norms on belonging that are locally salient.<sup>22</sup>

He further noted that “in the highly discretionary context of the Federal Character, bureaucrats in Kano are quite intentional and open about the use of informal norms on belonging in their definition of indigeneship”.<sup>23</sup>

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<sup>18</sup>UN Special Rapporteur on minority issues, [Report of the Special Rapporteur on minority issues, Rita Izsák Mission to Nigeria \(17 to 28 February 2014\)](#), 5 January 2015, V. Identity, ethnicity and religion, A. Indigenes/settlers dichotomy, para. 20, p. 8

<sup>19</sup>See [Annex B](#) for the full summary notes of the interview.

<sup>20</sup>David Ehrhardt explains this principle as “a formal institutional form of power sharing on the basis of a person’s status as an ‘indigene’ in one of the country’s 36 states and the Federal Capital Territory”. See David Ehrhardt, [Indigeneship, Bureaucratic Discretion, and Institutional Change in Northern Nigeria](#), African Affairs, 116/464, 462-483, 27 April 2017

<sup>21</sup>David Ehrhardt, [Indigeneship, Bureaucratic Discretion, and Institutional Change in Northern Nigeria](#), African Affairs, 116/464, 462-483, 27 April 2017, *Abstract*

<sup>22</sup>David Ehrhardt, [Indigeneship, Bureaucratic Discretion, and Institutional Change in Northern Nigeria](#), African Affairs, 116/464, 462-483, 27 April 2017, *Abstract*

<sup>23</sup>David Ehrhardt, [Indigeneship, Bureaucratic Discretion, and Institutional Change in Northern Nigeria](#), African Affairs, 116/464, 462-483, 27 April 2017

An academic specialising in Nigerian politics with a particular interest in communal violence interviewed by ARC on 6<sup>th</sup> October 2017 replied to the question whether ‘In practice, are the Federal Character or citizenship laws implemented which are potentially discriminatory to ‘settlers’ (e.g. to all those who do not possess a certificate of indigeneity, or for those who are not perceived to be indigenous to an area)?’ with: “To answer in general terms ‘yes’”, but it depends on the region. She further explained that to “obtain indigene status is such a political issue”, it really depends on the local government with “some being more restrictive and discriminatory than others”.<sup>24</sup>

A representative of an institute promoting conflict resolution interviewed by ARC on 19<sup>th</sup> October 2017 replied to the same question that in many instances such discriminatory practices “are not intentional”, but show a “weakness of the state” and a “low interpretation of the law that benefits them”.<sup>25</sup> She further noted that given there is no effective accountability in place these laws “might be misrepresented”.<sup>26</sup>

The academic specialising in Nigerian politics with a particular interest in communal violence further stated that, in areas where indigenous status is a hotly contested issue, groups may offer differing historical claims, documentation, and accounts to back-up their case for indigeneity.<sup>27</sup> For example for the Jos area (in particular the Jos North local government area) in Plateau State, it is a very “contentious and volatile issue” which has been going on for decades, putting Christian indigenous groups (Afizere, Berom, and Anaguta) add odds with Muslim Hausa-Fulani “settlers” and their claims to indigenous status and the associated rights.<sup>28</sup> The conflict in Jos as such is rooted in political inequalities, which are intertwined with ethnic and religious issues.<sup>29</sup>

A Nigerian lawyer asked the same question by ARC replied in her written response on 9<sup>th</sup> November 2017 that “The ‘federal character’ principle, which has been enshrined in Nigeria’s Constitution since 1979, seeks to ensure that appointments to public service institutions fairly reflect the linguistic, ethnic, religious, and geographic diversity of the country. The law has no yardstick of compliance as such it has been subjected to abuse. While it is sometimes discriminatory to settlers, the major forms of abuse manifest themselves in forms of religion and ethnicity”.<sup>30</sup> She further noted that “The procedure [to obtain a Certificate of Indigene] varies from one local government to the other. Typically, a person seeking indigene certificate tenders an application and undergoes an interview where claims made by the applicant are verified. There are less than ideal situations where non-indigenes of a certain area pay their way through or are handed undeserving indigeneship certificates by cronies”.<sup>31</sup>

The representative of an institute promoting conflict resolution replied to the same question that “speaking from first-hand experience as someone who has lived in Nigeria, which is “going through its own struggles with weaknesses at local governmental level and a Federal Government who is trying to protect their [indigenous] rights”, she believes that it is not done intentionally, but rather blames “poor implementation, lack of accountability” as well as the Constitution which is “weak and often not interpreted effectively” for the lack of processes in place to access indigene certificates. She further noted that there might be incidents where preferential treatment is given intentionally

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<sup>24</sup>See [Annex B](#) for the full summary notes of the interview.

<sup>25</sup>See [Annex C](#) for the full summary notes of the interview.

<sup>26</sup>See [Annex C](#) for the full summary notes of the interview.

<sup>27</sup>See [Annex B](#) for the full summary notes of the interview.

<sup>28</sup>See [Annex B](#) for the full summary notes of the interview.

<sup>29</sup>See [Annex B](#) for the full summary notes of the interview.

<sup>30</sup>See [Annex D](#) for the full written comments received.

<sup>31</sup>See [Annex D](#) for the full written comments received.

in some areas but not across the board”.<sup>32</sup> Prompting whether bribery can be used she considered that corruption exists and that by offering money certificates of indigeneity can be bought.<sup>33</sup>

## 2 Discrimination against ‘settler populations’ by the State

### Historical situation

A 2006 Human Rights Watch (HRW) report on government discrimination against non-indigenes in Nigeria found that:

As a matter of government policy, many states refuse to employ non-indigenes in their state civil services, and most if not all of Nigeria’s thirty-six states deny them the right to compete for academic scholarships. State universities generally discriminate against non-indigenes in their admissions policies and charge higher fees to non-indigene students who do manage to secure admission. Non-indigenes must also contend with a range of less formal discriminatory practices, such as barriers to political participation and discrimination in the provision of basic services and infrastructure to their communities, that government does nothing to stop or even discourage. All of these practices have been made more harmful—and become more controversial—by increasing levels of chronic poverty throughout Nigeria. Taken as a whole, these discriminatory policies and practices effectively relegate many non-indigenes to the status of second-class citizens, a disadvantage they can only escape by moving to whatever part of Nigeria they supposedly belong in. But many Nigerians have no real ties to the regions they are said to originate from, and feel that they should have some way of becoming full citizens of the places they call home. Worse still, Nigeria is home to communities of people who are discriminated against as non-indigenes even though their families have occupied their land for a century or more and no longer have any idea where their ancestors migrated from. A Nigerian who cannot prove that he is an indigene of somewhere by producing a “certificate of indigeneity” is discriminated against in every state of the federation and is barred from many opportunities at the federal level as well.<sup>34</sup>

Similarly, a 2011 report by the Geneva Declaration focusing on the ethno-religious conflict in Jos, Plateau State, stated that:

Indigene certificates ensure access to political representation and positions within the civil service. Only local governments issue these certificates and therefore decide on indigene status. This arrangement opened the floodgates for the politics of labelling and the selective reciting of historical accounts that foster group boundaries to secure political control over local government areas. Within a socio-political environment characterized by strong patronage networks, exclusion of one fraction of the political elite is widely felt as socio-economic decline among its constituency. The urban conflict dynamics interlink with tensions in rural areas.<sup>35</sup>

The 2012 report by the International Crisis Group (ICG) noted with regards to state discrimination against non-indigenes or settlers that “They suffer discrimination in recruitment into federal institutions, admissions to most of the federal universities and education at military academies. At sub-federal levels, where the practice is most rife, they are denied access to schools, health care,

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<sup>32</sup>See [Annex C](#) for the full summary notes of the interview.

<sup>33</sup>See [Annex C](#) for the full summary notes of the interview.

<sup>34</sup> Human Rights Watch, *‘They do not own this place’: Government Discrimination Against “Non-Indigenes” in Nigeria*, April 2006, *Summary*, pages 1& 2

<sup>35</sup>Geneva Declaration, *A deadly cycle: Ethno-religious conflict in Jos, Plateau State, Nigeria*, 7 November 2011, Executive Summary, p. 10

roads and academic scholarships and are discriminated against in access to jobs. Finally, the door to participation in local politics is virtually shut against them”.<sup>36</sup>

The 2006 HRW report further made the link between these discriminatory policies and intercommunal tensions:

In addition to their direct human impact on the lives of non-indigenes, these discriminatory policies have served to aggravate intercommunal tensions that are dangerously volatile in and of themselves. After more than four decades of disastrously corrupt and unaccountable governance, the benefits that are meant to go with Nigerian citizenship are in desperately short supply. As poverty and unemployment have both become more widespread and more severe in Nigeria, competition for scarce opportunities to secure government jobs, higher education and political patronage has intensified dramatically. Many Nigerians believe that this desperate competition between citizens for some basic level of economic security lies near the heart of most of the country’s intercommunal conflicts.<sup>37</sup>

Similarly, ICG in its 2012 report explained that:

Hardening positions and the absence of compromise on how to manage contending claims [between indigene versus settlers] have caused intra and, most importantly, intercommunal strife. Nigeria has had more than its fair share of indigene-settler conflicts since independence and particularly since the May 1999 return of democracy, when pent-up anger and frustration, accumulated over the years but suppressed by military diktat, finally began to be vented.

The conflicts are often very bitter precisely because privileges and entitlements are nearly a zero-sum game; the gain of one group is the loss of the other because, across Nigeria, scarce resources generate fierce competition. In a political economy largely dominated by huge but highly centralised oil revenues controlled by very often corrupt and unaccountable political elites in the three tiers of government (federal, state and local), one has to belong to an indigenous community to access them. Those who cannot – referred to as either “settlers”, “stateless citizens” or “stateless indigenes”<sup>17</sup> – and do not qualify to be issued with “certificates of indigeneity” are victimised not only by the state government but also by local councils, where discrimination against non-indigenes is increasingly the norm.<sup>38</sup>

The former UN Special Rapporteur on minority issues, Rita Izsák, following her mission to Nigeria in February 2014 found that:

Community and civil society representatives repeatedly highlighted the relevance of the categorization of indigenes/settlers at the state and local levels in today’s Nigeria, and its profound impact on people’s lives. It was pointed out that those regarded as “indigenes citizens” are given preferential access to public resources, government jobs, university education and scholarships and access to land, opportunities not provided to the “settlers”.

In order to confirm the status of “indigene person”, a “certificate of indigeneship” issued by the local government is required. In the light of the absence of guidelines to regulate the indigeneship status, local and state governments enjoy total discretion to grant it or not. The Special Rapporteur was informed that long-term residency in a state, even if for generations, is not considered a criterion that entitles a person or community to be considered indigenes, and therefore long-term residents are often denied indigeneship certificates.

Supporters of the so-called “indigenes clause” maintain that this status is meant to protect the rights of minority groups in States where indigenes are no longer a numerical majority. In Kaduna and

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<sup>36</sup> International Crisis Group, [Curbing Violence in Nigeria \(I\): The Jos Crisis](#), December 2012, *Section II, A. A National Problem*, p. 4

<sup>37</sup> Human Rights Watch, [‘They do not own this place’: Government Discrimination Against “Non-Indigenes” in Nigeria](#), April 2006, *Summary*, p. 2

<sup>38</sup> International Crisis Group, [Curbing Violence in Nigeria \(I\): The Jos Crisis](#), December 2012, *Section II, A. A National Problem*, p. 4

Plateau States, the Special Rapporteur met with some community leaders who claimed that “indigeneship is defined by owning land, customs and traditions”, that permitted the preservation of the linkage with their ancestors. She also met with critics of the “indigenes clause”, who affirmed that this distinction had led to a privileged status for some citizens and constituted a violation of the right to equality and non-discrimination enshrined in the Constitution.<sup>39</sup>

In a January 2015 academic paper Laurent Fourchard, Research Director at Sciences Po found that:

In the last three decades, the politics of indigeneity have led to discrimination against and marginalization of non-indigenes as well as numerous violent conflicts between indigenes and non-indigenes in Nigeria. This discrimination, which is based on a localized place of belonging, has today become bureaucratized: local governments produce ‘certificates of indigene’ to identify the origin of their holders. This article looks at the bureaucratic machinery of issuing certificates of origin in two local governments of Oyo State (in the south-west) and the everyday encounters between users and bureaucrats that cannot be reduced to practices of corruption. It looks at the complicated and ambivalent process of identifying a ‘true indigene’; this process is supposed to strengthen local citizenship but it also contributes to the daily functioning of the state and is largely accepted by the majority as part of the state’s ‘insidious gentleness’. The article also seeks to understand why official discrimination against non-indigenes is poorly contested locally by assessing the role of these documents in accessing public employment, university places and basic services, and examining whether areas inhabited by non-indigenes are perceived as being neglected or abandoned by the state. Currently, discrimination policies are implemented unequally and in many instances client-patron relationships help sidestep these policies.<sup>40</sup>

