# THE 1999 CONSTITUTION AND THE ISSUES OF INDIGENESHIP AND CITIZENSHIP IN NIGERIA

**Ibenekwu, Ikpechukwuka E.**
ikpe.ibenekwu@unn.edu.ng
**Institute of African Studies,**
**University of Nigeria, Nsukka.**

## Abstract

Nigeria after over 50 years of nationhood is still bedevilled with issues bordering on citizenship and indigene ship. The seriousness of this matter is highlighted by reactions from sections of the people that trail the composition of each set of federal executives. Often we have complaints from people that some persons nominated for federal appointments are not indigenes of the states their names appeared against. Some crises like the lingering Jos crisis are also traceable to indigene-settler issues. The paper adopts a content analysis of the 1999 constitutional provisions and its practice to examine the phenomena of citizenship, indigene ship and federal character. It is evident that the constitutional stress on indigene ship and federal character are the drivers of the agitations and some of the crisis in the land. It is hence suggested that the 1999 Nigerian constitution be amended to recognize citizenship and residency as basis for political appointments.

**Key words;** Citizen, Settler, Indigene, Constitution and Federal Character

## Introduction

Just like in many other societies the world over, the indigenes-settlers' question has been a recurrent issue. This can be attested to by the distinction between autochthonous people and migrant groups in ancient kingdoms and primordial communities. During that period, hybrid people and culture emerged from the fusion of autochthonous and migrant groups. The reverse, however, seems to be the case in recent times following the manipulation of the indigene-citizen issue either for individual or group gains.

Be that as it may, defining who an indigene of a particular area is could be a herculean task especially with regards to the mass movement of people over time and across cultures and space (Adesoji and Alao, 2009:151). Some people thus come to identify themselves as the indigenes of a given area based on their association with people of different areas which is a by-product of their settlement and seeming dominance of their cultures or even as a consequence of their ability to conquer and possess a supposed virgin area. An instance can be cited with the Jukun's attitude and disposition to the Tiv in Wukari divisions of the present-day Taraba State. The Jukun saw them as the indigenes of the region having been firmly established there by the 17$^{th}$ century. Their contention therefore is that while other groups in the region like the Tiv as well as the Hausa-Fulani have other places to go to, the Jukun have only Wukari as home (Ajibola, 2010:55).

It should be noted that the notion or the perception that the indigeneship of a particular society, group or region confers certain rights, which others should not enjoy by virtue of being settlers or migrants or strangers. Such rights included but are not limited to unhindered access to education and employment opportunities, land, political participations or even right to produce the chief or head of a community (Ishaya, 2006:4). This notion perhaps informed the Jukun's attitude and disposition to the Tiv in Wukari divisions of the present-day Taraba State. The Jukun saw them as the indigenes of the region having been firmly established there by the 17th century. Their contention therefore is that while other groups in the region like the Tiv as well as the Hausa-Fulani have other places to go to, the Jukun have only Wukari as home.

On the other hand, settlers' groups in different parts of the country have consistently maintained the stance that having settled in a place for a long period, it is not proper to refer to them as settlers, but rather as indigenes (Anang, 2007:22). Their contention is that while their kiths and kins could be located elsewhere, they could not really trace their root appropriately neither could they fit properly into the old society they or their forbears left several years ago. To worsen

matters, there have been raised in the new locations, some generations of people from their lineage who have come to see where they were born and raised as their homes. For instance, the prolong crises between the Tiv and other ethnic groups particularly the Azara in present-day Nassarawa State could be explained from this perspective. Whereas other groups in the region considered the Tiv as non- indigenes, the Tiv who constitute a strong numerical force in the areas considered themselves indigenes of the areas particularly on account of their long residence (Ali & Egwu, 2003:113-115).

