



THE NATIONAL CONFERENCE 2014

REPORT OF THE COMMITTEE ON CITIZENSHIP, IMMIGRATION AND RELATED MATTERS

WEDNESDAY 14TH MAY, 2014

PRINCIPAL OFFICERS

HRH Dr. Muhammad Zaiyanu Abdullahi, CON, Emir of Yauri
Chairman

Dr. Chidinma Uwajumogu
Deputy Chairman

SIGNATURE PAGE

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4.	Dr. Atedo Peterside, CON, FMNM	
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ABBREVIATIONS

ECOWAS	-	Economic Community of West African States
FEC	-	Federal Executive Council
FRSC	-	Federal Road Safety Corps
IDPs	-	Internally Displaced Persons
JTF	-	Joint Task Force
NCC	-	Nigerian Communication Commission
NCS	-	Nigerian Customs Service
NEMA	-	National Emergency Management Agency
NGO	-	Non Governmental Organisations
NIMC	-	National Identity Management Commission
NIS	-	Nigeria Immigration Service
NPC	-	National Population Commission
NSCDC	-	Nigeria Security and Civil Defence Corps
PKD	-	Public Key Directory
SEMA	-	State Emergency Management Agency
TIN	-	Taxpayers Identification Number
UBEB	-	Universal Basic Education Board
UNDRIP	-	United Nations Declaration on the Rights of Indigenous Persons

FOREWORD

- 1.0 I graciously present the report of the 2014 National Conference Committee on Citizenship, Immigration and Related Matters. Following the adoption of the Work Plan by Conference on Thursday 17th April 2014, the Committee commenced sitting on Tuesday 22nd April 2014 at the Nicon Luxury Hotel, Abuja. Members of the Committee were mindful of the fact that we had limited time within which to complete our assignment. The Committee had a consistent average attendance of twenty (20) out of the twenty-two (22) assigned members and remarkably adopted all recommendations by consensus.

- 2.0 Nation building is a gradual process and involves all aspects of the society. Central to the responsibility of nation building is the question of citizenship, immigration and related matters. In considering these matters, some pertinent questions arise: Is the individual qualified to be regarded as a citizen? What is the documentary evidence of his or her citizenship? How many of his/her kind are Nigerian citizens and through what methodology was this citizenship acquired? Why has Nigeria been unable to establish an Integrated National Database? What are the responsibilities of citizens to one another most especially when in physical contact? Are there constraints to the Constitutional provision for freedom of movement? To what extent are such rights enjoyed by Nigerians and protected by law? Under what conditions do non-indigenes/residents qualify for rights and privileges of indigenes? Non-citizens of Nigeria can live in or visit Nigeria; to what extent are these foreigners orderly in their conduct? How are these foreigners expected to conduct their affairs or businesses? To what extent does the Nigerian state ensure that only law-abiding foreigners enter Nigeria? How secure are our borders? Under what conditions can foreigners become citizens of Nigeria? What are the rights and duties of the foreigners that have been granted asylum or the right to become citizens? These were some of the core questions considered by the Committee and they were answered with the highest level of patriotism and objectivity.

- 3.0 It has been observed that as the population of Nigeria increases without adequate knowledge of how many we are and as the resources available to the people per head shrink, Nigerians clash with one another over resource allocation and identity issues. This will continue for as long as Nigeria does not have the citizenship format, census figures and clearer Constitutional provisions for allocating national resources. Political gerrymandering, militant groups and subversive ideas from outside the country have continued to radicalise the identity question to the extent that several thousands of innocent citizens are killed across the land. Displaced persons from these conflicts and other negative occurrences often lack adequate protection.

- 4.0 Nigerians called for this National Conference largely because of the discrimination they experience across the country. The perpetrators of these problems hide behind some gaps in the Nigerian Constitution that need to be closed up. More worrisome is how Nigerians living outside their places of origin are discriminated against in a manner that questions their right to enjoy equal privileges like indigenes. This problem has led to several bloody conflicts around the country. Furthermore, the porous Nigerian borders provide the opportunity for arms and mercenaries to cross into the country and provide support for killings in the name of ethnicity, religion and partisan politics. It therefore becomes imperative that we improve on our definition of who is a Nigerian citizen and who is not; establish the framework for protecting Nigerians' freedom of movement and right to be domiciled anywhere they want in the country; and also ensure that our borders are well managed to prevent entry of subversive elements and illegal goods and services.
- 5.0 In doing our work in the Committee, I was lucky to have the support of an excellent Deputy, Dr. Chidinma Uwajumogu, a team of highly resourced Nigerians cutting across a broad spectrum of the society and very competent secretariat staff. I thank them all and pray that with time, the secure and prosperous Nigeria of our dream would emerge in which Nigerians would be sure and proud of their citizenship and be able to live in any part of the country of their choice. I thank the Conference for asking me to chair this important Committee.