Laurent Fourchard further concluded that “Discrimination against or marginalization of non-indigenes in the public sphere seems to be both accepted at the national level, as part of a political equilibrium between different sections of the nation, and highly contested at the local level” and that “the literature on ethnicity and indigeneity has clearly shown that in various localities the divides between indigenes and non-indigenes have triggered recurrent violent conflicts and appalling massacres”.<sup>41</sup> However, he also argued “This long history of discrimination based on a localized place of belonging is by definition not implemented in the same way in all the states and local governments of Nigeria. In Oyo state, in south-western Nigeria, no violent conflicts between indigenes and non-indigenes have been known in the state’s recent history, despite ongoing policies of discrimination against the latter”.<sup>42</sup> He stated that “At local government level, official discrimination against non-indigenes is not only accepted, it is considered the norm by civil servants and politicians alike”.<sup>43</sup>

With regards to Lagos State specifically, Laurent Fourchard noted that “in Lagos State, jobs are not reserved for Lagos indigenes, as has been shown by repeated protests by Lagos State indigene

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<sup>39</sup>UN Special Rapporteur on minority issues, [Report of the Special Rapporteur on minority issues, Rita Izsák Mission to Nigeria \(17 to 28 February 2014\)](#), 5 January 2015, V. Identity, ethnicity and religion, A. Indigenes/settlers dichotomy, paras. 21-23, p. 8

<sup>40</sup>Laurent Fourchard, [“Bureaucrats and indigenes: producing and bypassing certificates of origins in Nigeria”](#), *Abstract*, *Africa*, 85, 1, 2015, pp. 36-57

<sup>41</sup> Laurent Fourchard (2015). BUREAUCRATS AND INDIGENES: PRODUCING AND BYPASSING CERTIFICATES OF ORIGIN IN NIGERIA. *Africa*, 85, *Introduction*, p. 38, doi:10.1017/S0001972014000734. PDF Download Available [here](#) (sign up requested) [accessed 9 November 2017]

<sup>42</sup> Laurent Fourchard (2015). BUREAUCRATS AND INDIGENES: PRODUCING AND BYPASSING CERTIFICATES OF ORIGIN IN NIGERIA. *Africa*, 85, *Introduction*, p. 38, doi:10.1017/S0001972014000734. PDF Download Available [here](#) (sign up requested) [accessed 9 November 2017]

<sup>43</sup> Laurent Fourchard (2015). BUREAUCRATS AND INDIGENES: PRODUCING AND BYPASSING CERTIFICATES OF ORIGIN IN NIGERIA. *Africa*, 85, *Natural Discrimination: ‘Our grandfathers own this local government’*, p. 43, doi:10.1017/S0001972014000734. PDF Download Available [here](#) (sign up requested) [accessed 9 November 2017]

associations” whilst in Oyo State “the politics of recruiting only indigenes of the state or of the local government area for administrative and political positions has been exacerbated by the dramatic shrinking of the former Western Region as well as by the institutionalization of the exclusion of non-indigenes from both political positions and government jobs”.<sup>44</sup>

With regards to when ‘Certificates of Indigene’ are needed in Oyo State “the two main sectors where certificates are in most demand are public employment at local government and state levels and tertiary education. The two major federal universities in Ibadan – the University of Ibadan and the polytechnic – require certificates of indigene, since admissions are based not only on merit but also on state quotas and catchment areas, a locally based admissions policy that has become more pronounced in the last twenty years. State universities in Oyo State, like elsewhere in the country, give priority to indigenes of the state primarily because they receive funding from state governments. Also, tuition fees are 10 per cent lower for indigenes, which pushes many students into seeking a certificate during the admission period”.<sup>45</sup>

With regards to other areas in Nigeria Laurent Fourchard argued that:

individually, non-indigenes have no choice but to ignore the system or to claim a certificate by inventing a life story [in Oyo State]. However, such institutional arrangements remain highly volatile in Ibadan, as elsewhere in Nigeria, as they further entrench divisions along ethnic and indigenous lines. In fact, dynamic economic groups (such as Hausa traders) pay additional taxes to the state and to the local governments where they operate (taxes on cattle and on markets) and remain fundamentally discriminated against in their access to the civil service and to tertiary education.<sup>46</sup>

## 2016

The U.S. Department of State reiterated in its annual ‘International Religious Freedom’ report covering 2016 that “State governments often granted preferential treatment, for example in access to education and jobs, to indigenes over settlers”.<sup>47</sup>

The U.S. Department of State in its annual human rights report covering 2016 explained further that:

All citizens have the right to live in any part of the country, but state and local governments frequently discriminated against ethnic groups not indigenous to their areas, occasionally compelling individuals to return to a region where their ethnic group originated but where they no longer had ties. State and local governments sometimes compelled nonindigenous persons to move by threats, discrimination in hiring and employment, or destruction of their homes. Those who chose to stay sometimes experienced further discrimination, including denial of scholarships and exclusion from employment in the civil service, police, and military. For example, in Plateau State the predominantly

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<sup>44</sup> Laurent Fourchard (2015). BUREAUCRATS AND INDIGENES: PRODUCING AND BYPASSING CERTIFICATES OF ORIGIN IN NIGERIA. *Africa*, 85, *Natural Discrimination: ‘Our grandfathers own this local government’*, p. 42, doi:10.1017/S0001972014000734. PDF Download Available [here](#) (sign up requested) [accessed 9 November 2017]

<sup>45</sup> Laurent Fourchard (2015). BUREAUCRATS AND INDIGENES: PRODUCING AND BYPASSING CERTIFICATES OF ORIGIN IN NIGERIA. *Africa*, 85, *Producing and Negotiating ‘Certificates of Indigene’*, pages 44 and 45, doi:10.1017/S0001972014000734. PDF Download Available [here](#) (sign up requested) [accessed 9 November 2017]

<sup>46</sup> Laurent Fourchard (2015). BUREAUCRATS AND INDIGENES: PRODUCING AND BYPASSING CERTIFICATES OF ORIGIN IN NIGERIA. *Africa*, 85, *Conclusion*, pages 54 and 55, doi:10.1017/S0001972014000734. PDF Download Available [here](#) (sign up requested) [accessed 9 November 2017]

<sup>47</sup> US Department of State, [International Religious Freedom Report for 2016 - Nigeria](#), 15 August 2017, *Section II, Government Practices*

Muslim and nonindigenous Hausa and Fulani faced significant discrimination from the local government in land ownership, jobs, access to education, scholarships, and government representation.<sup>48</sup>

The Guardian (Nigeria) reported in March 2016 that “Prominent Lagos indigenes [...] voiced out their discontent with the current administration in the state, describing it as discriminatory against the bonafide indigenes of Lagos. The indigenes, led by traditional rulers and elders, said that their marginalisation played out in governor Akinwunmi Ambode’s appointments of non-indigenes into key positions in the State, a development made worse by recent summary dismissal of 15 Permanent Secretaries that are Lagos indigenes”.<sup>49</sup>

In a research response published by the Canadian Research Directorate of the Immigration and Refugee Board on the situation of the Eggon ethnic groups, a Professor of History of the Obafemi Awolowo University noted in his written correspondence to the Directorate in May 2016 that “if Eggon people relocate to other areas of Nigeria, ‘they may have the issue of indigeneship to contend with’: it may be difficult for them to get jobs or occupy political offices in states to which they are not indigenous”.<sup>50</sup> An assistant professor of criminology and socio-legal studies at the University of Alberta, who specializes in Nigeria but not on the Eggon similarly stated in his response provided in June 2016 that “[t]he Eggon may face serious problems while attempting to settle in other parts of the country, particularly if they are farmers. Land may be unavailable to them and exclusion in terms of employment (in a country with high unemployment rates) is a real possibility”.<sup>51</sup>

In May 2016 Viewpoint Nigeria reporting about Plateau State stated that “the Fulani socio-cultural group, Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN) has expressed displeasure over the decision of the Bokkos local government council and Bokkos Chiefdom not to issue indigene form to Fulani [...] The group claimed that the Fulani indigenes of Bokkos had been facing difficulty since the local government council stopped issuing the indigene forms to them three years ago. Miyetti Allah said hundreds of Fulani indigenes of Bokkos who want to further their education or join the Nigeria Police or the military and para-military forces were stranded as a result of not having indigene forms”.<sup>52</sup>

In August 2016 Al-Jazeera reported that “the indigenous people of” Abuja “say they could take up arms if the government tries to displace them again”.<sup>53</sup> Providing further context Al Jazeera stated that:

lyah and the Kpaduma community dwellers are among the indigenous people of the Nigerian capital. Nine ethnic groups, numbering at least a million, claim Abuja as their ancestral homeland. Abuja was designated as the new Nigerian capital in 1976, replacing Lagos, which had become highly congested and over-populated. It was considered an ideal alternative because of its central location

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<sup>48</sup>U.S Department of State, [Country Reports on Human Rights Practices for 2016: Nigeria](#), 3 March 2017, Section 6, National/Racial/Ethnic Minorities

<sup>49</sup>The Guardian (Nigeria), [Lagos indigenes allege marginalisation, discrimination in Ambode’s appointments](#), 28 March 2016

<sup>50</sup> Immigration and Refugee Board of Canada, [Nigeria: Situation of the Eggon ethnic group, including treatment by society, armed groups and state authorities \(2011-June 2016\) \[NGA105540.E\]](#), 8 June 2016, 2.3 Treatment Outside of Nasarawa State

<sup>51</sup> Immigration and Refugee Board of Canada, [Nigeria: Situation of the Eggon ethnic group, including treatment by society, armed groups and state authorities \(2011-June 2016\) \[NGA105540.E\]](#), 8 June 2016, 2.3 Treatment Outside of Nasarawa State

<sup>52</sup>Viewpoint Nigeria, [Fulani in Bokkos bemoan inability to obtain indigene forms](#), 5 May 2016

<sup>53</sup>Al Jazeera, [Not a no-man’s land: Abuja’s natives get ready to fight](#), 9 August 2016

and the fact that it did not belong to any of Nigeria's three largest ethnic groups: Yoruba, Igbo and Hausa-Fulani. As such, it was perceived as a neutral area that wouldn't cause any unrest.

But thousands of the original inhabitants of Abuja were displaced to make way for the construction of Nigeria's new capital. Many of these people are angry at the way the only home they've ever known has been portrayed as a "no-man's land".

Under Nigerian law, the government can revoke land ownership from its citizens. Abuja indigenes say they are frustrated by what they see as an injustice.

After pressure from the residents of Kpaduma, the government provided them with electricity, which, according to locals, is intermittent. Open sewage runs through their yards, and rough dirt roads rise and fall on the crevices of rocky hills.

There is no hospital, the primary school is falling apart and the community is pleading with the government to build a secondary school.<sup>54</sup>

The same source further reported that "The members of the Coalition of the Federal Capital Territory of Indigenous Groups<sup>55</sup> are planning to protest and demand that the government stop the forced displacement and compensate families for past dislocations".<sup>56</sup>

## 2017

In an academic paper published in April 2017, David Ehrhardt, assistant professor in International Development at Leiden University, explored how "bureaucratic discretion in the implementation of Nigeria's power-sharing institutions, the Federal Character<sup>57</sup>, has led to the formalization of local informal norms on belonging".<sup>58</sup> He found that in Kano State:

the 'Federal-Characterising' has developed to the point where at the state and the local government levels, 'official discrimination against non-indigenes is not only accepted, it is considered the norm by civil servants and politicians alike'. For example, in Kano it is used to restrict access to a range of public and political opportunities, from permanent contracts in state polytechnics to the chance to stand for elections.<sup>59</sup>

He further observed that "not all Hausa-Fulani can actually claim rights to indigeneship in Kano. This is true for Hausa-Fulani without clear ancestral connections to the city, such as those from other parts of the north. But it also applies to non-Muslim Hausa-Fulani, some of whom find their claims to indigeneship thwarted because of their religious affiliation".<sup>60</sup> He concluded that in relation to Kano that "the likelihood of acquiring indigeneship in Kano depends at least in part on a person's ethnic and religious background and affiliations; those who are not clearly traditional 'natives' are therefore less likely to be able to claim indigenous rights than those who are".<sup>61</sup>

<sup>54</sup>Al Jazeera, [Not a no-man's land: Abuja's natives get ready to fight](#), 9 August 2016

<sup>55</sup>More information about the 'Coalition of FCT Indigenous Groups' and their demands can be found on their website: <http://fctindigenougroups.blogspot.co.uk/>

<sup>56</sup>Al Jazeera, [Not a no-man's land: Abuja's natives get ready to fight](#), 9 August 2016

<sup>57</sup>David Ehrhardt explains this principle as "a formal institutional form of power sharing on the basis of a person's status as an 'indigene' in one of the country's 36 states and the Federal Capital Territory". See David Ehrhardt, [Indigeneship, Bureaucratic Discretion, and Institutional Change in Northern Nigeria](#), African Affairs, 116/464, 462-483, 27 April 2017