The relationship between the Hausa-Fulani settlers on one hand and the indigenous population of present Plateau State better illustrate the position that the practice in Nigeria depicts a situation whereby a settler remains a settler irrespective of the number of years one has stayed a place. As far as the Berom, Amo, Buji, Anaguta, Jere, Jarawa and Afizere are concerned, they are the indisputable indigenes of the state (Jos and its surrounding villages) whereas the Hausa-Fulani are settlers or strangers who migrated into the region for various reasons ranging from commerce and employment to desire for fortune (Adesoji and Alao, 2009:159). In particular, tin mining was seen as a major factor for the influx of the settlers albeit with the active encouragement of the colonial government. Oyewose (2006:65) contends that even after mining was no longer lucrative, the Hausa/Fulani embarked on dry season farming which blossomed so lucratively that it attracted more of them to the region. However for the Hausa-Fulani, the contention is that they had produced the rulership in Jos since 1902 up to 1947 and are therefore not strangers or settlers. Specifically, thus the Hausa-Fulani desire to have an emir appointed in Jos and to have the *Gbong Gwon* institution abolished. Besides, they aspired to political leadership position and succeeded a few time (Jibo et al, 2001). But not surprisingly, crises arising from a clash of interests occurred in the state at different time between 1994 and 2010.

These indigene-citizen clashes that have been simmering for long has persisted leading to questions over the rights and privileges of the ordinary Nigerian. Lately, the government has taken to appointing cabinet members under the portfolio of states that they are argued not to come from. The question of representation by ‘non-indigenes’ does not seem to have gone down well with the affected states. This paper therefore, aims to interrogate the distinction between indigenes and citizens as well as the rights and privileges attached to it in the context of federal appointments.

## Statement of Problem

At the root of the indigene-settler-citizen debate is the issue of rights and/or privileges. It is interesting to note that successive Nigerian Constitutions since political independence had emphasized the issues of citizenship and fundamental human rights. Chapter III of the 1999 Constitution especially identifies who a citizen is and how one can become a citizen. Specifically Sections 25 to 27 identify how citizenship can be attained in Nigerian. These include by birth, registration and naturalization (Federal Republic of Nigeria, 1999). Similarly, Chapter IV of the Constitution dwells extensively on the Fundamental Rights of Nigerians irrespective of their ethnicity, location or place of birth (Federal Republic of Nigeria, 1999). Suffice it to say that these provisions were meant to act as safeguard against or to provide redress for violations of one's citizenship rights. It would seem however that these provisions did not envisage or perhaps display a total ignorance of situations whereby the enjoyment of citizenship rights according to Adesoji & Alao, (2009) will be handicapped or prevented by extraneous considerations such as indigeneity or ethnicity. Even in situations whereby there are clear provisions on the fundamental rights that Nigerians can enjoy, the situation does not vary in any way. For instance Section 42 of Chapter IV of the Constitution provides for the right to freedom from discriminations. Specifically it states that, a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not:

- be subjected to disabilities or restriction to which citizen of Nigeria of other communities, ethnic groups, places of origin, sex, religions, political opinions are not made subject or
- be accorded any privilege or advantage that is not accorded to citizen of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions (Federal Republic of Nigeria, 1999).

It has been argued by Bamidele & Ikubaje (2004:65) that:

> The problem of citizenship in Nigeria today largely stem from the discriminations and exclusion meted out to people on the basis of ethnic, regional, religious and gender identities. This is because those who see themselves are "natives" or "indigenes" exclude those considered as "strangers" from the enjoyment of certain rights and benefit that they ought to enjoy as Nigerians

> upon the fulfilment of certain civic duties, such as the payment of tax.

It is believed in some quarters that the 1979 Constitution from which the 1999 Constitution was replicated, laid the foundation for the indigene ship problems. This is because it expressly provides that in order to enjoy access to positions and opportunities on the basis of "federal character" one needs to be an "indigene" of the state or local government concerned. Being an indigene involves showing evidence of belonging, through one's parents or grandparents to a community indigenous to a State or Local Government, which in effect suggests the membership of a local ethnic and linguistic community Jibo et al,( 2001). Thus, the inability to prove such membership of a group of people will result in one being seen as a "stranger" who cannot enjoy all the rights and privileges of indigenes and/or natives (Federal Republic of Nigeria, 1979; Bamidele & Ikubaje, 2004:76).