HRH Dr. Muhammad Zaiyanu Abdullahi, CON, Emir of Yauri
Chairman

INTRODUCTION

- 1.0 At the root of modern orderly society are the twin realities of the ‘State’ and the ‘People’ –in Nigeria the multitude of people living together in one territory under a common government –collectively form the Nigerian ‘State’ for ourselves and for all - in the aspiration for peace and harmony.
- 2.0 Any State, the Federal Republic of Nigeria included, derives its authority from the people; the people are said to be sovereign but bound together with the state by ‘social contract’- a solemn pact by which citizens surrender given freedoms in exchange for mutual protection and reciprocity for the good of all. Under the social contract the State has duties to the people and the people with one another.
- 3.0 The work of the Citizenship Immigration and Related Matters Committee of the 2014 Nigerian National Conference is captured in the thematic issues identified for its consideration. These can be succinctly presented in the conceptual principles they represent- Freedom, Security, Peoples’ Rights and Equality;

The concept of ‘Freedom’ is represented in ‘Movement of goods and persons’ across the country with or without restriction.

The expectation of ‘Security’ – both personal and collective – of Nigeria’s territory is captured in the policy of national enumeration, immigration and the attendant rules for legal entry and residence in Nigeria by aliens.

The inalienable Constitutional rights of the people – the “Peoples’ Rights” – is captured in the concept of Citizenship for Nigerians; the status of ultimate but equal entitlement to protection and benefit to individuals from the State and their fellow citizens.

The objective of ‘Equality’ is captured in the policy of open, accessible and common rights of residency - free from discrimination and prejudice - in any and all parts of the country irrespective of origin or affinity.

- 4.0 Against this backdrop is the collective charge to the National Conference as contained in the presidential statement:

“...to engage in intense introspection about the political and socio – economic challenges confronting our nation and to chart the best and most acceptable; way for the resolution of such challenges in the collective interest of all constituent parts of our fatherland”¹

¹ Inauguration Address of the 2014 National Conference by President Goodluck Jonathan, 17th May, 2014.

- 5.0 It is imperative that we consider the fundamental framework that governs the resolution of challenges to Nigeria in these thematic areas – the Constitution of the Federal Republic of Nigeria along with other legislations, current practice and policy, anecdotal observations, opinions of experts and practitioners but most importantly the analytical ability of members of the Committee.
- 6.0 The central importance of the National Conference deliberations to this Committee on Citizenship, Immigration and its related thematic matters cannot be over emphasised, indeed it is recognised in the presidential statement:

*‘An average Nigerian sees **every part of the country as home**. Let us seize this opportunity of this conference to do more to further turn our diversity and plurality into unique resources for strength and greatness.²*

- 7.0 The report of this Committee forms an integral part of the Conference’s mandate to re-establish our national strength by redeploing focus on the great diversity of Nigeria. The ways and means of ensuring national integration through a basic accessible and transparent framework for the preservation of unity and the protection of our vulnerable and disadvantaged particularly prejudice against women and children is visible throughout the report.

² Inauguration Address by President Goodluck Jonathan.

METHODOLOGY

1.0 The Committee adopted the following methodology to arrive at its recommendations:

a. REFERENCE MATERIALS

Deliberations of the Committee (on the whole) as well as those of its three (3) Sub-Committees were guided by the following documents:

- i. The 1999 Constitution of the Federal Republic of Nigeria (as amended);
- ii. Position Paper on: *Nigeria Immigration Service and Border Security* by Comptroller-General NIS, David S. Paradang;
- iii. The 2012 Report of the Presidential Committee on Review of Outstanding Issues from Recent Constitutional Conferences; and
- iv. The United Nations Declaration on Rights of Indigenous Peoples (2007).

b. INTERACTIVE SESSIONS

Interactive sessions were held with relevant stakeholders, including the Comptroller-General, Nigeria Immigration Service and the Chairman, National Population Commission. The sessions enlightened members on several thematic issues of the Committee and significantly guided deliberations and recommendations on such issues.

c. SUB-COMMITTEE SESSIONS

The Committee broke into three (3) Sub-Committees alongside three (3) groupings of its thematic issues to allow for detailed and thorough inputs. The Committee further harmonised some of the assigned thematic issues to avoid duplication of efforts and also included related matters not considered by the initial outline of thematic issues. The Sub-Committees and their related thematic issues were:

- i. Sub-Committee I
 - Census
 - Integrated National Database;
- ii. Sub-Committee II
 - Citizenship and Nationality
 - Residency and Indigeneity
 - Dual Citizenship; and

iii. Sub-Committee III

- Movement of persons, goods and services
- Immigration and Internal Security
- Border Control
- Refugee and Asylum
- Internally Displaced Persons (IDPs).

d. ADOPTION OF RECOMMENDATIONS OF SUB-COMMITTEES

The recommendations of the Sub-Committees were extensively discussed by the Committee (on the whole) and adopted by consensus.

RECOMMENDATIONS

I. CENSUS AND INTEGRATED NATIONAL DATABASE

1.0 INTRODUCTION

The Committee noted the importance of an accurate census figure for the country, and the necessity of an Integrated National Database both of which are very important for purposes of national planning and security.

Population indices are key to development of human capital, infrastructure, and the economy and an Integrated Database will help in the identification of citizens, and in crime fighting and prevention, especially now that the security of Nigeria is constantly threatened.