<sup>58</sup>David Ehrhardt, [Indigeneship, Bureaucratic Discretion, and Institutional Change in Northern Nigeria](#), African Affairs, 116/464, 462-483, 27 April 2017, Abstract

<sup>59</sup>David Ehrhardt, [Indigeneship, Bureaucratic Discretion, and Institutional Change in Northern Nigeria](#), African Affairs, 116/464, 462-483, 27 April 2017

<sup>60</sup>David Ehrhardt, [Indigeneship, Bureaucratic Discretion, and Institutional Change in Northern Nigeria](#), African Affairs, 116/464, 462-483, 27 April 2017

<sup>61</sup>David Ehrhardt, [Indigeneship, Bureaucratic Discretion, and Institutional Change in Northern Nigeria](#), African Affairs, 116/464, 462-483, 27 April 2017

In June 2017 The Herald (Nigeria) reported that “Indigenes [sic] of the Federal Capital Territory, Abuja, today trooped out to protest against the government. The indigenes who were seen carrying placards threatened to issue quit notice to residents of the area as they were being marginalized. Some of the protesters also came out naked to register their dissatisfaction”.<sup>62</sup>

In an abstract of a conference paper presented in July 2017 Laurent Fourchard, Research Director at Sciences Po, argued that:

In the last three decades, the politics of indigeneity have led to discrimination against and marginalization of non-indigenes. This discrimination is bureaucratized: local governments produce certificates of indigene to identify the origin of their holders. Certificates are needed to get access to public jobs, to university and sometimes to secondary schools and international passports. They are part of the daily working of the state and manifestation of its post-civil war consensus based on a politics of quota (referred as the Federal Character). This paper looks at the bureaucratic machinery of issuing certificates of origin in different local governments in Oyo state, in Lagos state and Plateau state. It reveals both the standardised nature of certificates produced in mass by local administrations to respond to an increasing demand in the last 15 years and the discretionary power of local bureaucrats and politicians in issuing certificates. In deciding the questions to be asked, the procedure to be followed and the fees to be raised, local officials are not only implementing exclusionary public policies, they are also making decisions that shape those politics in delineating the lines between who is a true indigene and who is not. The materiality of these certificates, the bureaucratic procedure to get them and the major actors in charge of issuing them eventually reveal very different historical construction of power relationships at the local level, non-stabilised citizens-bureaucrat interactions and radical different politics of identity at play in those states.<sup>63</sup>

An academic specialising in Nigerian politics with a particular interest in communal violence interviewed by ARC on 6<sup>th</sup> October 2017 replied to the questions ‘Are there situations where Local Governments may provide preferential treatment to those who are indigenous to their local area? Is there any information about /examples of situations where the lack of access to a certificate of indigeneity has impacted the ability of individuals to access to services and rights in certain areas? (for instance, access to education, ownership of land, access to employment in the public sphere)’ that “yes definitely” and that “anyone will tell you that you will face greater hurdles” especially with regards to accessing education, political representation, employment, and other opportunities.<sup>64</sup>

Similarly, a representative of an Institute promoting conflict resolution interviewed by ARC on 19<sup>th</sup> October 2017 replied to the same question “yes, especially if you have a system in place where the local government is supposed to be independent but actually is very dependent on the Federal government” and “lacks capacity to take independent action on their own”.<sup>65</sup> She reiterated that there might be instances where the local government might provide preferential treatment due weak state structures and lack of accountability.<sup>66</sup> She also stated that parts of the Middle Belt are where the biggest concerns regarding indigene-settler rights arise. She explained that since 1980s “weak local governors have created a lot of damage” which resulted in “inefficient and ineffective state structures”, where the indigene-settler issues have been used to instigate political violence and

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<sup>62</sup> The Herald (Nigeria), [Photos: Unclad Protest Holds In Abuja As Indigenes March Against Marginalization](#), 13 June 2017

<sup>63</sup> Laurent Fourchard, [Playing with identity: producing certificates of indigenes in Nigeria \(Oyo State, Lagos State, Plateau State\)](#), Long Abstract, Paper presented at the 7<sup>th</sup> European Conference on African Studies in Basel, 29 June – 1 July 2017.

<sup>64</sup> See [Annex B](#) for the full summary notes of the interview.

<sup>65</sup> See [Annex C](#) for the full summary notes of the interview.

<sup>66</sup> See [Annex C](#) for the full summary notes of the interview.

win votes.<sup>67</sup> She further noted that the federal government has “a lot of work to do to rectify [the situation]”.<sup>68</sup> In comparison she mentioned that in Lagos State where “you have a functioning and strong local government, accountability is working”, suggesting that the indigene-settler issue is less of a problem there.<sup>69</sup>

A Nigerian lawyer asked the same question by ARC replied in her written response that “Indigenes of a local government have the right of first refusal on available jobs or political solutions. In Nigeria as in most of Africa, land and humans are synonymous so if you are a son or daughter of the soil then your rights take priority over those who are settlers”.<sup>70</sup> She further noted that “It is rarely the case on the examples cited above [e.g. Access to education, ownership of land] except in the case of access to employment in the public sphere and most especially at the state level. At the Federal level, the ideal is for equal distribution of available services and rights. Again, the standard is not always observed in compliance”.<sup>71</sup> The representative of an institute promoting conflict resolution however responded that “birth certificates have been altered to enter certain schools” and that a quota system operates at certain universities and for certain scholarships that are specifically allocated to indigenes.<sup>72</sup>

Asked whether she has any information ‘on the ability for civilians (other than the herders) who may move from one area to another to access various services, such as education?’, the Nigerian lawyer responded that “Yes. Nigerians across divides move from their local origins to other parts of the country either to work, school or to participate in the National Youth Service Corps”.<sup>73</sup> The representative of an institute promoting conflict resolution responded that “Nigeria is not a country where you generalise” as you have to “study each case by case. Some people manage to move and are able to set up successful businesses throughout the country and across States” as they learn and understand how to navigate the system “to make it work for them”.<sup>74</sup> But there are others, she replied, who would find it difficult to access services, e.g. where the individual’s educational level or exposure might be an issue such as in Kaduna State where the south are generally higher educated than the north.<sup>75</sup>

Asked whether she knew of any incidents where local governments may have tried to encourage settlers to return to their area of origin the academic replied that she wasn’t aware of any such formal initiatives or incentives by the local governments in Plateau State, but she did argue that communal violence and insecurity can have the effect of encouraging people to move (or displacing them) to an ethnic enclave nearby (e.g., outside or inside the city in which they’ve resided) or to another area of the country where their ethnic group is a majority.<sup>76</sup>

The representative of an institute promoting conflict resolution replied that she wasn’t aware of any specific programmes, but that settlers were more prone to face harassment especially in an environment where the violence has been exacerbated and local media acts irresponsibly by targeting a particular ethnic group or individual. She further explained that she doesn’t think that

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<sup>67</sup> See [Annex C](#) for the full summary notes of the interview.

<sup>68</sup> See [Annex C](#) for the full summary notes of the interview.

<sup>69</sup> See [Annex C](#) for the full summary notes of the interview.

<sup>70</sup> See [Annex D](#) for the full written comments received.

<sup>71</sup> See [Annex D](#) for the full written comments received.

<sup>72</sup> See [Annex C](#) for the full summary notes of the interview.

<sup>73</sup> See [Annex D](#) for the full written comments received.

<sup>74</sup> See [Annex C](#) for the full summary notes of the interview.

<sup>75</sup> See [Annex C](#) for the full summary notes of the interview.

<sup>76</sup> See [Annex B](#) for the full summary notes of the interview.

local governments have encourages settlers as such but that the local environment makes them feel “no longer comfortable to remain”.<sup>77</sup>

The Nigerian lawyer responded that “Yes. This is truer in the South and East of Nigeria. In Northern Nigeria, the most polarizing factor is religion”.<sup>78</sup>

With regards to whether there is any difference in the treatment of ‘settlers’ in urban areas versus rural areas, the Nigerian lawyer responded that “Yes. Settlers in the rural areas rarely buy land because most lands in the rural areas belong to the communities and not to individuals. So settlers who come to the rural areas are often given possessory rights and not ownership of land. They may work but are not allowed to build permanent structures on such lands. When they intend to vacate the land, the ownership of the land reverts back to the community”.<sup>79</sup>

The representative of an institute promoting conflict resolution responded that the nature of the conflict in rural settings is different to that experienced in urban. In urban settings, the “level of mistrust, the level of awareness of where to go and where to avoid is higher” and there is an “increased security presence” as well as the “notion that they are there to keep the government and government infrastructure safe”.<sup>80</sup>

### **3 Violence between indigenes and settlers**

[Note: Sources indicate that violence between indigenes and settlers is complex and there are multiple contributing factors to this violence, which are inextricably linked. Information included in this section is meant to be illustrative and not all individual incidences of violence have been included here.

The examples refer to the on-going and re-occurring violent conflicts between farmer-herders/Muslims-Christians, especially in the Middle Belt region of central Nigeria, as this inter-communal violence which is fuelled by ethnic and religious tensions can also be traced back to the divide between indigenes and settlers. To exemplify, the U.S. Commission on International Religious Freedom wrote as way of background that “In the Middle Belt, indigene and settler identities fall along and reinforce ethnic and religious divides, leading to sectarian violence to control state and local governments”.<sup>81</sup>]

#### Background

The former UN Special Rapporteur on minority issues, Rita Izsák, following her mission to Nigeria in February 2014, stated in her report that:

While, in most of the country, harmonious and peaceful inter-ethnic relations prevail, Nigeria has seen violent intercommunal clashes in some States, particularly in the North and Middle Belt regions, which have left thousands of victims. Root causes of violence are complex and intertwined, involving

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<sup>77</sup>See [Annex C](#) for the full summary notes of the interview.

<sup>78</sup>See [Annex D](#) for the full written comments received.

<sup>79</sup>See [Annex D](#) for the full written comments received.

<sup>80</sup>See [Annex C](#) for the full summary notes of the interview.

<sup>81</sup> US Commission on International Religious Freedom, [United States Commission on International Religious Freedom 2017 Annual Report; 2017 Country Reports: USCIRF Recommended Countries of Particular Concern \(CPC\): Nigeria](#), 26 April 2017, *Background*

several factors, such as the issue of indigenes/settlers, competition for resources, poverty, good governance deficits, impunity and polarization of ethnic and religious characteristics.<sup>82</sup>

She further noted that:

The distinction between indigenes and settlers has played a significant role in the conflicts in the Middle Belt. In Plateau and Kaduna States, some ethnic groups who have lived in the region for generations are still regarded as settlers and therefore cannot benefit from certain economic and social opportunities. In Plateau State, indigene ethnic groups are mainly Christian, while Muslim Hausa-Fulani residents and pastoralists are regarded as settlers. Disputes include competing claims to indigene status, inequality in access to politics owing to the difficulties and/or impossibility to run for elections for settlers, the use of land and access to university education and scholarships, where indigenes have preferential treatment.<sup>83</sup>

She further reiterated that:

Civil society representatives in Jos stressed that, in most places, there are no legal provisions prohibiting the political participation of settlers at the local and state levels, but there is “a social prohibition”, owing to the fear of indigene communities that settlers will augment their power by running for elections. This prohibition, which would ignite feelings of frustration and resentment, was identified as a relevant trigger of violence. Civil society actors stated that political interference and the imposition of Government-favoured candidates over more popular candidates can provoke violence if the pro-Government candidate wins.<sup>84</sup>

Further explaining the herdsmen-farmers conflict in both Plateau and Kaduna States, she stated that:

Interviewees in Jos and Kaduna explained that competition for land between nomadic pastoralists and local farmers was a major conflict-generating issue in both Plateau and Kaduna States; the arrival of herders from Northern Nigeria, most of them Fulani Muslims in search of new grazing routes, is perceived by farmers, mostly Christians, as a threat to their economy and lifestyle. Pastoralists resent their limited access to public resources and feel discriminated against. The effects of climate change are also a cause of land competition in that, owing to the increasing desertification and droughts affecting the north, the grazing lands where pastoralists can take their herds have been reduced, forcing them to move south. In parallel, local farmers in the Middle Belt have been taking more land for cultivation, in some cases including long-agreed grazing routes for herders, resulting in a reduction of places for herders to water and graze their stock.<sup>85</sup>

Similarly, the BBC provided the following synopsis with regards to the Fulani-farmers conflict:

[Fulani’s] association with the Hausa ethnic group and their nomadic nature has also made them vulnerable to attack, and they have been caught up in ethnic clashes not of their making.