Similarly Section 147 of the 1999 Constitution states that *the president shall appoint at least one Minister from each state, who shall be an indigene of such state*. Therefore, it should be quickly pointed that the motive behind the incorporation of these provisions into the Constitution ostensibly is to strengthen the Federal Character principle.

Specifically Chapter 2 Section 14(3) of the 1999 Constitution of the Federal Republic of Nigeria explains the rationale behind the provision, thus:

> 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's 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 in any of its agencies.

The Federal Character Principle was meant to promote unity in diversity while encouraging accommodation at the federal level particularly in terms of appointments. However, recent developments indicate that some personalities are appointed to represent states where they neither hail from nor are residing in. This situation has led to situations whereby some states have more representations in the federal cabinet while others do not. It is on this grounds that questions arise

as to who an indigene is, who a citizen is and on what basis are federal appointments made in the present dispensation. It is on the basis of the foregoing that the following research questions are raised: Is it constitutional for one born or domiciled in a state other than his parents' state of origin to represent the state s/he is domiciled in? Is the practice of women representing their states of origin rather than their state of marriage in tandem with the Federal Character Principle? Does Nigeria not require a review of the citizenship and indigene ship provisions as is presently contained in the 1999 constitution?

## Theoretical Framework

The paper would rely on Aristotle and Rousseau's Republican citizenship theory also known as civic self-rule. The theory includes equalizing practices such as the rotation of offices, open discussion between office-holders and citizens and the ability of all citizens to actively participate in government and in their own rule.

The paper it is hoped would not only throw more light on these issues but would also try to proffer solutions to the issues with a view to contributing to knowledge and national development

**Constitutional ambiguities, Indigene-ship and Citizenship**

The language in which the constitution is written betrays the patriarchal tradition of our society. In a sense, it is necessary to divest the constitution of its masculinity and make it gender sensitive by recognizing that not only men live in Nigeria (Uja, 2006). The pronoun "he" appears in the 1999 Constitution 235 times and the word woman was used only two times (Sections 26 (2) (a) and 29 (4) (b)).

Section 26 of the 1999 Constitution defines who a Nigerian citizen is and how same may be acquired by naturalization and by registration. The Constitution makes no provision for the process by which non-Nigerian men married to Nigerian women and who are so desirous, may become Nigerian citizens. The silence here, in the opinion of Ogili (2009:1), has continued to wreck untold hardship on the stability of many marriages.

Furthermore, Section 29(4) (b) of the 1999 Constitution provides for the renunciation of citizenship and thus allows an under aged woman to revoke her citizenship even when she has not attained the age of majority or the constitutional voting age. There is a continued ambiguity about the "origin" of a woman who marries a man from all other ethnic or geographical area to hers (Nnamdi, 2010). The reality of most women in this category is that they lack any definitive claim to the area they left or that to which they married into. In some instances women have been denied

their rights to appointive or political positions due to the fact that they can no longer claim their original place of origin or that or their husbands (Eke, 2011). These facts indicate that the Nigerian 1999 constitution is skewed against women.

Section 14(3) entrenched the Federal Character Principle while being silent on the principle of equality and non discrimination that should have been the basis for composition of the government of the Federation or any of its agencies and the conduct of its affairs. The Commission (which is by no means independent and gender balanced even in its composition) aims to ensure ethnic balance in power and in the access to national resources (Ayo, 2010). This state of affair is contradictory to a constitution that postulates equity and social justice.

Even though women constitute about half of the projected national population of Nigeria, this numerical strength has never found a corresponding expression or representation in Nigeria's public life (Tucker, 2006). The problem extends beyond the usual position that "there are no suitable women to fill vacancies or even token appointments to "gender balance" a string of appointments. The fundamental issue remains that there are institutional reasons obstructing the possibility of full public advancement of women. As noted earlier, Nigeria is a male dominated society and women are subordinate, whether they are rich or poor, based in the urban or rural area, educated or un-educated. Women are faced with discrimination and oppression from males. Domestic violence has been reported by Verma (2005) as a matter of significant concern to the society at large.

