

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

20 November 2012

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Nigeria: Whether a member of an ethnic group can be identified by physical characteristics, manner of dress, or by any other means; obstacles faced when relocating to Abuja, Lagos or Port Harcourt
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

Sources describe Nigeria as a multi-ethnic nation in which Nigerians generally identify more strongly with their ethnic group than with their nationality (Halliru Apr. 2012, 89-90; Salawu and Hassan Feb. 2011, 28, 30). Estimates of the number of ethnic groups in Nigeria vary:

- at least 250 (MPI June 2010; USIP July 2012, 6; US 24 May 2012, 48);
- 374 (Salawu and Hassan Feb. 2011, 30);
- between 250 and 400, "depending on the criteria used" (IDMC n.d.).

The number of languages spoken throughout the country is reported to be around 400 (Oriola and Haggerty 2012, 541) or 500 (IDMC n.d.).

In joint correspondence with the Research Directorate, a professor of Sociology at the University of Massachusetts Boston and a professor of Sociology at the University of Prince Edward Island, both academics of Nigerian descent who have researched and written on issues relating to ethnic identity in Nigeria, stated that the level of ethnic and linguistic diversity in Nigeria "makes it difficult to offer any generalizations regarding ethnic identity" (Professors 25 Oct. 2012).

2. Identification of Ethnic Groups

According to the professors of sociology, "[c]ulture is a major defining characteristic of an ethnic group" (ibid.). Some "cultural and religious subtleties" that can be used to identify an individual's ethnicity or to differentiate "'insiders'" from "'outsiders'" include language, accent, cultural practices, lineage or ancestry, physical appearance, dress, and mannerisms (ibid.). The professors explained that the subjective assessment of physical appearance, based on the belief that "people's identities are 'written all over them'," is a "crude but potent mechanism" for evaluating an individual's membership in a particular group (ibid.). They added that scarification, or "'tribal marks'," were historically used for ethnic and clan identification, among other purposes, but that the practice is fading among "urbane and educated Nigerians" (ibid.).

According to an article published in the *Journal of Public Administration and Policy Research* by academics from Nigeria, one in the Department of Sociology at the University of Ilorin and the other in the Department of Political Science and Industrial Relations at Fountain University in Osogbo, ethno-cultural diversity in Nigeria is reflected in the different languages, diets, and dress, among other factors, that are found in the country (Salawu and Hassan Feb. 2011, 28). The same sources indicate that Nigeria's indigenous languages, which continue to be spoken by most of the population, help to identify ethnic groups, which also maintain different "style[s] of life" (ibid.).

In correspondence with the Research Directorate, an assistant lecturer in the Department of History and International Studies at the University of Ilorin stated that some markers of ethnic identity include language and socio-cultural practices, most notably the traditional worship and reverence of totems (Assistant Lecturer 25 Oct. 2012). He indicated that people with a "common ancestral identity" share reverence for the same totem (ibid.).

2.1 Challenges in Identifying Ethnic Group

According to the professors of Sociology, although differences among ethnic groups are socially constructed, they are often treated as "real" (Professors 25 Oct. 2012). The professors note that too much reliance on "supposedly objective" markers of ethnic identity often leads to "stereotyping" (ibid.). Similarly, a professor of History at Obafemi Awolowo University in Ile-Ife, Nigeria, wrote in correspondence to the Research Directorate that "basic factors and features," such as physical appearance, language, accent, and dress can sometimes be "misleading" (Professor 9 Oct. 2012). He explained that ethnic groups can have similar physical features and that people who relocate and live for a long time in a particular place may adopt the local accent (ibid.).

3. Relocation Within Nigeria

Nigerians have the right to reside in any part of the country (US 24 May 2012, 48; Freedom House 2012). However, citizens are reported to experience frequent ethnic discrimination if they live in areas where they are an ethnic minority (ibid.) or where their ethnic group is not considered "indigenous" (US 24 May 2012, 48).