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<sup>82</sup>UN Special Rapporteur on minority issues, [Report of the Special Rapporteur on minority issues, Rita Izsák Mission to Nigeria \(17 to 28 February 2014\)](#), 5 January 2015, *Summary*, p. 1

<sup>83</sup>UN Special Rapporteur on minority issues, [Report of the Special Rapporteur on minority issues, Rita Izsák Mission to Nigeria \(17 to 28 February 2014\)](#), 5 January 2015, *V. Identity, ethnicity and religion, B. Minority groups in the Middle Belt region*, para. 27, p. 9

<sup>84</sup>UN Special Rapporteur on minority issues, [Report of the Special Rapporteur on minority issues, Rita Izsák Mission to Nigeria \(17 to 28 February 2014\)](#), 5 January 2015, *V. Identity, ethnicity and religion, B. Minority groups in the Middle Belt region*, para. 28, p. 9

<sup>85</sup>UN Special Rapporteur on minority issues, [Report of the Special Rapporteur on minority issues, Rita Izsák Mission to Nigeria \(17 to 28 February 2014\)](#), 5 January 2015, *V. Identity, ethnicity and religion, B. Minority groups in the Middle Belt region*, para. 31, p. 10

Much of the violence in central Nigeria dates back to the 2002 and 2004 clashes in the Yelwa-Shendam area of Plateau state in which thousands lost their lives.

This saw ethnic, political, economic and religious tensions overlap and the consequences are still seen with deep distrust between mainly Muslim Fulani herders and mostly Christian farming communities, who see the Hausa-Fulanis as outsiders trying to take their land.<sup>86</sup>

As the U.S. Department of State reiterated in its annual 'International Religious Freedom' report covering 2016 [emphasis added]: "NGOs cited a number of contributing factors for the increase of clashes between Muslim Fulani herders and Christian farmers, namely the shrinking of formerly shared resources caused by desertification and soil erosion, population growth, and banditry and violence in the north that caused herders to move further south into lands predominantly populated by Christians. *Because of the close links among religion, ethnicity, and political and economic interests, it was difficult to categorize many of these incidents as based solely on religious identity [...] In certain states, especially in the Middle Belt, the divide was religious as well as ethnic and economic, between Christian indigenes and Muslim settlers*".<sup>87</sup>

For a more detailed (historical) account about intercommunal violence as a result of the treatment of indigenes and settlers see:

- More general:
  - Al Jazeera, [Nigeria: Deadly nomad-versus-farmer conflict escalates](#), 6 July 2016
  - International Crisis Group, [Herders against Farmers: Nigeria's Expanding Deadly Conflict](#), 19 September 2017
- For the city of Jos in Plateau State:
  - Geneva Declaration, [A deadly cycle: Ethno-religious conflict in Jos, Plateau State, Nigeria](#), 7 November 2011
  - International Crisis Group, [Curbing Violence in Nigeria \(I\): The Jos Crisis](#), December 2012
  - International Crisis Group, [Herders against Farmers: Nigeria's Expanding Deadly Conflict](#), 19 September 2017
- For Plateau, Kaduna and Delta States:
  - Human Rights Watch, ['They do not own this place': Government Discrimination Against "Non-Indigenes" in Nigeria](#), April 2006
  - Human Rights Watch, ["Leave Everything to God": Accountability for Inter-Communal Violence in Plateau and Kaduna States, Nigeria](#), 12 December 2013.

A Nigerian lawyer asked by ARC whether 'there any information about /examples of situations where the social perception of a particular group of 'settlers' has led to violence by the state and/or non-state actors in the local area?' replied in her written response on 9<sup>th</sup> November 2017 that "Yes. In recent times, the murderous activities of herdsmen who are mostly from the North has led to agitations by victim communities who want those Northerners to return to their local origins so the victims may feel safe from the attacks".<sup>88</sup>

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<sup>86</sup> BBC News, [Making sense of Nigeria's Fulani-farmer conflict](#), 5 May 2016

<sup>87</sup> US Department of State, [International Religious Freedom Report for 2016 - Nigeria](#), 15 August 2017, Section III. Status of Societal Respect for Religious Freedom

<sup>88</sup> See [Annex D](#) for the full written comments received.

The following is (non-exhaustive) information found on violence between indigenes and settlers amongst the sources consulted for this report listed in alphabetical order by State:

**- Abia State -**

2016

Fund for Peace reported that in August 2016 in Abia State, “there were reported tensions among community leaders regarding the potential establishment of a town union and youth association in Owaza community in Ukwu West, because of implications for the employment of indigenes by companies in the region”.<sup>89</sup>

**- Benue, Kaduna and Taraba States -**

2016

ACLED summarised the violence engulfing central Nigeria during the first four months of 2016 as follows:

significant violence has been recorded in the southeastern states of Benue and Taraba between January and April (see Figure 4), with more recent fatalities reported in late April in Enugu (Vanguard, 26 April 2016). The perpetrators of the attacks are identified as nomadic Fulani herder militias engaging in cattle raiding against the settled farming populations of those states. There have also been reports of retaliatory violence and clashes between the Fulani militias and other communal groups (France24, 1 March 2016). The most fatal of these incidents was a series of attacks targeting Agatu communities in Benue, believed to have been carried out by Fulani militias, which killed at least 200 in late February 2016 (Vanguard, 14 February 2016). Last week, attacks attributed to Fulani militias were reported in Enugu, resulting in dozens killed after at least seven villages were attacked (IBT, 26 April 2016). These incidents represent a dramatic increase in violence in this region; violence of this type has historically been associated with the northern and central regions of Nigeria (Quartz Africa, 30 April 2016).<sup>90</sup>

In its analysis on events between January 2016 and January 2017 ACLED noted: “Other dynamics represented by February’s [2016] spike in violence is the ongoing conflict between largely Fulani herders and non-Fulani farmers in central Nigeria [...] The primary group driving this violence are Fulani ethnic militias, which were involved in twice as many events in 2016 as all other ethnic militia groups recorded by ACLED in Nigeria combined and were responsible for four times as many fatalities. Although events involving Fulani ethnic militias included several battles, the vast majority of these events were violence against civilians which resulted in 884 fatalities, representing an average of 11.8 fatalities per event, even higher than Boko Haram over the same time period. Many of these attacks, which were most prevalent during 2016 in the states of Benue, Kaduna, and Taraba [...] have also resulted in large displacements of people and often involved the burning down of homes and villages [...] which could amount to ethnic cleansing. The disputes behind the violence allegedly focus on the use of resources such as farmlands, grazing areas, and water, with both sides claiming grievances against the other”.<sup>91</sup>

Reporting on the ‘Farmer-Fulani Herder Violence in Benue, Kaduna and Plateau States’, the ACAPS thematic report provided the following ‘crisis overview’ covering 2016:

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<sup>89</sup> Fund for Peace, [Niger Delta Quarterly Conflict Trends](#), 12 December 2016, *Regional Patterns and Trends in Conflict Risk – Abia State, Communal Tensions*, p. 3

<sup>90</sup> Armed Conflict Location & Event Data Project, [Conflict Trends Report No. 48; Real-Time Analysis of African Political Violence, May 2016](#), May 2016, Nigeria, p. 4

<sup>91</sup> Armed Conflict Location & Event Data Project, [Conflict Trends Report No. 55; Real-Time Analysis of African Political Violence, February 2017](#), February 2017, Nigeria, p. 13

The longstanding violence between herders and farmers in Nigeria's Benue, Kaduna, and Plateau states has increased in recent years. In 2016, at least 800 people were killed in southern Kaduna and 1,269 in Benue state, where at least 14 of the 23 LGAs were invaded. The February 2016 attack on 10 villages in Agatu LGA, for instance, displaced over 7,000 people (Reuters 13/2/2017; Premium Times 10/8/2016). With the state government unable to provide or maintain camps and relief, IDPs are unable to meet their basic needs. At least 62,000 people have been displaced in the three states since 2015 (Punch 08/10/2016; Vanguard 17/10/2015).

Attacks are characterised by large-scale destruction of farmlands and property, rape, robbery, abduction, and displacement of farmers. Several farming communities report receiving letters from herders that warn of an impending attack. Reprisal attacks are also very common. Not all incidents are reported.

Driven by competition over resources, mainly land and water, the conflict is aggravated by desertification, climate change, and population growth, as more people compete for diminishing resources (Mercy Corps 07/2015). However, the conflict is also influenced by ethno-religious differences. The herders are mostly Muslim Fulani while the farmers are usually Christians, and are made up of a number of different ethnic groups.

The conflict is exacerbated by the proliferation of small arms and light weapons, which come from a combination of a porous Nigerian border, and the conflicts in Mali and Libya, plus a lack of accountability and absence of state security forces (BBC 05/05/2016). Farmers consistently accuse herders of molestation, damaging crops, failing to control their animals, and deliberately acting in a provocative manner (Vanguard 12/02/2017; Vanguard 02/03/2017; BBC 05/05/2016). The herders, through the Myetti Allah Cattle Breeders Association of Nigeria (MACBAN) describe themselves as victims of cattle rustling by farmers and of stereotyping and criminal profiling (Vanguard 01/05/2016; Daily Trust 06/02/2017).

IDPs live in poor conditions with limited access to education, healthcare, food, and WASH. They receive very little or no assistance from the government and face increased vulnerability to numerous protection-related issues.<sup>92</sup>

In their joint shadow report submitted to the UN Committee on the Elimination of Discrimination Against Women (CEDAW) an NGO Coalition reported on the 'Herdsmen crisis' and specifically referred to a particular violent event in February 2016:

On 29 February 2016, over 500 people were killed and 7000 displaced in an attack in Agatu LGA in Benue State, while 48 were killed and 60 injured in Ukpabi Nimbo community in Enugu State on 25 April 2016. Many other communities report that families, particularly women and children, have been displaced and killed by the herdsmen. No arrests or prosecutions have taken place so far.<sup>93</sup>

World Watch Monitor similarly reported that during this violent attack, "at least 500 people were killed in the mainly Christian area of Agatu in the central Benue state of Nigeria."<sup>94</sup> The same source further noted that:

The armed attacks in and around Agatu, in the central Nigerian state of Benue, had features long familiar to Nigerians: ethnic Fulani cattle herders, largely Muslim, moving in on farmers, largely Christian. The long-running land conflict frequently is framed in economic terms, but it also has distinctive religious contours. Survivors quoted by Christian-rights advocates said the attackers specifically targeted Christians and churches and spared Muslims and mosques. The violence broke out 23 Feb. and continued across several villages for several days, culminating 29 Feb. in what witnesses told Nigerian news media was a massacre in Agatu. The killings sparked protests in Nigeria's

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<sup>92</sup> ACAPS, [Nigeria: Farmer-Fulani Herder Violence in Benue, Kaduna and Plateau States](#), 21 March 2017, *Crisis overview*

<sup>93</sup> Arike Foundation; DNF - Dorothy Njemanze Foundation; FOMWAN - Federation of Muslim Women Association of Nigeria; Initiative for Sustainable Peace; WANEP - West Africa Network for Peacebuilding et al., [Women, Peace and Security in Nigeria](#), June 2017, *Ongoing concerns, Herdsmen crisis, para. 83*

<sup>94</sup> World Watch Monitor, [UPDATE: Hundreds killed in Nigeria attacks](#), 11 March 2016

capital, Abuja. A week after the attacks began, President Muhammadu Buhari ordered an investigation.<sup>95</sup>

Al Jazeera reported in March 2016 that “at least 17 people” were killed in the “latest violence linked to grazing rights disputes between locals and Fulani herdsmen”.<sup>96</sup> A week before “Fulani herdsmen killed 10 people in the Buruku area of Benue state, which led Governor Samuel Ortom to order the herdsmen to leave the region within 72 hours”.<sup>97</sup>

Christian Solidarity Worldwide reported in its article of June 2016 on violent clashes that occurred in April/May 2016: “One person was killed and churches and homes set on fire during an attack by armed Fulani herdsmen on Ninte Village in the southern part of Kaduna State on 28 May [...] This was the latest in a series of assaults on Sanga Local Government Area (LGA), which have been ongoing for several years [...] Attacks by armed herdsmen on farming communities in the central Nigerian states of Plateau, Kaduna, Bauchi, Taraba and Benue have been ongoing for several years and are increasing in frequency. A series of attacks on the Agatu area of Benue State in late February left close to 500 villagers dead [...] Violence is also increasing in frequency in southern Nigeria, with herdsmen implicated in abduction, extortion, rape and murder in several states. An attack in late April on Ukpabi-Nimbo Village in Uzo-Uwani LGA, Enugu State, in which at least 50 people were killed, 30 were seriously wounded and a Catholic church and around 11 homes burned down, caused particular outrage”.<sup>98</sup>

Reporting in August 2016, the Humanitarian Aid Relief Trust (HART) noted that “Muslim Fulani herdsmen attacked a cluster of predominantly Christian villages in Kaduna state last week, killing at least 13 Christians and scattering members of three churches, area sources said”.<sup>99</sup>

Christian Solidarity Worldwide reported in October 2016 that “Heavily-armed Fulani herders attacked the Godogodo Chieftdom in Sanga Local Government Area (LGA), southern Kaduna State, from Saturday 15 October until the afternoon of Sunday 16 October, killing over 40 people and destroying almost every home”.<sup>100</sup>

#### 2017 [info. only relates to Benue State]

Ripples Nigeria, an investigative news agency, reported that “No fewer than 3,920 persons lost their lives in the bloody crises between Agatu farmers and Fulani herdsmen in Agatu Local Government Area of Benue State between 2013 and 2017. Also, property, farmlands and economic trees worth several billions of naira were lost during the period under review”.<sup>101</sup>

Regarding specific violent events, in January 2017 the Leadership reported on fresh herdsmen attack in Benue State, where “Several people are feared to have been killed and many others injured after suspected Fulani herdsmen yesterday afternoon invaded Ipiga village in Ohimini local government area of Benue State”.<sup>102</sup>

In March 2017 Africa Review reported that “Nigeria President Muhamamadu Buhari has ordered a massive deployment of forces to Benue State following an attack that has so far claimed 73 lives.