1.1 CONSTITUTIONAL AND LEGAL FRAMEWORK

The Committee noted that there are existing Constitutional and legal frameworks for Census and Integrated Database. These are:

- a. Section 153 (1) (j) of the 1999 Constitution and Act No. 23 of 1st April, 1988 which established the National Population Commission dealing with census matters.
- b. Act No.72 of May 25th 2007 establishing the National Identity Management Commission charged with the responsibility of managing a National Identity Database.
- c. Act No.9 of 2007 establishing the National Bureau of Statistics

1.2 OBSERVATIONS

- a. Census is often politicised with figures inflated for the purposes of getting more revenue allocation and other advantages from the Federal Government.
- b. Further to the above, there is mass movement of people to their home states, local governments and villages to give a boost to their population figures. These, the Committee noted, create distortions in planning.
- c. The lack of a functional integrated database has made the identification of citizens difficult, the easy infiltration of Nigerians by aliens, crime detection difficult and national planning cumbersome.
- d. Census and Integrated Database are inter-linked. While the Census is conducted once in many years, or a time span, the Integrated Database is a continuous daily exercise. The advantage of a functional, effective, Integrated Database therefore cannot be over emphasised.

1.3 RECOMMENDATIONS

- a. The National Identity Management Commission should be listed among the Federal Executive Bodies in Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria.
- b. Census should remain in the Exclusive Legislative List, the maintenance of the entire machinery for data collation should be included in the Concurrent Legislative List. Consequently, Part I, Item 8 of the Second Schedule of the 1999 Constitution should be amended to read as follows:
“Census and enumeration of Nigerians.”
- c. The national enumeration exercise should remain the responsibility of the Federal Government.
- d. The national census exercise should be preceded by the development of a full scale integrated national database which will include:
 - i. Registration of all settlements (including cities, town, villages hamlets and farmsteads).
 - ii. Registration of all households.
 - iii. Update and sustenance of birth registration.
 - iv. Update and sustenance of death registration.
 - v. Registered information or data of citizens and immigrants in Nigeria.
- e. The Integrated Database should include the records of:
 - i. The Nigerian Communication Commission (NCC) – which should provide telephone registration information.
 - ii. The Federal Road Safety Corps – FRSC which should provide information on drivers licences.
 - iii. State Ministries of Health which should provide information on births and deaths.
 - iv. Universal Basic Education Board should provide information on school enrolment figures.
 - v. The Immigration Service should provide information on passport holders, and aliens coming in and out of the country.
 - vi. Other relevant bodies including Banks, Federal and State Civil Service Commissions, Trade Unions and Associations, employers of labour as well as Traditional Institutions etc, should feed the Integrated National Database with information.
 - vii. All tiers of Government, i.e. Federal, States and Local Governments should maintain data base and be involved in collating data for the Integrated National Database.
 - viii. The Integrated National Database should be included in the Concurrent Legislative List.

- f. The National Population Commission, (NPC), the National Identity Management Commission (NIMC), and the National Bureau of Statistics should be well funded and equipped with the state of the art modern technology for the purpose of achieving accurate census figures and Integrated Database for Nigeria.
- g. There should be provision of National Identification Number and a multi-purpose Digital Card with biometric information for all citizens above eighteen (18) years. This would also serve as a social security number and card for the provision of welfare services to all citizens. The National Identification Card will similarly serve as a Voters Card as all who are above 18 are also the eligible voters.
- h. Employers of labour should ensure that all Nigerian workers have a digital workplace identification card that carries the employee's national identification number. No Nigerian should be eligible for employment without a National Identification Card.
- i. All formal and semi-formal professional associations, trade associations, transport unions, market men and women associations must have digital Identity Cards for their members with their respective National ID card numbers printed on it.
- j. All Driving Licenses should be digital with biometric data and must carry the national identity card number with it.
- k. All e-payment bank cards should bear the owners name and national identity card number.
- l. All personal vehicles, tricycles and motor cycles should be registered with the name and national identification card numbers of the owners.
- m. All landed properties should be registered with the name and national Identity Card number of the owners.
- n. All transport operators should record the name and national identification number of their passengers.
- o. All hotels, motels and guest houses should register their Nigerian guests with the national Identity Cards and foreigners with their international passports.
- p. All businesses should be registered with name and national identification number of the owners and promoters.
- q. All tax payers identification number (TIN) should also bear their national identification number.

- r. All immigrants and foreigners in Nigeria should be registered with a digital immigration identity card. This is to ensure effective monitoring, access and control of all immigrants in Nigeria, especially for security purposes.
- s. Police data bank should include the name and national identity card number of all suspects, criminals, informants and witnesses. The data bank should have direct access to the Integrated National Data Base.
- t. All State and Local Governments should similarly develop integrated data bank with relevant and appropriate contents, fully integrated with the National Database with every individual file carrying the person's national identity card number.
- u. In order to enhance the credibility, acceptability and possible accuracy of future census in Nigeria, adequate technical and human resources should be mobilised for the exercise. Necessary assistance should be sought and obtained from International Multi-lateral and Bi-lateral agencies.
- v. Laws should be enacted to criminalise any attempt by census officials or members of the public to inflate or distort in anyway, the outcome of the enumeration of people and households in Nigeria.

II. CITIZENSHIP AND NATIONALITY/RESIDENCY/INDIGENEITY/DUAL CITIZENSHIP

1.0 INTRODUCTION

The commitment to forge a common identity is central to building a modern nation-state. The plural composition of Nigeria poses its own challenges arising from a lack of a common national identity, vision and purpose, competition among ethnic nations for scarce social, economic and national resources and conflicts that undermine the aspiration for establishing a united nation.