Quite a countable number of women have been elected to the Federal and State legislatures or have become business executives. An account of women's involvement in the various legislatures is contained in an article by Effah (2006). Women in Nigeria have been politically active at the grassroots level for many years. Historically, the most famous example is the Aba women's riot of 1929 (Oyewole, 2003). Faced with the possibility of a tax on their produce, the women organized a violent demonstration across the ancient city of Aba. The extent of the spread of communication in those days was remarkable considering there were no telephones or letters, only dangerous rivers and bush tracks. The women, armed with household utensils, such as kitchen knives, confronted the authorities. Chiefs and Europeans were attacked indiscriminately. The riot was not quelled till fifty women were shot in a show of force by police (Ehusani, 2005). This riot was entirely organized by women (Coleman, 1971). There have been a number of recent examples of women involved in grassroots political action. Community women's organizations have

organized protests in the oil producing region of the Niger Delta (Ikelegbe, 2005). The Ijaw and Itsekiri women took on the oil companies. The Itsekiri women occupied four Chevron Texaco pipeline flow stations (Wamala, 2002). In another instance of demonstrations in July 2002, large numbers of Ijaw and Itseki women, protested the exclusion of their sons from employment in the oil companies. In Cross River State women resisted the alienation of forest by logging, which was threatening their forest dependent livelihood (Johnson, 2003).

Whatever the case, there is need for a constitutional entrenchment of the rights and privileges of women especially as it has to do with the issue of political appointments based on state of origin.

**The Federal Character Commission (FCC) and the Promotion of the Indigene ship Question**

It will be necessary to first of all look at the policy of federal character as contained in the Third Schedule (Part 1) of the 1999 Constitution of Nigeria. This is a Federal Government policy that seeks proportional representation of all states, ethnic or interest groups in Nigeria in appointments to offices, promotions, and employment in government (Rinyom, 2009). Section 8 (1a, b, c) provides that in giving effect to the provisions of section 14(3) and (4) of this Constitution, the Commission shall have the power to:

a) Work out an equitable formula subject to the approval of the National Assembly for the distribution of all cadres of posts in the public service of the Federation and of the States, the armed forces of the Federation, the Nigeria Police Force and other government security agencies, government owned companies and parastatals of the states;

b) Promote, monitor and enforce compliance with the principles of proportional sharing of all bureaucratic, economic, media and political posts at all levels of government;

c) Take such legal measures, including the prosecution of the head or staff of any Ministry or government body or agency which fails to comply with any federal character principle or formula prescribed or adopted by the Commission;

There is no denying the fact that the FCC's sharing formula has as its cardinal concept, indigene ship, as its pivotal principle (Rinyom, 2009; Tucker, 2006; Aniekwu, 1999). In Obasanjo's cabinet, all states of the federation were requested to nominate indigenes qualified to be appointed as ministers and ambassadors. This measure was meant to be a panacea to the most abused word in the Nigerian political vocabulary – marginalization. The argument has been that each people, as

defined by state boundaries, are entitled to benefit from the national cake and should therefore be adequately represented (Wamala, 2002, Ehusani, 2005). The expectation, therefore, was that "a son of the soil" shall be mandated by the people of a given state to be their representative. The people also should possess the capacity to accept or reject anyone for any given number of reasons ranging from a mistrust of his capability to represent them on the basis of political affiliation, social and cultural background or even economic circumstances (Effa, 2006). Invariably, except for a few isolated cases where the consent of the people are not sought as in situations of promotions in the civil service, nominees to such federal appointments have been "indigenes" (as we know the term to mean in Nigeria) of their states. Ehusani (2005:13) sums this scenario up when he asserted that:

> Consequently, no Igbo man has so far been nominated to represent Lagos State for a ministerial appointment even though some Igbo families have been in Lagos for over a hundred years. And no Yoruba man has been nominated to represent Kano for an ambassadorial appointment even though some Yoruba families have been in Kano for decades on end, and in the same vein, no Hausa man has been nominated to head the Niger Delta Development Commission even though some Hausa families have been in the delta region for nearly a hundred years. These are things supposedly reserved for indigenes for which questions as to those qualified to be nominated are answered without being voiced or questioned.