<sup>95</sup>World Watch Monitor, [UPDATE: Hundreds killed in Nigeria attacks](#), 11 March 2016

<sup>96</sup>Al Jazeera, [Police: Nigeria market attack kills women, children](#), 21 March 2017

<sup>97</sup>Al Jazeera, [Police: Nigeria market attack kills women, children](#), 21 March 2017

<sup>98</sup>Christian Solidarity Worldwide, [Armed herdsmen attack village in Kaduna](#), 6 June 2016

<sup>99</sup>Humanitarian Aid Relief Trust, [At least 13 Christians Killed in Muslim Fulani Herdsmen Attacks in Kaduna State, Nigeria](#), 18 August 2016

<sup>100</sup>Christian Solidarity Worldwide, [At least 40 killed in Fulani herder attack](#), 19 October 2016

<sup>101</sup>Ripples Nigeria, [‘Agatu lost 3,920 to herdsmen attacks in four years’](#), 18 January 2017

<sup>102</sup>Leadership (Abuja), [Nigeria: Many Feared Dead in Fresh Herdsmen Attack On Benue Village](#), 24 January 2017

The initial death toll from the Zaki Biam market assault was 50 but has since risen as the wounded succumb to their injuries. Gunmen attacked traders and shoppers in the highly volatile town on Monday. The people in Benue State, north central Nigeria have been engaging in violent clashes with Fulani herdsmen and no less than 580 Benue indigenes are believed to have been killed in the last six months".<sup>103</sup>

ACAPS reported that "On 17 May [2017], four people were killed by Fulani herdsmen in Obi LGA of Benue state. Two farming villages in Logo LGA of Benue state were attacked by Fulani herdsmen on 9 May [2017], killing between 10 and 20 people. On 19 April, the Nigerian army launched a month-long military operation to curtail the violence as well as to deliver humanitarian and health aid".<sup>104</sup>

The Guardian (Nigeria) also reported in mid-August that "Palpable fear has gripped Akpagodogbo-Otukpa community in Ogbadibo Council of Benue State following Wednesday's clash between the indigenes and herdsmen which left no fewer than three people dead. The mid-noon skirmish also resulted in injuries on several others".<sup>105</sup>

### **- Delta State -**

#### **2017**

The Vanguard reported in mid-August 2017 that "Worried by the occupation of their farmlands by armed herdsmen, indigenes of Iyede Kingdom, Isoko North Local Government Area, Delta State, yesterday, barricaded the Ekiugbo-Iyede axis of the Ughelli-Asaba expressway, demanding their vacation from their communities".<sup>106</sup> The same article further stated that "Speaking during the protest, Chairman of Ekiugbo-Iyede community, Pastor David Onobreme, described the action of the people as spontaneous, lamenting their incessant harassment and rape of their women in their farmlands by the herdsmen".<sup>107</sup>

### **- Enugu State -**

#### **2016**

In May 2016 UNHCR called for "urgent action to end growing tension and clashes between nomadic livestock herders and arable farmers that have left several hundred people dead and tens of thousands displaced this year in fertile regions of Nigeria. The latest clashes were reported last week, when Fulani nomads attacked villages in Ukpabi Nimbo district in south-east Nigeria's Enugu state, leaving homes destroyed, more than 40 people dead and forcing hundreds to flee. This came some two months after attacks in neighbouring Benue killed an estimated 300 people and displaced more than 100,000 within the state, with some 7,000 staying in camps and the rest living with relatives, according to UNHCR staff members who later visited the area. The nomads and local population in Benue have clashed before, but the late February surge in violence in 10 districts was particularly alarming and UNHCR fears that the problem could flare up again and spin out of control unless immediate measures are taken, including a greater security presence". The same source further noted that "Since 2011, when the clashes between herders and farmers began increasing, some 400,000 people have been forcibly displaced in sporadic bursts of violence. About 80 per cent of them have returned home, but they still face many challenges".<sup>108</sup>

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<sup>103</sup> Africa Review, [Massive forces deployment as Nigeria attack toll rises to 73](#), 22 March 2017

<sup>104</sup> ACAPS, [Nigeria: Conflict Developments](#), Latest update: 8 August 2017, *Fulani Herders*

<sup>105</sup> The Guardian (Nigeria), [Alleged herdsmen's attack stirs anxiety in Benue](#), 11 August 2017

<sup>106</sup> Vanguard, [Nigeria: Villagers Barricade Ughelli-Asaba Expressway Over Herdsmen Menace](#), 16 August 2017

<sup>107</sup> Vanguard, [Nigeria: Villagers Barricade Ughelli-Asaba Expressway Over Herdsmen Menace](#), 16 August 2017

<sup>108</sup> UN High Commissioner for Refugees, [UNHCR urges dialogue to end herder, farmer clashes in Nigeria](#), 6 May 2016

## 2017

In their joint shadow report submitted to the UN Committee on the Elimination of Discrimination Against Women (CEDAW) an NGO Coalition reported on the ‘Herdsmen crisis’ engulfing April 2017:

The increasing competition for natural resources between farming and herders communities has led to many violent clashes, including deadly attacks. Farmers have accused the herdsmen of trespassing on their farmland to graze their cattle, destroying their crops. In April 2017, the leadership of the Catholic Diocese of Kafanchan provided figures of 808 people having been killed in 53 villages, and 1,422 houses and 16 churches burnt during the attacks across the four local governments areas in Kaduna state [...]

In April 2017, the Office of the High Commissioner for Human Rights reported a deadly attack against several communities in the southern State of Enugu by armed Fulani herdsmen and associated militia, adding that the attack appears to be among the most serious in recent years”.<sup>109</sup>

### **- Kaduna State -**

## 2017

ACAPS reported that “Violent Fulani-villager confrontations have led to the displacement of over 27,000 people and killed 800 between September 2016 and February 2017 in southern Kaduna state”.<sup>110</sup>

Christian Solidarity Worldwide reporting on two attacks in February 2017 stated that “Hundreds of militia men reportedly descended on Bakin Kogi in the Kaninkon Chiefdom of Jema’a Local Government Area (LGA) in southern Kaduna State during the evening of 19 February, burning down houses, killing at least seven people and leaving scores more injured [...] In the early hours of 20 February, Fulani gunmen killed 14 people during simultaneous attacks on the villages of Mifi and Ashim in Kaura LGA in the Attakad Chiefdom. Victims included women and children, and were aged between eight and 73. The herdsmen are also reported to have engaged in fierce gun battles with soldiers and mobile policemen who eventually moved in to quell the attacks”.<sup>111</sup>

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### **- Kogi State -**

## 2016

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<sup>109</sup> Arike Foundation; DNF - Dorothy Njemanze Foundation; FOMWAN - Federation of Muslim Women Association of Nigeria; Initiative for Sustainable Peace; WANEP - West Africa Network for Peacebuilding et al., [Women, Peace and Security in Nigeria](#), June 2017, *Ongoing concerns, Herdsmen crisis, para. 83*

<sup>110</sup> ACAPS, [Nigeria: Conflict Developments](#), Latest update: 8 August 2017, *Fulani Herders*

<sup>111</sup> Christian Solidarity Worldwide, [At least 21 dead in Fulani raids in Kaduna State](#), 21 February 2017

<sup>112</sup> Arike Foundation; DNF - Dorothy Njemanze Foundation; FOMWAN - Federation of Muslim Women Association of Nigeria; Initiative for Sustainable Peace; WANEP - West Africa Network for Peacebuilding et al., [Women, Peace and Security in Nigeria](#), June 2017, *Ongoing concerns, Herdsmen crisis, para. 83*

A report by Peace Direct published in December 2016 and focusing on the views of civil society on the causes of violent conflict in Northern Nigeria found that:

There are ongoing divisions, discrimination, and sometimes violence between communal, tribal, and ethnic groups, including what is often called indigenous-settler or farmer-herder conflict. Farmer-herder conflicts have been widely reported on by the international media and have had an impact across the country. They often involve disputes with herders roaming on 'settled' grazing land with their livestock. Recent inter-communal conflicts have led to kidnappings, rioting, direct violence and killing, as well as property destruction. These conflicts are a growing issue in North Central Nigeria, as well as North West and North East.<sup>113</sup>

For example the same report noted that "News of inter communal, ethnic, and indigene settler conflict is no longer news in Kogi state. This is the result of the more than 14 tribes that live here, and the easy proliferation of arms in the area. During the last two years [2015/2016], the Kogi Network of NGOs has recorded at least 34 communal clashes, which have claimed property and lives".<sup>114</sup> The Peace Direct report stated further with regards to particular acts of violence in Akutupa village, in the Kabba-Bunu area, Kogi State:

In Akutupa village, in the Kabba-Bunu area, there has been a recurring dispute between indigenous or 'indigene' people and settlers. Most of the time, the settlers are herdsmen. 80% of the indigenes are farmers. In 2014, there was a serious, avoidable crisis which claimed lives. It started as a result of farmland grazing by the settlers. The indigenes tried to stop this but it was done violently. In August 2016, violence again erupted because of the same old causes. The farmers were on a rampage, burning every house of the herdsmen.<sup>115</sup>

## 2017

In its 'Crisis Analysis' ACAPS reported at the end of October 2017 with regards to Fulani Herders:

As of early October [2017], reports indicate that tensions between local communities and Fulani Herders continue in Bassa LGA, in Kogi State. Between 8 September and 17 October [2017], local media sources estimate that over 13,000 people have been displaced and nearly 500 homes damaged. Tensions continue in Kaduna and Plateau state as the federal government has failed to act with regards to managing the conflict between the Fulani herdsmen and local communities. Many communities have been displaced by the herdsmen, severely impacting livelihoods across the states. The refusal of the Nigerian government to remove the Fulani herders, who are predominantly Muslim, from the villages and farmlands belonging to predominantly Christians has added to the religious tensions.<sup>116</sup>

### **- Middle Belt -**

[Areas of Nigeria which are generally referred to as belonging to the Middle Belt are: Kwara State, Kogi State, Benue State, Taraba State, Plateau State, Nasarawa State, Niger State, Adamawa State, the Federal Capital Territory (Abuja), as well as the southern parts of Kaduna State, Kebbi State, Bauchi State, Gombe State, Yobe State and Borno State]

## 2016

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<sup>113</sup> Peace Direct, [Nigeria: Local Voices for Peace in Northern Nigeria](#), 28 December 2016, *Ethnic and inter-communal conflict: key conflict issues*, p. 28

<sup>114</sup> Peace Direct, [Nigeria: Local Voices for Peace in Northern Nigeria](#), 28 December 2016, *Ethnic and inter-communal conflict: key conflict issues*, p. 29

<sup>115</sup> Peace Direct, [Nigeria: Local Voices for Peace in Northern Nigeria](#), 28 December 2016, *Ethnic and inter-communal conflict: key conflict issues*, p. 29

<sup>116</sup> ACAPS, [Nigeria: Conflict Analysis](#), Latest update: 30 October 2017, *Conflict Developments, Fulani Herders* [last accessed: 9 November 2017]

The U.S. Department of State in its annual human rights report covering 2016 noted that “Land disputes, ethnic differences, settler-indigene tensions, and religious affiliation contributed to clashes between Fulani herdsmen and farmers throughout the Middle Belt (the central part of the country). Determining the motives behind any single attack remained difficult. ‘Silent killings,’ in which individuals disappeared and later were found dead, occurred throughout the year. Reprisal attacks at night in which assailants targeted and attacked individual homes or communities occurred frequently”.<sup>117</sup>

Similarly, the U.S. Commission on International Religious Freedom in its annual report covering 2016/2017 stated that:

Since 1999, violence between Christian and Muslim communities in Nigeria’s Middle Belt states has killed tens of thousands, displaced hundreds of thousands, and damaged or destroyed thousands of churches, mosques, businesses, homes, and other structures. In recent years, sectarian violence has occurred in rural areas between predominantly Christian farmers and predominantly Muslim nomadic herders. While this violence usually does not start as a religious conflict, it often takes on religious undertones and is perceived as a religion-based conflict for many involved. During USCIRF’s 2017 visit to Nigeria, interlocutors cited different reasons for the violence, including land disputes resulting from herders seeking land for their cattle to graze and migrate; herdsmen being more heavily armed to protect their cattle from cattle rustling; Fulani engaging in revenge attacks in southern Kaduna in response to the post-election violence in which 500 Muslims were killed in that area; and, for Christian interlocutors, a Fulani ethnic cleansing campaign against indigenous ethnic groups to take their lands.<sup>118</sup>