Measures were introduced in the past to address the problems arising from the plural nature of the Nigerian state. Some of these measures included the establishment of the Nigerian federation by the founders of the Nigerian state to address the deep divisions that existed among ethnic groups, the entrenchment of rights charter to guarantee citizens' rights and freedoms, states and local governments creation to secure participation and representation in governance, as well as the inclusion of the 'federal character' provision in the Constitution to guarantee equality of access of citizens to state resources.

Citizens are central to the establishment of the modern nation-state. Democratic citizenship-based approach to the establishment of the modern State has implications for governance. First, as noted earlier, it has legal implications in the form of equal standing of all citizens and the protection of the law. The idea of the citizen being at the heart of the construction of the State is thus important. Secondly, the social and economic weakness of the current citizenship framework is seen in the widespread poverty and inequality. The point here is that the current framework of citizenship does not guarantee Nigerians the right of ownership and management of their national economy.

Recognizing the critical roles citizens play, the 1963 Republican Constitution provided for a progressive legal framework as compliment tool for nation building by creating residency rights. The complimentary residency rights provided for by the 1963 Constitution that many argue eliminated sub-cultural and ethnic identities created a sense of belonging for citizens able to show proof of domicile for a period of time.

The 1979 and 1999 Constitutions de-emphasized residency by introducing indigeneity and the principle of federal character as the basis for participation and representation in governance and for sharing state resources.

In the light of the foregoing, therefore, the Committee sought to build a framework which allows the Nigerian state to covenant with the citizens in a manner that fosters unity, action and the realization of the Nigerian dream; to strengthen the

balance between individuals and groups rights and to articulate the obligations citizens owe to each other and the State.

1.1 CITIZENSHIP AND NATIONALITY

Nationality evokes the organic identification with a nation or to ethnic commonality - it is often a call to a more nebulous yet distinct belonging. Citizenship on the other hand is often the pure legal status that one attains upon qualification from known criteria sometimes without necessarily having any real ethnic identity with the larger grouping. The terms are not interchangeable always but sometimes coincide. One could be a citizen without strictly belonging to that ethnic nationality. Citizenship therefore could be defined as special status granted by the state to its members expressed at the formal level.

The national rights and duties are outlined in sections 13 -24 of the Constitution with Section 24 focusing on the citizens' duties. These are all contained in Chapter II of the Constitution collectively known as "Fundamental Objectives and Directive principles of State policy."

Chapter III of the Constitution defines who a "Citizen of Nigeria" is, particularly Sections 25- 28. The chapter contains provisions relating to citizenship by birth, registration and naturalisation in addition to provisions relating to dual citizenship, renunciation and deprivation of citizenship.

Citizenship is thus acquired when:

- a. Either parents or grandparents belong to a community indigenous to Nigeria.
- b. Any person becomes a citizen by registration.
- c. Any person acquires citizenship by naturalisation.

1.2 OBSERVATIONS

- a. The present situation is that Nigerians do not readily feel the benefits of citizenship. There is no clearly accessible list of expectations that the citizen looks forward to that in the immediate and ultimately he or she would view as benefit of citizenship. Furthermore government has not been able to articulate its bargain to the citizens under a charter of publicly recited duties.
- b. Chapter III of the Constitution Section 26 (2) extends the citizenship rights to the female spouse of Nigerian Citizen. However 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 has continued to wreak untold hardship on the stability of many marriages.

- c. Furthermore, Section 29 (1) of the Constitution provides for the renunciation of citizenship by a Nigerian of full age and Section 29 (4) (a) defines “full age” as eighteen years and above.

1.3 RECOMMENDATIONS

- a. Chapter III, Section 26(a) of the 1999 Constitution should be amended to read *“any person who is or has been married to a citizen of Nigeria.”*
- b. A bill should be introduced guaranteeing the granting of special immigrant status with full residential rights to non -Nigerian spouses of citizens of Nigeria who do not wish to acquire Nigerian Citizenship. Above all there is an overwhelming need to liberalise the path to naturalised citizenship.
- c. Section 29 (4) (b) of the Constitution should be repealed in view of the provision of Section 29 (4) (a).
- d. As a means of promoting social citizenship, there is a need to make the provisions on socio-economic rights in Chapter II of the Constitution justiciable. This is derived from the fact that the lack of basic amenities and social mobility is at the root of the various communal strife.

2.0 DUAL CITIZENSHIP

Sections 28 (1) & (2) effectively differentiate the benefits of being a citizen by naturalization or registration. It guarantees that citizens by birth do not lose citizenship save by express renunciation.

Some suggestions have been made on the issue of provisions related to elective office and dual citizenship. The provision is identical in a number of sections; S66 (1), 137(1) & S182 (1):

“A person shall not be qualified for election to the office of President;

Subject to the provisions of Section 28 of this Constitution he/she has voluntarily acquired the citizenship of a country other than Nigeria or except in such cases as may be prescribed by the National Assembly he/she has made a declaration of allegiance to such other country”

In other words the person above is disqualified ONLY if he/she by virtue of Section 28 can lose his/her citizenship by acquiring a citizenship of another country

OR

The citizen has made a declaration of allegiance to another country and the national assembly has prescribed that such persons have lost their citizenship.