In order to ensure that the candidates for appointments, nominations for political offices, employments and even admissions into federal institutions are bona fide indigenes of the states they profess to come from, all states have "Indigene Forms" (not Citizen Forms) as proof of indigeneship of the state. These forms are administered at the local government levels for which the names and tribes of one's parents are to be filled in, and one's village/ward head is to append his signature affirming that one is a bona fide indigene of the locality one professes to come from (Ewan, 2010). These are documents which are not only accepted at the Federal Government level, but **demanded** as pre-requisites for employments, appointments, promotions and admissions, all in the bid to create, maintain and sustain a "Federal Character" (Ehusani, 2005). The constitution provides for a Federal Character Commission which thrives on the principle of indigeneship. In as much as the federal character principle tends to promote equitable representation, it indirectly lays credence to an unvoiced policy of exclusion of non-indigenes of a particular area in the political affairs of such a place on grounds of non-indigeneship.

**Recent Trends in the Indigene-Citizen Debate**

As pointed out earlier, states were mandated to nominate qualified 'indigenes' to hold a political appointment for the state. This trend was adhered to during the tenure of Obasanjo and there was hardly any case of representation by a supposedly non-indigene. This trend began to change in the tenure of Goodluck Jonathan. For instance, Olusegun Aganga is an indigene of Delta State but is representing Lagos State in the Federal Cabinet; Josephine Anenih hails from Anambra State, married to Edo State and is representing Anambra State in the Federal Cabinet; Deziani Allison-Madueke is a Bayelsa State indigene by birth, married to an Enugu State indigene and represents Bayelsa in the Federal Cabinet; N. Oduah Orgionyonwe is not an Anambra State indigene but is representing the State in the Federal Cabinet; and, Justice Mary Odili is from Imo State by birth, married to Rivers State but representing Anambra State in the Judicial Council.

These representations are raising dust among indigenes of states like Anambra and Lagos who felt that representation by non-indigenes is a form of marginalization by the Federal Government. The case of Lagos State is a good example. Adefaka (2011) reports that the President's choice of Dr. Olusegun Aganga for the slot of Lagos State in his emerging cabinet has been met with stringent opposition by stakeholders in the Centre of Excellence as they say the former Finance Minister, as a non-indigene of Lagos State, cannot be 'sincerely' accepted as representing Lagos in the Federal Executive Council (FEC).

Prominent among the agitators is Major-General Tajudeen Olanrewaju, a former Commander Corps of Artillery, former General Officer Commanding, 3rd Armoured Division of the Nigerian Army, one time Deputy Defence Adviser in Moscow, former Minister of Communications of the Federal Republic of Nigeria and, above all, a prince from Lagos State.

General Olanrewaju is angry that, in spite of the many relentless efforts by Lagos people including himself to give President Jonathan the bulk victory he got from the former Federal Capital Territory in the last presidential election, he could decide to play dangerous politics with the destiny of Lagos State people when it came to who should be their eye in the Federal cabinet under his chairmanship.

Recently President Jonathan submitted names of ministerial nominees to the Senate for screening; at least one from each state of the federation with Olusegun Aganga, a non-Lagosian, but bred in Lagos nominated to represent Lagos State. But Lagosians, according to General Olanrewaju, will not take it easy with the President should they be "pushed to the Atlantic"

as he said they were consistently being deprived of the rights to having a say in the running of the nation "we all call our own".