The Armed Conflict Location & Event Data Project (ACLED) reported in its analysis of violence in Nigeria in the months September 2016 till May 2017 that “Activity by Fulani militias has also decreased in lethality compared to previous years. Conflict tends to spike during the dry season (September-May) as herdsmen move their cattle southwards for available pastures and water (Roseline and Amusain, 2017). Violent conflict events involving Fulani has followed this pattern with activity rising from October 2016 and reaching an apex this January. But in spite of a large number of conflict events, fatalities remain comparatively low compared to last year. In 2016, the average number of fatalities for an event involving Fulani militias was 10, in 2017, it is 3.5”.<sup>119</sup>

IRIN noted that “According to a report by SBM Intelligence<sup>120</sup>, a Lagos-based consultancy firm, pastoral/farmer clashes in the Middle Belt accounted for more deaths than Boko Haram” during 2016.<sup>121</sup>

## 2017

IRIN in its analysis on violence in Nigeria’s Middle Belt region published in June 2017 explained that “Nigeria’s Middle Belt straddles the divide between the largely Muslim north and a majority Christian south. It is an ethnically and religiously diverse zone, plagued by conflict over farmland, grazing areas, and stock routes. In southern Kaduna these clashes have pitted the traditionally pastoralist Fulani against farmers who see themselves as ‘indigenous’ to the area”.<sup>122</sup>

<sup>117</sup>U.S Department of State, [Country Reports on Human Rights Practices for 2016: Nigeria](#), 3 March 2017, Section 6, National/Racial/Ethnic Minorities

<sup>118</sup> US Commission on International Religious Freedom, [United States Commission on International Religious Freedom 2017 Annual Report; 2017 Country Reports: USCIRF Recommended Countries of Particular Concern \(CPC\): Nigeria](#), 26 April 2017, RELIGIOUS FREEDOM CONDITIONS 2016–2017, Sectarian Violence

<sup>119</sup> Armed Conflict Location & Event Data Project, [Conflict Trends Report No. 58; Real-Time Analysis of African Political Violence, May 2017](#), May 2017, Nigeria, p. 7

<sup>120</sup>See SB Morgen Intelligence, [A look at Nigeria’s security situation](#), 17 January 2017

<sup>121</sup>IRIN, [The deadly conflict tearing Nigeria apart \(and it’s not Boko Haram\)](#), 13 June 2017

<sup>122</sup>IRIN, [The deadly conflict tearing Nigeria apart \(and it’s not Boko Haram\)](#), 13 June 2017

Similarly, the International Crisis Group (ICG) described in its 'Commentary' as part of its second updated 'Watch List 2017' in July 2017 the violent conflict between Fulani herders and Christian farmers as "the Herder-Farmer Tinderbox" and further stated that:

Violent conflict between largely Muslim Fulani herders and ethnically diverse farmers in predominantly Christian areas has taken on tribal, religious and regional dimensions. Clashes across the central belt and spreading southward, are killing some 2,500 people a year. The conflict is now so deadly that many Nigerians fear it could become as dangerous as the Boko Haram insurgency. Escalating internally, the conflict could also spread regionally: herders might seek to draw fighters from their kin in other West and Central African countries, as some Fulani leaders have warned.<sup>123</sup>

ACAPS reported that "Southern Nigeria and the Middle Belt are experiencing an increase in inter-communal violence in early 2017, including by Fulani herdsmen, as tension sof [sic] the use of agricultural land sparked violence".<sup>124</sup>

In its 'Crisis Analysis' ACAPS reported at the end of October 2017 that "Interethnic clashes have not abated in 2017. The violence involves pastoralists, agrarian communities, rural bandits, and community vigilantes. Most notable are the clashes between Fulani herdsmen and local farmers which have led to the death of over 800 people between September 2016 and October 2017".<sup>125</sup>

#### **- Ogun State -**

##### **2016**

The Institute for War & Peace Reporting (IWPR) provided the following analysis in August 2016 about the herders-farmers violence during 2016:

Tensions are rising between Fulani pastoralists and settled farmers in southwestern Nigeria. Farmers accuse the herders of damaging crops and allowing their animals to run wild. In some cases, they allege Fulani involvement in serious violence including rape, robbery and murder. For their part, the herdsmen say that they have no choice but to find pasture for their animals and argue they are the victims of unfounded prejudice. Local agriculturalists say that some villages in Ketu, including Asa, Agon-ojodun, Ayetoro, Ogunpa, Koderia and Igo nla, have been left almost empty of their inhabitants.<sup>126</sup>

#### **- Plateau State -**

##### **2017**

In mid-October 2017 Christian Solidarity Worldwide reported that "Over 30 victims of a Fulani herder militia attack in Plateau State on 15 October have now been laid to rest, the majority of whom were women and children. Witnesses have accused the Nigerian Army of disarming and then abandoning the victims ahead of the attack".<sup>127</sup> The same source further explained that "The attack on Nkyie Doghwro is part of a campaign of sustained assaults by herder militia on the Irigwe Chieftdom that has claimed over 50 lives in a little over a month".<sup>128</sup>

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<sup>123</sup> International Crisis Group, [Nigeria: Growing Insecurity on Multiple Fronts](#), 20 July 2017

<sup>124</sup> ACAPS, [Nigeria: Conflict Developments](#), Latest update: 8 August 2017, *Fulani Herders*

<sup>125</sup> ACAPS, [Nigeria: Conflict Analysis](#), Latest update: 30 October 2017, *Politics and Security Overview* [last accessed: 9 November 2017]

<sup>126</sup> Institute for War & Peace Reporting, [Nigeria: Herders and Farmers Clash Over Land](#), 19 August 2016

<sup>127</sup> Christian Solidarity Worldwide, [Attack claims over 30 lives in Nigeria](#), 19 October 2017

<sup>128</sup> Christian Solidarity Worldwide, [Attack claims over 30 lives in Nigeria](#), 19 October 2017

Moreover, Christian Solidary Worldwide noted that “Bassa LGA is contiguous with southern Kaduna, where for over a year Fulani herder militia have attacked communities, killing over 800 people and seizing land and property with relative impunity. The surge of attacks in Bassa LGA may indicate that the most intense violence has once again shifted to Plateau State”.<sup>129</sup>

In its 6<sup>th</sup> November 2017 newsletter the Humanitarian Aid Relief Trust (HART) reported that “The Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN) in Plateau State has raised the alarm over the increasing rate of attacks and killing of Fulanis in virtually all parts of the state”.<sup>130</sup>

#### **4 Discrimination and threats against ‘settler populations’ by members of the indigenous community**

##### Historical situation

A 2006 Human Rights Watch (HRW) report on government discrimination against non-indigenes in Nigeria found that:

many Nigerian communities use the distinction between indigenes and non-indigenes as a way of demarcating the boundaries between people who are eligible to hold chieftaincy titles in a particular place, and participate in traditional institutions of governance more generally, and those who are not. Indigeneity also serves as a way for communities to keep land within the hands of their own group—a goal that is controversial but important to many Nigerians whose ethnic identity is tied to a small geographic area. In a broader and more amorphous sense, indigeneity reflects the communities’ efforts to keep track of who their members are by placing an emphasis on the historical memory of individuals’ familial connection to a particular place.<sup>131</sup>

An editorial published in 2011 on the website of the Brookings Institution by Mwangi S. Kimenyi, senior fellow and former director of the Africa Growth Initiative (AGI) at the Brookings Institution, and John Mukum Mbaku, Nonresident Senior Fellow of the AGI, stated that:

Many Nigerians believe that various geographic parts of the country should be left exclusively for the benefit of the so-called “indigenes” or “native sons” or “sons of the soil.” In essence, the idea of a shared common citizenship that goes beyond one’s ethnic group and place of birth in line with the constitution is deficient. As a result, the concept of internal exit—the right to locate oneself anywhere within the geographic boundaries of Nigeria and have one’s person and property protected by both national and local laws—really does not exist in the country today. For example, while a Yoruba from Lagos State can migrate to Kaduna, he is likely to encounter serious opposition from indigenes if the new migrant (or stranger in local jargon) attempts to run for public office or purchase property in the state.<sup>132</sup>

##### 2017

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<sup>129</sup> Christian Solidarity Worldwide, [Attack claims over 30 lives in Nigeria](#), 19 October 2017

<sup>130</sup> Humanitarian Aid Relief Trust (HART), [HART Weekly Review: 06/11/2017](#), 6 November 2017, *Nigeria*

<sup>131</sup> Human Rights Watch, [‘They do not own this place’: Government Discrimination Against “Non-Indigenes” in Nigeria](#), April 2006, *Historical Background and Context*, pages 10 & 11

<sup>132</sup> Mwangi S. Kimenyi and John Mukum Mbaku, [Elections and Violence in Nigeria: The Question of Citizenship in Sub-Saharan Africa](#), 28 April 2011, OP-ED, Brookings Institution

During a 'Practical Cooperation Meeting' organised by the European Asylum Support Office (EASO) on Nigeria in June 2017 when asked whether 'individuals who are moving from one settlement to another, does it matter if you are indigenous or a settler when it comes to access to the land?', Olumide Femi Makanjuola, Executive Director of TIERS [The Initiative for Equal Rights, Nigeria] responded:

When it comes to land, it is very important. For example I am from South West, from one of the states in South West, and my mother is from South South and my mother's mother is from South South Edo, so if my mother has land in Edo state I would not be able to get access to it because I am not considered from Edo state, because what you have is your father's side only. My father is from Osun state and because I am not from Edo state, I do not have access to their land. That is also commonly seen played out when it comes to anything that is actually quite material or power-driven. You see the issue of indigeneship being played out within the country. When there is nothing material or anything commercial or powerdriven, everybody is Nigerian.<sup>133</sup>

In July 2017 a partner from the Humanitarian Aid Relief Trust (HART), Mai Adiko Peace and Reconciliation Project, reported on threats issued against what could be described as 'settlers' in northern states, members of the Igbo tribe who are predominantly Christians:

The latest crisis, which is causing great concern across the country, is the 'quit notice'. Earlier this year, 14 youth groups from Northern Nigeria demanded all members of the Igbo tribe, an ethnic group native to south-central and south-eastern Nigeria, to move out of all northern states by 1st October 2017, or face dire consequences. What these consequences would be, or how real the threat is, is unknown, but with the backing of some elite groups and elders in the North, and little condemnation of the notice itself or the hate speeches seen after the 'notice' was issued by influential groups makes the threat very worrying [...]

the 14 youth groups, who published the 'notice' are all Muslim and the Igbo tribe are predominantly Christian. Therefore the 'notice' has sharpened the distrust and heightened the conflict between Christians and Muslims in the country, especially in the middle belt region of the country, and several groups and states are now calling for independence and self-determination. If things get out of hand, then there will most certainly be ethnic and sectarian clashes all over the country.<sup>134</sup>

According to an article published by the Daily Trust it appears though as if the 'quit order' was called in reaction to "the shutting down of major towns in the South East on May 30, as part of the campaign by the Indigenous People of Biafra (IPOB) for the actualisation of Biafra Republic".<sup>135</sup>

An academic specialising in Nigerian politics with a particular interest in communal violence interviewed by ARC on 6<sup>th</sup> October 2017 mentioned that there is a distinction on two levels: "societal and political discrimination".<sup>136</sup> She further noted that indigenes would often question how "they [settlers] can claim rights here, but we can't claim them in their place of origin".<sup>137</sup>

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<sup>133</sup> Olumide Femi Makanjuola, EASO, [Practical Cooperation Meeting on Nigeria](#), meeting in Rome, Italy, held on: 12-13 June 2017, *Question and Answers with experts, Indigeneity*, p. 84

<sup>134</sup> Canon Hassan John on behalf of Mai Adiko Peace and Reconciliation Project, Humanitarian Aid Relief Trust, [Ethnic and Religious Tensions in Nigeria from Canon Hassan John](#), 13 July 2017

<sup>135</sup> Daily Trust, [Nigeria: Northern Groups Meet Governors, Agree to Review Igbo Quit Notice This Week](#), 30 July 2017

<sup>136</sup> See [Annex B](#) for the full summary notes of the interview.

<sup>137</sup> See [Annex B](#) for the full summary notes of the interview.

## 5 Protection against discrimination and violence provided by organs of the State

[Note that most reference to the ability and effectiveness of state protection is presented in the context of the on-going and re-occurring violent conflicts between farmer-herders/Muslims-Christians. This inter-communal violence which is fuelled by ethnic and religious tensions can also be traced back to the indigenes and settlers divide.]

### Historical situation

A 2006 Human Rights Watch report on government discrimination against non-indigenes in Nigeria found that:

Nigeria's federal government has done nothing to curb this state and local discrimination against non-indigenes, even though it makes a mockery of the Nigerian Constitution's guarantee of freedom from discrimination. While high-ranking federal officials including even President Olusegun Obasanjo have publicly denounced the growing negative impact of Nigeria's indigene/settler divide, federal government policies have served to reinforce and legitimize its consequences.<sup>138</sup>

The International Crisis Group (ICG) explained in its 2012 report focusing on the ongoing intercommunal violence in Jos, Plateau State, that:

Thus far, responses from local and national authorities have proven mostly ineffective. They have come in three ways.