2.1 OBSERVATION

- a. Presently there is no such National Assembly rule addressing what is referred to in the provision above.

3.0 INDIGENESHIP AND RESIDENCY (INDIGENE/SETTLER DICHOTOMY)

Whereas the Constitution of Nigeria assures its citizens of all the elements of “common citizenship” – a situation where all Nigerians are equally entitled and treated, everywhere and anywhere they find themselves resident in the country, with mutual respect. The observed practice across sections of Nigeria demonstrates that many communities practice a selective or absent inclusiveness; newcomers however relative their arrival are treated with prejudice and discrimination. In some areas open hostility, violence and xenophobia have been known, witnessed and experienced. This is often referred to as the indigene/settler dichotomy; it is now a dilemma facing this Committee – the need for the intervention of ideas and solutions is compelling.

Chapter II’s Fundamental Objectives of Directive State Principles of the Constitution directs “National Integration” as one of the fundamental objectives of the Nigerian State. Section 15 (3) (b) permits residency rights to all Nigerians in any part of the country; Section 15 (3)(c) encourages inter marriage of Nigerians amongst themselves irrespective of their origins; Section 15 (4) directs National loyalty in contrast with loyalty to any section or ethnicity. These are proper objectives of a modern democracy under a republican Constitution. However, Section 6 (6) (c) of the Constitution holds a Constitutional bar to the enforceability of these objectives.

The questions are two-fold - who is an indigene? This question has not been uniformly answered; for instance attempts at national legislation have largely failed; while the Constitution recognizes the existence of indigenes at sections 25 (referring to citizenship) and 147 (3) (referring to appointment of ministers), it offers no definition.

Chapter 2 Section 14 (3) restates the provision in the 1979 Constitution, which allows for ‘federal’ character as a device for promoting unity, while Section 14(4) calls on states and local governments in the country to implement federal character principle. However Section 15 reaffirms the state’s duty to ensure that all citizens in all parts of Nigeria secure full residency rights. By implication the Constitution does not restrict anyone from contesting into elective positions anywhere he or she is resident, and such person does not need to prove indigeneity. This right is however restricted in Section 147 regarding the appointment of Ministers, where it is required that any appointees must be an indigene of a state. The 1999

Constitution does not define whom an indigene is, however it provides in section 147 that “the President shall appoint at least one Minister from each state who shall be an indigene of such a state”. This obviously provides a justification for discrimination, which runs against the provision of Section 42 (1) & (2) of the Constitution, which states that no citizens shall be subjected to any disability or deprivation merely by reasons of the circumstances of his birth.

The next question arises - what is the substance of the right of the indigene?

That the bundle of rights that inure to an indigene is discriminate and indeterminable adds to the crisis for national integration. The rights to superior entitlement; preferential treatment and privilege are repeatedly canvassed by indigenes.

The world community has however treated the matter of indigenous people somewhat differently. The 107th General Assembly Plenary of the United Nations by a resolution of 13 September 2007 recognized that the right of “indigenous people are equal to all other peoples while recognizing the right of all people to be different to consider themselves different and to be respected as such.”

It is clear that the problems and solutions surrounding indigenous people is a global phenomenon – the right to be considered indigenous has been referred to as a “birth right.” Indeed the discussion of the United Nations declared it as co-extensive of the right to self-determination.

3.1 OBSERVATIONS

Within the Nigerian context there is a framework of existing and emerging measures that provide the present and future context for the treatment of the problem in Nigeria.

- a. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007 – demonstrating the global and universal recognition of indigenes and their right to be recognized however demographically in the minority they are, should be subject to constitutional provisions;
- b. The recognized rights at Chapter II of the Constitution for the preservation of local cultures that enhance human dignity and all citizens’ rights to opportunity of livelihood before the law [sections 17 and 21 of the Constitution];
- c. The freedom from discrimination provision at Section 42 (2) of the Constitution protects Nigerian citizens from being subjected to disability or deprivation merely by reason of the circumstances of their birth;

- d. The institutional protection of affirmative laws at Section 42 (3) of the Constitution that preserves laws that impose restrictions with respect to appointments to any office under the state; creates the protection and intervention required to maintain equities and prevent dominant tendencies in appointments;
- e. The growing need and recommendation to make the provisions of Chapter II of the Constitution enforceable in law and accessible to the Nigerian citizen for the vindication of this expectations; and
- f. The principled objective to ensure that as matter of Constitutional right Nigerian citizens have right to be resident or domiciled in any part of Nigeria and enjoy all rights privileges at this chosen residence provided that the citizen meets his/her civic responsibilities.

3.2 HIGHLIGHT OF ISSUES ARISING FROM INDIGENESHIP/SETTLER DICHOTOMY

- a. Undoubtedly there have been incidences of outright conflict resulting from claims of indigeneship and settler allegations;
- b. Appointments and benefits related to the undefined status of indigene – even sanctioned by the Constitution- remain substantive claims for injustice;
- c. The status of married women is inextricably tied to the quandary of belonging and indigene ship whether by marriage or by birth; and
- d. Children of mixed marriage are not spared the ill effects of the confusion thrown up by acclaimed rights of indigenes or settlers.