In a move believed to be corroborating the General Olanrewaju position, the three Action Congress of Nigeria (ACN) Senators in the Senate opposed Aganga's confirmation during the screen and the opposition by the CAN's senior legislators were reportedly approved by the Senate. In spite of everything, the former Finance Minister eventually scaled through and was cleared as minister-designate. General Olanrewaju therefore kicked and he is not alone in the clamour that Jonathan should do things properly in this regard and revisit the issue of ministerial slot of Lagos State at the FEC.

A retired judge, Justice Ishola Oluwa, faulted the nomination, in the first instance, of the former Minister of Finance, Olusegun Aganga as the Lagos state representative. His reason is that Aganga hails from Edo and not Lagos State. What is the point here is that, as it stands now, Lagos State has no representatives in the Federal Executive Council. This is because Aganga, our nominee, is from Sabongida Ora in Edo State, so he cannot represent Lagos State, the 93-year-old Justice Oluwa submitted.

Clarifying his position, General Olanrewaju said his grouse was not against the person of OlusegunAganga but against the process leading to his nomination adding that history will never forgive them if Lagos State stakeholders fail to rise against the injustice.

"I have nothing against President Jonathan nor Aganga, but the President has to do the right thing. He is doing the right thing for his own people as President. I am not President but I have been minister in this country and I think when people like us don't stand up to this challenge, posterity will never forgive us. I am appealing to the President to do something quickly and urgently about it. "Even the President of the Senate, David Mark, should have seen the unconstitutionality in it and shouldn't have allowed Aganga's clearance. General Olanrewaju, a radical politician, quoted Abraham Lincoln, former American President as saying, "In a nation state, the smallest population must be given the pride of place and must also be given some sense of belonging". He noted because the popular Lincoln's position earned him the nickname of an 'Emancipator' and urged President Jonathan to borrow a leave from such a noble stand by making himself an Emancipator for Lagos people in this matter. "Because we Lagosians are facing the minority problem the Niger Delta people once faced. But now they are in the mainstream and that is what we want". The General said: "The trouble in the Aganga being taken for Lagos slot in the cabinet is that, he

is not a Lagos indigene. It is as simple as that! Can the Federal Government do it to Kano people? Can they do it to Akwa Ibom or Bayelsa people? Oh, doing it to Lagos people is unfair! It's unfair! Enough is just enough! It's as simple as that! "We knew what happened to the minority people of Bayelsa; they fought for their own independence and they are now enjoying it. Yes we know we don't form the majority of the population but we have decided to be part of this nation. I am not just a mouthed Lagosian be clear that I am an Awori and a prince from Lagos State and I have the rights to complain'', he concluded.

In the same vein, Ohabuenyi (2011) lamented the 'plight' of Anambra State with regards to federal appointments. According to him, "it is not enough for the federal government to consistently use females to fill Amambra slot at the federal level. They have now resorted to using non-indigenes to fill the State's slots. What link does Justice Mary Odili have with Anambra State? What link does Orgionyonwe have with Anambra State? These are ploys by the federal government to deny the state federal appointments. They believe we are not aware of this ploy but they should know that if this trend continues, it will precipitate into violence of unequal proportion some day'. This outburst by Ohabuenyi is just one out of several others. Indeed, the previous practice of having indigenes represent their respective states appear to have taken root in the Nigerian polity. The latest case is Chief Justice of Nigeria, Aloma Mukhtar's refusal to swear in Ifeoma Jumbo-Ofo as a judge of the Appeal Court representing Abia state, which is her state of marriage where as she was born in Anambra state.

## The Way Forward

The utility of the constitution of any country (especially in a democracy) lies in its ability to address most, if not all the contentious issues in such a polity. The Nigerian 1999 Constitution is not an exception. Most people have blamed the various discrepancies inherent in the constitution on the fact that the constitution was doctored by the military and passed down to a civilian regime. However, this does not mean that Nigerians are under any obligation to continue living by a constitution that appears to be skewed.