First, several judicial commissions of inquiry have been appointed to "get to the root of the crises" and recommend "lasting solutions". But authorities have been slow in publishing reports and acting on their recommendations. Tough public speeches have not been translated into tangible political action against instigators and perpetrators: none of the suspects named by the various commissions have been prosecuted, and impunity continues to feed violence.

The second response is police and military action, which has had little success. Security forces not only fail to share intelligence among themselves, they are also suspected of taking sides in the conflict and soldiers are accused of trading guns for money [...]

The crisis in Plateau requires both national and local solutions. Constitutional provisions, by virtue of their ambiguity over the terms "indigene" (which the constitution fails to define satisfactorily) and "residency" for accessing citizenship rights, have done little to clarify the situation. Nigeria's current conception and implementation of its citizenship (or national) question are inadequate and flawed. [...]

At the state level, the current Plateau government should change its approach. It can no longer carry on as if it is in power to serve only indigenous communities. It should not wait for national constitutional reform before abolishing discriminatory policies on education and employment between indigenes and settlers, as did the Sokoto state government. Otherwise, political differences will harden further, more pain will be inflicted on the hapless population, and the state's – and, invariably, the country's – development will be impaired.<sup>139</sup>

The former UN Special Rapporteur on minority issues, Rita Izsák, following her mission to Nigeria in February 2014, stated in her report in relation to the violence erupting in the Middle Belt region:

Most people consulted repeatedly highlighted the widespread lack of accountability and impunity for instigators and perpetrators of violence. It was noted that law enforcement is of paramount importance to guarantee the principle of rule of law and to prevent violence from escalating further;

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<sup>138</sup> Human Rights Watch, [‘They do not own this place’: Government Discrimination Against “Non-Indigenes” in Nigeria](#), April 2006, *Summary*, page 2

<sup>139</sup> International Crisis Group, [Curbing Violence in Nigeria \(I\): The Jos Crisis](#), December 2012, *Executive Summary and Recommendations*, pages I and ii

in fact, participants in consultations affirmed that impunity was reinforcing the cycle of violence and retaliatory actions, leading people to take the law into their own hands.<sup>140</sup>

In its annual 'International Religious Freedom' report covering 2015 the U.S. Department of State reported that "The incoming governor of Kaduna State established a commission to address religiously motivated violence in southern Kaduna and implemented its recommendations, including eliminating the legal distinction in the state between "indigenes," long-term residents of the state, often farmers, and "settlers," more recent immigrants into the state, including most herders".<sup>141</sup>

The U.S. Department of State in its annual report on human rights violations covering 2015 found that "Due to police inability to control societal violence, the government turned to the army in many cases, as when military units deployed to Plateau State in response to indigene-settler violence after local police could not contain outbreaks of ethnoreligious violence. The military was often unable to respond adequately to reports of violence".<sup>142</sup>

## 2016

The U.S. Department of State in its annual human rights report covering 2016 noted that in general "The government took few steps to investigate or prosecute officials who committed violations, whether in the security forces or elsewhere in the government, and impunity remained widespread at all levels of government. The government did not investigate or prosecute most of the major outstanding allegations of human rights violations by the security forces or the majority of cases of police or military extortion or other abuse of power".<sup>143</sup>

In April 2016 Christian Solidarity Worldwide lamented that "Over ten villages in northern Nigeria remain under siege by armed Fulani herders weeks after security forces deployed to Agatu Local Government Area (LGA) in Benue State reportedly drove them out of five communities they had occupied".<sup>144</sup>

Christian Solidarity Worldwide reported in a June 2016 article that "in contrast to resurgent Niger Delta militants, whose activities have elicited swift official condemnations and a strong military response, violence by the [Fulani] herders is yet to be decisively addressed by the Nigerian authorities. Beleaguered communities appear increasingly to be resorting to self-defence".<sup>145</sup>

In July 2016 Al Jazeera reporting on the 'nomad-versus-farmer conflict' stated that:

The Nigerian government is yet to find an effective means of tackling arms proliferation, and even the Nigerian President Muhammadu Buhari has admitted the free flow of arms trafficking that surged in the region after the fall of Libyan leader Muammar Gaddafi compounded Nigeria's security challenges.

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<sup>140</sup> UN Special Rapporteur on minority issues, [Report of the Special Rapporteur on minority issues, Rita Izsák Mission to Nigeria \(17 to 28 February 2014\)](#), 5 January 2015, V. Identity, ethnicity and religion, B. Minority groups in the Middle Belt region, para. 32, p. 10

<sup>141</sup> US Department of State, [2015 Report on International Religious Freedom - Nigeria](#), 10 August 2016, Section II, Government Practices

<sup>142</sup> US Department of State, [Country Report on Human Rights Practices 2015 - Nigeria](#), 13 April 2016, Section d., Role of the Police and Security Apparatus

<sup>143</sup> U.S Department of State, [Country Reports on Human Rights Practices for 2016: Nigeria](#), 3 March 2017, Executive Summary

<sup>144</sup> Christian Solidarity Worldwide, [Ten villages under siege by Fulani herders](#), 7 April 2016

<sup>145</sup> Christian Solidarity Worldwide, [Armed herdsmen attack village in Kaduna](#), 6 June 2016

Furthermore, the ignition of religious hostilities has sparked a furious flame [...] So communities in the predominantly Christian southeastern region are employing local defence strategies to protect themselves against the herdsmen. In the southeastern state of Abia, the governor congregated men of a vigilante group known as the Bakassi Boys to train youth to assist in community policing. At the federal government level, President Buhari - who is also a Fulani who owns many cows - has ordered a crackdown on herdsmen. After a backlash from outraged Nigerians who went on social media to complain about what they perceived as silence and ethnic bias from Buhari, the president came out to declare his administration will not tolerate violence and ordered security officials to "secure all communities under attack by herdsmen". [...] But despite this order, attacks continue. Recently, a community in the southern state of Bayelsa reported an attack by herdsmen and concerns over a possible link between Fulani and Boko Haram. But details of ties are unclear.<sup>146</sup>

BBC News reported that in July 2016 "Nigeria's President Muhammadu Buhari [...] sent a special military task force to combat cattle rustlers in the north-western state of Zamfara [...] Defence Minister Mansur Dan Ali told the BBC that about 1,000 troops would be deployed immediately, with more would joining later. Hundreds of people have been killed in villages in and around Zamfara in the last three years. President Buhari has faced criticism for not focusing earlier on what is being described as the country's third security crisis, behind the Boko Haram insurgency in the north-east and the growing militant attacks on oils pipelines in the southern Niger Delta region".<sup>147</sup>

Providing an analysis on the herders-farmers violence, the Institute for War & Peace Reporting (IWPR) reported in August 2016 the following with regards to the government's efforts to stem the violence: "Farmers say that they have been betrayed by a police force unwilling and incapable of protecting them from the Fulani pastoralists. They complain that even when disputes are taken to the authorities, the compensation offered does not cover the cost of the farmlands destroyed".<sup>148</sup>

## 2017

In February 2017 the Chief Executive of Christian Solidarity Worldwide found that:

It is both inexplicable and unacceptable that communities in central Nigeria continue to face ethno-religious cleansing years after this militia began its deadly campaign. The fact that the attacks occur despite a military presence and the imposition of a curfew makes it difficult to envisage how relocating key security officials to the area will have any substantial effect. The relentless death and destruction is a sad indictment of the continuing failure by the government to fulfil its primary mandate of protecting citizens. Instead of targeting clergy, traditional rulers and civil society for speaking on behalf of victims, the Kaduna State Government should instead expend its energy and resources on tracing, disarming and prosecuting the perpetrators of these massacres, while also compensating and caring for survivors, providing humanitarian assistance to the displaced, and restoring occupied lands to their rightful owners.<sup>149</sup>

Also in February 2017 The Guardian (Nigeria) reported that "As part of efforts to avoid possible clash between herdsmen and the civil populace, the Bayelsa State Government has donated 1,200 hectares of land to cattle rearers in the state. The large piece of land according to government was for grazing, ranching and slaughtering of their cattle in the state. The state government had announced the restriction of the activities of herdsmen in some areas of the state, including the

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<sup>146</sup> Al Jazeera, [Nigeria: Deadly nomad-versus-farmer conflict escalates](#), 6 July 2016

<sup>147</sup> BBC News, [Nigeria's Muhammadu Buhari sends task force to Zamfara](#), 13 July 2016

<sup>148</sup> Institute for War & Peace Reporting, [Nigeria: Herders and Farmers Clash Over Land](#), 19 August 2016

<sup>149</sup> Christian Solidarity Worldwide, [At least 21 dead in Fulani raids in Kaduna State](#), 21 February 2017

state capital, Yenagoa. The state government said its decision was to prevent the invasion of farmlands and check any security breaches”.<sup>150</sup>

Reporting on “Herdsmen” violence that occurred during 2017, an NGO Coalition in their joint shadow report submitted to the UN Committee on the Elimination of Discrimination Against Women (CEDAW) in June 2017 found that “No arrests or prosecutions have taken place so far” and that in relation to a particularly serious attack by Fulani herdsmen against several communities in the southern State of Enugu, whilst “OHCHR welcomed the announcement by the Nigerian authorities of an investigation and dispatch of additional security forces to the area” they were “‘very concerned by reports that advance warning of a potential attack in the area had been received by the authorities, and was not effectively acted on.’ OHCHR also stated that they are ‘worried by the complete impunity enjoyed so far by perpetrators of previous attacks, including ones in Benue State in February, which reportedly led to the destruction of entire villages in 13 different Local Government Areas, killed more than 300 people and displaced over 20,000 others’”.<sup>151</sup>

In July 2017 a partner from the Humanitarian Aid Relief Trust (HART), Mai Adiko Peace and Reconciliation Project, reporting on the Fulani herdsmen criticised the federal government for not getting involved enough:

Adding to the religious and territorial tensions outlined above is the issue of Fulani Herdsman where attacks have not abated, despite the claim of the military that the insurgency and the attacks are under control. Many communities have been displaced by the herdsmen and the villagers are in perpetual exile. Yet the federal government, which controls both the army and the police, has not removed the armed herdsmen to allow the farmers return to their farm; many cannot return to their farms in southern Kaduna, in Kaduna state and in Riyom local council in Plateau State. The refusal of the Nigerian government to remove the cattle herdsmen, who are predominantly Muslims, from the villages and farmlands belonging to predominantly Christians has added to the religious hatred and claims that the Muslims have the backing of the government to grab lands belonging to Christians; to wipe out both the ethnic tribes and Christianity as a religion and spread Islam.<sup>152</sup>

ACAPS reported that as of July 2017 “tensions continue in Kaduna and Plateau state as the federal government has failed to act with regards to managing the conflict between the Fulani herdsmen and local communities. Many communities have been displaced by the herdsmen, severely impacting livelihoods across the states. The refusal of the Nigerian government to remove the Fulani herders, who are predominantly Muslim, from the villages and farmlands belonging to predominantly Christians has added to the religious tensions”.<sup>153</sup>

In September 2017 the International Crisis Group published a report on the violence conflict between herders and farmers and found that “The federally-controlled Nigeria Police Force (NPF) and the Nigerian Security and Civil Defence Corps (NSCDC) are thinly deployed in rural areas and often lack earlywarning mechanisms. Even when community and civil society groups get involved, both herders and farmers say the response to distress calls is often late. Herders say they sometimes have to seek revenge because security forces take no action against attackers who kill them and

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<sup>150</sup>The Guardian (Nigeria), [Bayelsa donates 1,200-hectare of land to Fulani herdsmen](#), 5 February 2017

<sup>151</sup> Arike Foundation; DNF - Dorothy Njemanze Foundation; FOMWAN - Federation of Muslim Women Association of Nigeria; Initiative for Sustainable Peace; WANEP - West Africa Network for Peacebuilding et al., [Women, Peace and Security in Nigeria](#), June 2017, *Ongoing concerns, Herdsmen crisis*, para. 83

<sup>152</sup>Canon Hassan John on behalf of Mai Adiko Peace and Reconciliation Project, Humanitarian Aid Relief Trust, [Ethnic and Religious Tensions in Nigeria from Canon Hassan John](#), 13 July 2017

<sup>153</sup>ACAPS, [Nigeria: Conflict Developments](#), Latest update: 8 August 2017, *Fulani Herders*

steal their cattle. Farmers say the agencies' failure to respond promptly to distress calls and punish aggressors emboldens the herders".<sup>154</sup> The same report further remarked that:

The more typical response has been to deploy the police, and sometimes the army, after clashes take place. In a few cases, police have arrested and prosecuted both herders and vigilantes bearing firearms. More often, the country's dysfunctional law enforcement and criminal justice system fails to arrest or prosecute any perpetrators. Moreover, authorities have generally treated these crimes as political rather than criminal acts, arguing that sanctioning suspects could spark further violence. Even if commissions of inquiry are established, they typically are used as instruments to temper tensions rather than pursue justice. These responses, however well meaning, create a climate of impunity.<sup>155</sup>