The committee therefore recognizes the need for indigenes and their entitlements to be protected in their individual culture and traditional practices, it is however strongly advocated that any ADVERSE effect or DEPRIVATION or DISCRIMINATION arising from not being an indigene is unconstitutional and offensive to the Constitutional concept of ‘common citizenship’.

The Committee further recognizes the existing and festering problem related to settlement and a sense of original ‘belonging’ in Nigeria – it is of the considered view that the framework of linked developments above represent the basic fundamentals that should be upheld by governments across the country but for practical implementation we also elaborate as follows:

3.3 RECOMMENDATIONS

- a. Section 45 (1) should be amended to include Section 42 and read as follows:
“Nothing in sections 37, 38, 39, 40, 41, and 42 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society”
 This amendment will respond to the ouster provisions in section 42 (3).
- b. Residency rights conferred by state on all citizens under Section 15 (3) of the 1999 Constitution should be made justiciable.
- c. The clause “...who shall be an indigene of such State” contained in Section 147 (3) should be deleted to read as follows:
“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.”
- d. Ensure Chapter II, which contains all citizenship rights and obligations become (justiciable) enforceable.
- e. Expand Section 42 (1) &(2) to place a duty on citizens to embrace national loyalty above sectional or ethnic loyalties.
 Section 42 (2) should be amended to read thus: *“A person shall not be discriminated against on grounds of ethnic group, place of origin, sex, religion political opinion, social or economic status, gender, disabilities or circumstances of birth.”*
- f. The ideological aspirational intendment of Chapter II of the Constitution represents the basic law of citizens’ rights and duties of the state. They should be given the necessary force of law to – for the first time – build national integration and cohesion.
- h. Section 25 (a) should be amended to allow a Nigerian woman to enjoy the rights accrued all Nigerians either at her place of origin or that of her husband.
- i. Amend or delete Section 6 (c) of the Constitution, which is a bar from access to the courts with respect to Chapter II as a necessary step towards Nigerian citizenship, based on residency.
- j. Adopt and amend Item No. 26, Page 28 of the *Report of the Presidential Committee on Review of Outstanding Issues from Recent Constitutional Conferences (The Justice Alfa Belgore Report)*, with a caveat to read:
“On the matter of Indigeneship, the Committee recommends that the current Constitutional position should be maintained but that a new provision should be inserted into the Constitution to read: “The right of any Nigerian citizen to be resident or domiciled in any part of Nigeria should be recognised. Such

*a resident shall enjoy all rights, privileges and facilities in the place of his/her choice, **provided that such a person meets his/her basic civic obligations.***”

- k. The Constitutional amendments to achieve the effectiveness and efficacy of the linkages be immediately effected.
- l. National law and policy should be guided by UNDRIP which recognises the rights of indigenous peoples.
- m. National institutions should be strengthened to prohibit and punish criminal conduct which target, kill or destroy lives and property on the basis of origin, belief, religion or circumstance.
- n. The Criminal Justice System across the country should be called to action the sceptre of “hate crimes” or “specially aggravated crimes” has now formed part of criminal jurisprudence.

III. MOVEMENT OF GOODS, PERSONS AND SERVICES/IMMIGRATION AND INTERNAL SECURITY/BORDER CONTROL/ REFUGEE AND ASYLUM/ INTERNALLY DISPLACED PERSONS (IDPs)

1.0 MOVEMENT OF PERSONS, GOODS AND SERVICES

1.1 OBSERVATION

In the process of illegal shipment of second-hand cars, small arms and light weapons find their way into different parts of Nigeria. This issue requires speedy policy intervention.

Nigeria is an expansive country with specialised social, economic and environmental opportunities spread across different regions. For all Nigerians to have the opportunity of benefitting from these rich national resources, free movement of persons, goods and services must be guaranteed to citizens and friends of the country. Whereas movement of persons enhances social and economic exchanges, movement of goods and services enable Nigerians to have access to vital life sustaining assets from regions, states and communities different from their places of origin or domicile. This supports accelerated growth of the nation.

Indeed, Section 41 of the 1999 Constitution provides for Freedom of Movement as a fundamental objective of the state. The Committee observed that though this right is enshrined in the Nigerian Constitution, there appears to be no protection or redress in the event that there is an obstruction of movement during political rallies, religious activities and especially in view of the fact that this Constitutional provision is flagrantly disobeyed by both State and Non-State actors with impunity and no apparent sanction. The silence of the Constitution on how to deal with this issue has resulted in a number of violent conflicts in some parts of Nigeria. Hence, the matter deserves a careful consideration as part of the strategies for reducing tensions in the Nigerian society.

The right to dignity of the human person as guaranteed by Section 34 of the Constitution is also severely threatened by trafficking in children and women, which has assumed a worrisome dimension in contemporary Nigerian society. The Committee was concerned that human trafficking negatively affects the image of Nigeria and dehumanises the victims.

The committee also observed that though the Constitution of Nigeria guarantees freedom of movement the bad state of Nigerian roads prevents citizens from enjoying this right. Both Federal and State roads across the country are in bad condition and this has not only hampered free movement of persons and goods but also led to loss of lives across the nation.