On the issue of indigeneship and citizenship, the Nigerian Constitution is quite clear on citizenship. However, people tend to confuse citizenship with indigeneship. If any of a person's grand-parents or parents is a Nigerian, that person is automatically a Nigerian. Asuquo (2010:5) seems to trace the domestication of certain towns to the colonial masters. According to him:

> The indegeneship question is causing all the bloodshed in Jos and other places where there have been mass migrations over the years. Kaduna was an open field on the Banks of the River Kaduna. It was Lord Lugard who established it and made it his capital of Northern Nigeria. Kano on the other hand has been there for over 2000 years. Umuahia, the town where the Ahia bird sings was also like Kaduna created by the British colonial masters. Ibadan was a field and warriors from all over Yorubaland founded it. Ile-Ife used to have a policy before the Ife-Modakeke war that any Yoruba from anywhere in the world is welcome back home.

Since the 1999 constitution that is presently in force is silent on who an indigene is, it is suggested that any review of the constitution should take measures to address the question of who is and what makes an indigene. This paper starts by specifying that any Nigerian resident in a particular part of the country for a specified number of years can lay claim to the political and social rights accruable to people in that community. Residency is thus recommended as a replacement for indigene ship in the Nigerian constitution. This is necessary because during such period of residence, the person must have forged friendship circles, inter-married with people from the place, adopted the people's ways of life as well as contributed to the economic development of the place through the payment of tax and other pecuniary levies. In fact, there is every tendency that children born to such a person will speak the language of that particular place, go to school and develop a sense of belonging to that place.

Take the United States for instance, every State in the USA has its specific requirement for residency and once you are a resident of a State, you can run for any office in the State. You must have verifiable proof that you were born in the USA to run for the presidency. It is that straight forward in the USA. Yes. An Austrian-born man was the governor of the State of California up till only a few months ago, while an American-born Indian man is the current governor of the State of Louisiana. He is qualified by birth to run for the presidency of the USA (Uduak, 2009). Nigeria is not that structured (yet). Maybe in no distant time from now Nigerians will be emphasizing citizenship more than tribal identity or indegeneship.

Similarly, the constitution should take steps to settle the issue of which state a woman can be qualified to represent – is it her state of birth or her state of marriage or both. Women should represent states where they are married to except in cases whereby they are separated from their husbands, returned to their parents and have adopted their maiden names. This will go a long way

towards addressing the cries of marginalization often accompanying the appointment of women to political positions.

## Conclusion

This paper examined the Nigerian 1999 constitution and the issues of indigeneship and citizenship. It was revealed that the constitution is quite silent on the issue of indigeneship even though unfolding events indicate that the practice of denial of political rights of non-indigenes are rampant and is almost becoming a norm. One can hardly come across any bio-data document in Nigeria without a column for 'state of origin', 'local government of origin' etc. Most states have been known to deny non-indigenes scholarships and other pecuniary benefits on account of their state of origin.

The paper also highlighted the fact that the appointment of non-indigenes, especially women to represent a particular state in the federal cabinet has heightened the cries of marginalization in many quarters. These complaints take root from the usual practices whereby states were asked to nominate 'qualified indigenes to represent them at the federal level'.

The paper holds that rather than the use of indegeneship, that Nigerian citizenship and residency for a minimum given period as the requirement for rights and privileges that can be enjoyed by any Nigerian in any part of Nigeria.

**REFERENCES**


Adefaka , B, (2011), 'Why non-Lagosian can't represent Lagos – Gen.Olanrewaju'. PM News, Sunday, July 10, 2011.

Adesoji, A.O. and Alao, A. (2009), 'Indigeneship and Citizenship in Nigeria: Myth and Reality'. *The Journal of Pan African Studies*, Vol.2, No.9.

Ajibola, K. (2010 ) 'Ethnicity and Conflict Management: A Case Study of OPC Movement in Nigeria in Ethno-Net Africa Publications. Retrieved on 22/07/2011 from http://www.unesco.org/most/crossroadsonu.htm.