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<sup>154</sup>International Crisis Group, [Herders against Farmers: Nigeria's Expanding Deadly Conflict](#), 19 September 2017, IV. Deficient Responses, B. Security Agencies and Judicial System, pages 10 and 11

<sup>155</sup>International Crisis Group, [Herders against Farmers: Nigeria's Expanding Deadly Conflict](#), 19 September 2017, IV. Deficient Responses, B. Security Agencies and Judicial System, p. 11

## Annex A: Details of country experts consulted

To supplement the publicly available information included, country experts on Nigeria were contacted through email correspondence in October 2017 by Asylum Research Consultancy (ARC), asking to provide their expertise on the following questions:

1. In practice, are the Federal Character or citizenship laws implemented in means which are potentially discriminatory to 'settlers' (e.g. to all those who do not possess a certificate of indigeneity, or for those who are not perceived to be indigenous to an area)?
2. Do you have any information on the processes (lack of processes) in place to access indigene certificates in different regions?
3. Are there situations where Local Governments may provide preferential treatment to those who are indigenous to their local area?
4. Is there any information about /examples of situations where the lack of access to a certificate of indigeneity has impacted the ability of individuals to access to services and rights in certain areas? (for instance, access to education, ownership of land, access to employment in the public sphere)
5. Have there been incidents where local governments may try to encourage 'settlers' to return to their area of origin, as they perceive that this group are not the responsibility of their local area?
6. Is there any information about /examples of situations where the social perception of a particular group of 'settlers' has led to violence by the state and/or non-state actors in the local area?
7. Do you have any information on the ability for civilians (other than the herders) who may move from one area to another to access various services, such as education, employment?
8. In relation to questions 3-7, is there a difference in the treatment of 'settlers' in urban areas versus rural areas?

Due to the sensitive nature of some of these issues the experts have preferred to remain anonymous and are cited as follows:

- ❖ 6<sup>th</sup> October 2017: Skype interview with an academic specialising in Nigerian politics with a particular interest in communal violence
- ❖ 19<sup>th</sup> October 2017: Skype interview with a representative of an institute promoting conflict resolution
- ❖ 9<sup>th</sup> November 2017: Written response received from a Nigerian lawyer

ARC would like to acknowledge the assistance Dr Adam Higazi - Research Fellow, Department of Anthropology, University of Amsterdam, and Affiliated Lecturer, Department of Politics and International Studies, University of Cambridge - has provided in signposting ARC to relevant academic articles and experts.

## **Annex B: Summary notes of interview with an academic specialising in Nigerian politics with a particular interest in communal violence on 6<sup>th</sup> October 2017**

*In practice, are the Federal Character or citizenship laws implemented which are potentially discriminatory to 'settlers' (e.g. to all those who do not possess a certificate of indigeneity, or for those who are not perceived to be indigenous to an area)?*

The academic replied: "To answer in general terms 'yes'", but it depends on the region. She further explained that to "obtain indigene status is such a political issue", it really depends on the local government with "some being more restrictive and discriminatory than others". However, in general she stated that, in areas where indigenous status is a hotly contested issue, groups may offer differing historical claims, documentation, and accounts to back-up their case for indigeneity. For example for the Jos area (in particular the Jos North local government area) in Plateau State, it is a very "contentious and volatile issue" which has been going on for decades, putting Christian indigenous groups (Afizere, Berom, and Anaguta) add odds with Muslim Hausa-Fulani "settlers" and their claims to indigenous status and the associated rights. The conflict in Jos as such is rooted in political inequalities, which are intertwined with ethnic and religious issues.

The academic also noted that the general situation is made worse by the vagueness of the Constitution as to who exactly is entitled to such status.

Prompted about whether bribery might be used to receive indigene status, the academic replied that she had not come across it but did not exclude it as a possibility.

*Are there situations where Local Governments may provide preferential treatment to those who are indigenous to their local area?*

*Is there any information about /examples of situations where the lack of access to a certificate of indigeneity has impacted the ability of individuals to access to services and rights in certain areas? (for instance, access to education, ownership of land, access to employment in the public sphere)*

The academic replied that "yes definitely" and that "anyone will tell you that you will face greater hurdles" especially with regards to accessing education, political representation, employment, and other opportunities.

The academic mentioned that there is a distinction on two levels: "societal and political discrimination". She explained that, depending on the location and the politics of the issue, even if an individual has obtained 'indigene status' and the certificate, he/she can still face anger, resentment and discrimination on a daily basis by the so-called indigene population, and the non-indigenous may be distinguished by their name, dress, religion, or other ethnic markers. She further noted that indigenes would often question how "they [settlers] can claim rights here, but we can't claim them in their place of origin".

*Have there been incidents where local governments may try to encourage 'settlers' to return to their area of origin, as they perceive that this group are not the responsibility of their local area?*

The academic replied that she wasn't aware of any such formal initiatives or incentives by the local governments in Plateau State, but she did argue that communal violence and insecurity can have the effect of encouraging people to move (or displacing them) to an ethnic enclave nearby (e.g., outside or inside the city in which they've resided) or to another area of the country where their ethnic group is a majority.

*Is there any information about /examples of situations where the social perception of a particular group of 'settlers' has led to violence by the state and/or non-state actors in the local area?*

The academic replied that since 2001 there have been on-going "inter-group" episodes of violence in Jos and other areas of Plateau state, but that there have been "no major incidents in the past few years" on the scale of the 2010 violence in Jos.

## **Annex C: Summary notes of interview with a representative of an institute promoting conflict resolution on 19<sup>th</sup> October 2017**

*In practice, are the Federal Character or citizenship laws implemented which are potentially discriminatory to 'settlers' (e.g. to all those who do not possess a certificate of indigeneity, or for those who are not perceived to be indigenous to an area)?*

The representative replied that in many instances such occurrences are not intentional, but show a "weakness of the state" and a "low interpretation of the law" that "benefits them". She further noted that given there is no effective accountability in place these laws "might be misrepresented".

*Do you have any information on the processes (lack of processes) in place to access indigene certificates in different regions?*

The representative replied that speaking from first-hand experience as someone who has lived in Nigeria, which is "going through its own struggles with weaknesses at local governmental level and a Federal Government who is trying to protect their [indigenous] rights", she believes that it is not done intentionally, but rather blames "poor implementation, lack of accountability" as well as the Constitution which is "weak and often not interpreted effectively".

She further noted that there might be incidents where preferential treatment is given intentionally in some areas but not across the board.

*Are there situations where Local Governments may provide preferential treatment to those who are indigenous to their local area?*

The representative replied that "yes", especially if you have a system in place where the local government is supposed to be independent but actually is very dependent on the Federal government and "lacks capacity to take independent action on their own".

She reiterated that there might be instances where the local government might provide preferential treatment due weak state structures and lack of accountability.

She also stated that parts of the Middle Belt are where the biggest concerns regarding indigene-settler rights arise. She explained that since 1980s "weak local governors have created a lot of damage" which resulted in "inefficient and ineffective state structures", where the indigene-settler issues have been used to instigate political violence and win votes. She further noted that the federal government has "a lot of work to do to rectify" the situation.

In comparison she mentioned that in Lagos State where "you have a functioning and strong local government, accountability is working", suggesting that the indigene-settler issue is less of a problem.

*Is there any information about /examples of situations where the lack of access to a certificate of indigeneity has impacted the ability of individuals to access to services and rights in certain areas? (for instance, access to education, ownership of land, access to employment in the public sphere)*

The representative responded that “birth certificates have been altered to enter certain schools” and that a quota system operates at certain universities and for certain scholarships that are specifically allocated for indigenes.

Prompting whether bribery can be used she explained that corruption exists and that by offering money certificates of indigeneity can be bought.

She further noted that in regions where individuals have experienced higher levels of violence they also “find ways to protect themselves” by joining others who had previously left after their villages have been burnt down.

*Have there been incidents where local governments may try to encourage ‘settlers’ to return to their area of origin, as they perceive that this group are not the responsibility of their local area?*

The representative responded that she wasn't aware of any specific programmes, but that settlers were more prone to face harassment especially in an environment where the violence has been exacerbated and local media acts irresponsibly by targeting a particular ethnic group or individual.

She further explained that she doesn't think that local governments have encouraged settlers as such but that the local environment makes them feel “no longer comfortable to remain”.

*Is there any information about /examples of situations where the social perception of a particular group of ‘settlers’ has led to violence by the state and/or non-state actors in the local area?*

The representative confirmed that the Middle Belt States have seen the highest incidents of violence as “no effective local government system in place and the brake down of traditional systems led to a weak government”.

She further noted that when conflict breaks out in remote areas people move to the capital of that State where more “like-minded people live, which in turn creates new challenges for the State government”. According to the representative there are therefore differences as to the level of harassment/violence an individual encounters in cities as for example the Muslims might live in the northern part, whilst the Christians in the southern part”.

*Do you have any information on the ability for civilians (other than the herders) who may move from one area to another to access various services, such as education, employment?*

The representative responded by saying that “Nigeria is not a country where you generalise” as you have to “study each case by case. Some people manage to move and are able to set up successful businesses throughout the country and across States” as they learn and understand how to navigate the system “to make it work for them”. But there are others who would find it difficult to access services, e.g. where the individual's educational level or exposure might be an issue such as in Kaduna State where the south are generally higher educated than the north.

*In relation to questions 3-7, is there a difference in the treatment of ‘settlers’ in urban areas versus rural areas?*

The representative responded that the nature of the conflict in rural settings is different to that experienced in urban. In urban settings, the “level of mistrust, the level of awareness of where to go and where to avoid is higher” and there is an “increased security presence” as well as the “notion that they are there to keep the government and government infrastructure safe”.

## **Annex D: Written comments received by a Nigerian lawyer on 9<sup>th</sup> November 2017**

*In practice, are the Federal Character or citizenship laws implemented in means which are potentially discriminatory to 'settlers' (e.g. to all those who do not possess a certificate of indigeneity, or for those who are not perceived to be indigenous to an area)?*

Answer: The “federal character” principle, which has been enshrined in Nigeria's Constitution since 1979, seeks to ensure that appointments to public service institutions fairly reflect the linguistic, ethnic, religious, and geographic diversity of the country. The law has no yardstick of compliance as such it has been subjected to abuse. While it is sometimes discriminatory to settlers, the major forms of abuse manifest themselves in forms of religion and ethnicity.

*Do you have any information on the processes (lack of processes) in place to access indigene certificates in different regions?*

Answer: The procedure varies from one local government to the other. Typically, a person seeking indigene certificate tenders an application and undergoes an interview where claims made by the applicant are verified. There are less than ideal situations where non-indigenes of a certain area pay their way through or are handed undeserving indigeneship certificates by cronies.

*Are there situations where Local Governments may provide preferential treatment to those who are indigenous to their local area?*

Answer: Indigenes of a local government have the right of first refusal on available jobs or political solutions. In Nigeria as in most of Africa, land and humans are synonymous so if you are a son or daughter of the soil then your rights take priority over those who are settlers.

*Is there any information about /examples of situations where the lack of access to a certificate of indigeneity has impacted the ability of individuals to access to services and rights in certain areas? (for instance, access to education, ownership of land, access to employment in the public sphere)*

Answer: It is rarely the case on the examples cited above except in the case of access to employment in the public sphere and most especially at the state level. At the Federal level, the ideal is for equal distribution of available services and rights. Again, the standard is not always observed in compliance.

*Have there been incidents where local governments may try to encourage 'settlers' to return to their area of origin, as they perceive that this group are not the responsibility of their local area?*

Answer: Yes. This is truer in the South and East of Nigeria. In Northern Nigeria, the most polarizing factor is religion.

*Is there any information about /examples of situations where the social perception of a particular group of 'settlers' has led to violence by the state and/or non-state actors in the local area?*

Answer: Yes. In recent times, the murderous activities of herdsmen who are mostly from the North has led to agitations by victim communities who want those Northerners to return to their local origins so the victims may feel safe from the attacks.

*Do you have any information on the ability for civilians (other than the herders) who may move from one area to another to access various services, such as education?*

Answer: Yes. Nigerians across divides move from their local origins to other parts of the country either to work, school or to participate in the National Youth Service Corps. But while most Muslims bury their dead at the place where they die, Nigerians of the middle belt region, Easterners and those from the South will travel with cadavers to their local origins to bury them. It underscores the attachment to local origins.

*In relation to questions 3-7, is there a difference in the treatment of 'settlers' in urban areas versus rural areas?*

Answers: Yes. Settlers in the rural areas rarely buy land because most lands in the rural areas belong to the communities and not to individuals. So settlers who come to the rural areas are often given possessory rights and not ownership of land. They may work but are not allowed to build permanent structures on such lands. When they intend to vacate the land, the ownership of the land reverts back to the community.