The Committee also noted the challenges associated with the movement of animals by herdsmen across the nation. In many instances, bloody conflicts have ensued between the herdsmen and farmers.

The Committee was further concerned that multiple taxation/levies by representatives of the various tiers of Government and trade unions impede free movement of persons, goods and services across the country.

1.2 **RECOMMENDATIONS**

- a. The Federal Government should strengthen its border surveillance in a manner that prevents unlawful entry of persons, goods and services into Nigeria.
- b. The implementation of the ‘Transit Code’ system that was developed by the Nigerian Customs Service (NCS) in April, 2014 in partnership with Benin Republic, Cameroon, Chad and Niger, should be extended to all other borders outside the North-Eastern part of Nigeria. The new policy requires that all Nigeria-bound vehicles imported from the above-mentioned countries are handed over from the NCS by the country’s Customs Administration after due clearance, putting a stop to the hitherto disorganised car-park system that existed at the Benin end of the border and reduce chances of the second-hand cars being used to smuggle arms and drugs into Nigeria.
- c. Nigeria should take full advantage of the *ECOWAS Protocol on Free Movement of Persons* in a manner that would enhance national economic growth and also address inherent threats to national security by criminal and illegal immigrants.
- d. Government at Federal and State levels must build good road networks for citizens and ensure that the existing roads are constantly maintained to allow for smooth movement of persons, goods and services.
- e. Citizens should as much as possible, be protected from multiple taxation and payment of indiscriminate levies regarding their movement or that of their goods and services within the country.
- f. The Constitutional provisions on Freedom of Movement and fundamental rights generally are more effectively enforced to ensure that those whose rights to movement are obstructed can approach courts of competent authority for redress.
- g. The Federal Road Safety Corps should double its efforts at ensuring that road users across Nigeria obey rules/regulations on safe driving. The

organisation should be well funded and provided with modern technology for improving on its performance.

- h. Religious organisations that engage in obstruction of roads during their prayer sessions, festivals and processions should be encouraged to seek less conflict-ridden approaches for attaining their goals. Politicians should also organise their campaigns and rallies in manners that do not threaten public peace and order.
- i. Grazing reserves or ranches and new technologies such as the Hydroponic Fodder Solution, should be promoted by the Government and affected stakeholders as well as dedicate funds/efforts for the acculturation/acclimatization of herdsmen in settling down to designated grazing reserves and less nomadic lifestyles.

2.0 IMMIGRATION AND INTERNAL SECURITY

2.1 OBSERVATION

The increased rate at which insurgent groups are spreading physically and with their subversive ideology across international borders now requires that issues relating to immigration are treated more specially as internal security management issue. In this context, the Immigration Service should be accorded greater relevance as an important institution of the Nigerian state. It was worrisome to the Committee that despite the tasks before it the Nigerian Immigration Service is under-staffed, underfunded and lack modern technology for adequately policing the expansive Nigerian borders. The Committee observed that there are over One Thousand (1000) illegal routes into Nigeria. The resources for preventing the use of illegal routes are lacking. The available statistics are highly revealing as to why the operations of the JTF in the North East have not been effective. The insurgents have too many irregular escape routes into Cameroun, Chad and Niger.

The collapse of core industries in Nigeria such as the Ajaokuta Steel Company as well as the textile and several other manufacturing industries across the nation has led to profound economic displacement of Nigerians and loss of financial resources. This has a negative resultant effect on the security of Nigeria.

2.2 RECOMMENDATIONS

- a. Officers and men of the Nigerian Immigration Service should be more imbued by a sense of patriotism at ensuring that aliens do not take advantage of our porous borders to gain entry into the country for subversive activities;
- b. Nigeria needs to commit more resources into building border fences across the nation;

- c. The government must involve border communities in the policing of Nigerian borders. Traditional rulers have a significant role to play in this respect;
- d. There is also the need to have a regional approach to the management of Nigerian borders. Nigeria should establish cooperation with neighbouring states on the movement of persons. As experienced in the other parts of the world, intelligence information should be exchanged across borders.
- e. The Public Key Directory (PKD) Infrastructure be installed, having obtained the approval of the Federal Executive Council (FEC) since 2011. This enables countries to authenticate passports presented at points of entry and ensure that people with criminal records are not allowed into the country.
- f. The Nigerian government should revive collapsed industries in Nigeria as part of its larger objectives of building local economy, preventing forced migration of labour and improving National security.

3.0 BORDER CONTROL

3.1 OBSERVATION

The Committee established a link between the escalating insecurity in Nigeria and the lax borders in the country. As terrorism now expands globally through border crossings, nations of the world are revisiting their border control systems. Nigeria cannot be an exception. The Committee observed that since the commencement of the crisis in the North east, several immigration officers have been killed. This is because for now the Nigerian Immigration Service (NIS) is not structured in a manner that can make it react actionably to the security management problems it faces. With very few men and officers, the NIS contends with a total of over 1000 illegal routes in 17 States in addition to the regular borders it guards. These figures are an eye opener as to the increase in level of insecurity as to why the Federal Government finds it difficult to control insurgency.