Aniekwu, B.N. (1999), 'Legislative Policies Relating to Abortion and Reproductive Rights of Women in Nigeria- A Case for Reform'. *Research Seminar-1999*, Benin City, Nigeria, Women's health and Action Research Centre.

Asuquo, A. (2010), 'Nigeria: Matters Arising'. Retrieved on 13/06/2010 from http://www.dawodu.com/comments.

Ayo, R. (2010), 'Women under the Nigerian Constitution'. Retrieved on 13/06/2010 from http://www.gamji.com.

Coleman, J. S. (1971), *Nigeria: Background to Nationalism*. Berkeley: University of California Press.

Effah, A.S.A. (2006), "Women in the Development of Nigeria Since Pre-colonial Times'. Retrieved on 22/07/2011 from http://www.onlinenigeria.com/links/LinksReadPrint.asp?blurb=150.

Ehusani, G. 'Citizenship And The Indigene/Settler Syndrome'. *culled from GUARDIAN, July 4, 2005*

Eke, D. (2011), 'Between Indigenes and Citizens in Nigeria: A Critical Appraisal'. *Unpublished M.Sc Thesis submitted to the Department of Political Science, University of Ilorin.*

Federal Republic of Nigeria, 1999.*The 1999 Constitution of the Federal Republic of Nigeria*. Lagos: Federal Government Press, 1999.

"First Female legislator takes office in Ebonyi State, Nigeria". Retrieved on 10/06/2011 from *http://www.ifes.org/reg-activities/africa*.

Ikelegbe A. (2005), 'Engendering Civil Society: oil, women groups and resource conflicts in the Niger Delta region in Nigeria'. *The Journal of Modern Africa Studies*, Cambridge, June 2005, Vol.43.

Ishaya, J. (2006), 'Indigene – Citizen Controversy: Federalism in Jeopardy'. Retrieved on 22/07/2011 from http://www.naija_now.com.

Johnson, C. O. (2003), "Nigeria: Illegal logging & forest women's resistance", *Review of African Political Economy*. March 2003, Vol.30.

Nnamdi, O. (2010), 'Our Constitution is due for a Review'. Retrieved on 13/06/2010 from http://www.234next.com.

Ogili, J. (2009), 'Contentious Issues in Nigeria's Federalism. *Unpublished M.Sc Thesis submitted to the Department of Political Science, University of Benin*.

Ohabuenyi, J. O. (2011), 'Representation in the Federal Cabinet: Whither Anambra State?' Retrieved on 13/06/2010 from http://www.gamji.com.

Oyewole, K. (2003), 'The Case Against Federal Character Principle'. *Unilag Journal of Public Affairs*, Vol. 2(21).

Pereira, C. (), 'Understanding Women's Experiences of Citizenship in Nigeria: From AdvocacytoResearch'.Retrievedon22/07/2011from http://www.genderdevelopment.org/gender.html

Rinyom, J.D. (2009), 'Indigeneship, Citizenship and the Lost Nigerianship: An Unpopular Essay (Part 1)'. http://www.gamji.com/article3000/NEWS3785.htm

Tucker, W. (2006), 'Contemporary Issues in Nigeria: The Status of Women'. Retrieved on 22/07/2011 from http://www.socsci.flinders.edu.au/global/africa/billtucker/index.htm

Uduak, A. (2009), 'The Plight of the Nigerian Woman'. *Journal of Gender Equality*, Vol.1(1).

Uja, S.K. (2006), 'Why Constitutional Measures should be adopted in Solving the Citizen-Indigene Question'. Retrieved on 13/06/2010 from http://www.dawodu.com.

Verma, P. (2005), 'Nigeria: half of women experience domestic violence'. *Off Our Backs* Retrievedon20/07/2011from http://newfirstsearch.oclc.org.ezproxy.flinders.edu.au/WebZ/FFETCH?fetchtype=full.

Wamala, I. (2006), 'Nigeria Protests: Nigerian Women Take On the Oil Companies'. *Women & Environment International Magazine*, Toronto: Fall 2002