3.2 RECOMMENDATIONS

- a. Taking the foregoing into consideration, it is recommended that the Nigerian Government must also ensure the strengthening of the country's land, air and sea borders. The most problematic however, is land border control because of the expansive nature of land;
- b. The NIS should be reformed, retrained and kitted for better effectiveness in managing our land borders;
- c. The NIS needs to have a unit known as "Border Guards" or "Border Corps". The capacity of this unit should be built for full combat operations.

- d. The Nigeria Immigration Service (NIS) was found to be under-staffed and requires at least 10,000 persons to be recruited yearly within the next Five years.
- e. There is the need for increased interagency collaboration between the NIS and other security agencies for a more effective policing of Nigerian borders.
- f. Nigeria needs to map the identified illegal routes and create control posts for them.
- g. There is need for community policing of the borders as well as a redirection of attitudes of members of the border communities;
- h. There should be the construction of border plazas which should be equipped with radars, sensors as well as cargo and document scanners.
- i. Capacity building and motivation for border patrol personnel.
- j. The Committee summarised approaches for managing Nigerian borders into three categories: the existing surveillance approach, community approach and cross regional approach (the Sahel and Gulf of Guinea dimensions).
- k. The Federal Government should partner with Civil Society Groups and NGO's through the NIS to carry out advocacy at all border communities to build confidence and patriotism.

4.0 REFUGEES AND ASYLUM SEEKERS

4.1 OBSERVATION

Refugees are generally defined as displaced persons that have crossed international borders and therefore entitled to both local and international protection. Refugee population by country or territory of asylum in Nigeria was last measured at 8747 in 2010, according to the World Bank. Most of these refugees into Nigeria come from Niger, Chad and Northern parts of Cameroon and a good number of these 'refugees' have been implicated in violent conflicts across Nigeria in addition to constituting a nuisance of alms begging on the streets. The organ of the Nigerian State for co-ordinating issues relating to refugees is the National Commission for Refugees and it may not be too far off the mark to say that this body and other related organizations have not been completely effective in carrying out their mandate.

4.2 RECOMMENDATIONS

- a. In this age of asymmetric conflict and international terrorism, the Federal Government must monitor more carefully, those seeking refugee or asylum status in Nigeria.

- b. The Government must also ensure that those being granted asylum in Nigeria are properly investigated and are found not to be related to any agents of destabilization. This kind of vetting should involve the Interpol.
- c. Refugees and asylum seekers should be properly documented and those granted temporary or permanent stay in Nigeria should be properly monitored so as to prevent them from fronting for other troublesome groups across the globe;
- d. Refugees should be returned to their countries immediately the causes of their movement to Nigeria have been proactively dealt with.
- e. Nigeria should tap more creatively into international resources which abound for managing refugees.

5.0 INTERNALLY DISPLACED PERSONS (IDPs)

5.1 OBSERVATION

Internally Displaced Persons (IDPs) under international law are persons or groups of persons who have been forced or obligated to flee or to have cause to leave homes or place of habitual residence in particular, as a result of or in order to avoid the effect of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, but are still within their own national borders. Reasons for such displacement can be broken into two:

- a. Man-made (most especially violent conflicts, deforestations etc) and
- b. Natural (flood, drought etc.).

In recent years, violent ethnic and religious conflicts account for man-made internal human displacement in Nigeria. The National Emergency Management Agency (NEMA) and State Emergency Management Agencies (SEMA) are the agencies of the Federal and State governments respectively for dealing with the sorry conditions of these people. More often than not, these displaced persons often fall back on family networks for alleviating their traumatic situations. The State is hardly there to protect them. This causes frustration among Nigerians and is one of the reasons why some Nigerians are not patriotic. They do not see state support in times of trouble.

Natural disasters are often anticipated by the government and contingency plans are usually put in place for managing them such as the Ecological Funds for dealing with environmental problems. Yet there are several incidences of post-disaster mismanagement and it behoves the government to ensure that funds are judiciously managed.

5.2 **RECOMMENDATIONS**

- a. Government has responsibility for preventing anything that could cause man-made human displacement. It should also increase the facilities for managing natural disasters.
- b. NEMA, SEMA and related agencies should be better empowered to respond in a timely manner to the needs of IDPs.
- c. The Nigerian Security and Civil Defence Corps is very close to the grassroots people and have mandates that should be adjusted to make them more responsive to the conditions of IDPs.
- d. Credible information is needed on the numbers, location and conditions of IDPs in order to design effective policies and programmes. Data should be disaggregated by age, gender and other key indicators so that the specific needs of particular groups are taken into account.
- e. Training programmes for government officials, including camp administrators, military and police in the Guiding Principle on internal displacement is essential for ensuring that they are aware of the rights and needs of the displaced and their own official duties to protect and assist them.
- f. States have been encouraged by the United Nations resolutions to develop laws to uphold the rights of IDPs, taking into account the Guiding Principles. Nigeria government should adopt the new laws or revise existing legislation.
- g. Engaging displaced persons in consultation and building upon their skills is something often overlooked but critical to an effective response, whether the issue is relocation or design of assistance programmes or returns.
- h. In the event that citizens are displaced due to no fault of theirs, the Government must be seen to adequately support recovery efforts of affected persons including bringing to justice, perpetrators of man-made displacement of persons.
- i. The management of ecological funds should place more emphasis on prevention of disasters.

COMMITTEE SECRETARIAT

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Obiamaka Araka	-	Rapporteur
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