3.1 Indigeneity and Citizenship Rights

Sources indicate that authorities of any given area in Nigeria distinguish between indigenous residents, or "indigenes," and "settlers" [also known as migrants or non-indigenes] (US 30 July 2012, 3; ACSS July 2011, 2; USIP July 2012, 2). Indigenes are members of ethnic groups that are considered native to a location (US 30 July 2012, 3; ACSS July 2011, 2). According to an article published in the *African Journal of Political Science and International Relations* by academics in the Department of Communication and General Studies at the Federal University of Agriculture, Ogun State, the concept of indigeneship is tied both to ethnic group and to land ownership (Ojukwu and Onifade May 2010, 175). Settlers are those who do not have ancestral ties to the area in which they live (Human Rights Watch 2012; ACSS July 2011, 2). The professors of Sociology indicated that the distinction between settler and indigene can be maintained over successive generations (25 Oct. 2012).

Sources indicate that the legal basis for the distinction between indigene and settler originates in the Constitution of Nigeria (Adesoji and Alao Mar. 2009, 158; USIP July 2012, 3; ACSS July 2011, 3). For example, Article 147(3) of the Constitution states that the President must appoint at least one minister from each state and that the minister must be an indigene of his or her state (Nigeria 1999; Adesoji and Alao Mar. 2009, 158; USIP July 2012, 12 note 12). While the Constitution uses the term "indigene," it does not define the term, and it does not refer to non-indigenes or settlers (ibid., 3; Nigeria 1999).

Various sources suggest that the indigeneship system effectively denies full citizenship rights to non-indigenes (Ojukwu and Onifade May 2010, 176; Lenshi and Abel Mar. 2012, 50; Freedom House 2012). Discrimination based on indigeneship status is enforced through state and local government policies (ibid.; Human Rights Watch 2012; USIP July 2012, 2). The two academics from the Federal University of Agriculture explain that settlers are often "shunted out or denied access to the resources, rights and privileges of a locality, community, town or state, to which sons and daughters of the soil have first or exclusionary access" (Ojukwu and Onifade May 2010, 173).

Sources report that indigeneship status determines a person's access to public resources and privileges, including:

- land (USIP July 2012, 2; Freedom House 2012);
- education (USIP July 2012, 2), including access to higher education (Ojukwu and Onifade May 2010, 176; Professors 25 Oct. 2012) or scholarships (US 24 May 2012, 48);
- government jobs (USIP July 2012, 2; Freedom House 2012; US 24 May 2012, 48), including in the police forces (ibid.);
- the armed forces (US 24 May 2012, 48; Ojukwu and Onifade May 2010, 176; Professors 25 Oct. 2012);
- academic positions (ibid.); and
- political positions (US 30 July 2012, 3) or political participation (MPI June 2010).

According to a report written by two academics and published by the Migration Policy Institute (MPI), a Washington-based think tank founded in 2001 (ibid. n.d.), the federal government "has not addressed the important issue of protecting citizenship rights of Nigerians irrespective of being indigenes ... or settlers" (ibid. June 2010). Meanwhile, a 2012 report on Nigeria's indigene-settler conflicts published by the United States Institute of Peace (USIP) states that, "[t]o date, courts in Nigeria have not built a serious body of antidiscrimination law guaranteeing equal access to entitlements" (July 2012, 4). An article published by the Institute for Human Rights and Development in Africa, an organization founded in Gambia in 1998 "to increase the effectiveness and accessibility of the human rights protection mechanisms of the African Union" (IHRDA n.d.), indicates that, in March 2011, the Federal High Court in Kaduna heard the case of 21 citizens who filed a joint legal case against the federal government and 13 state and local governments for discrimination based on indigeneship (ibid. 14 Mar. 2011). A judgment was planned to be rendered in June 2011 (ibid.). Further or corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.1.1 Determination of Indigeneity

Sources indicate indigenes are issued a certificate of indigeneship, which allows them to benefit from the privileges associated with their status (US 30 July 2012, 3; USIP July 2012, 3). An article published by the Africa Center for Strategic Studies (ACSS) indicates that local officials are authorized to issue the certificates to constituents whom they deem qualified, and that the process is "extraordinarily arbitrary" (ACSS July 2011, 3). The ACSS is a Washington-based organization with regional offices in Ethiopia and Senegal that "supports US foreign and security policies by strengthening the strategic capacity of African states to identify and resolve security challenges" (ibid. n.d., 2, 4, 18). Similarly, the USIP report indicates that state and local governments in Nigeria have "free rein" to determine who is an indigene and that most of the governments do not issue guidelines on the definition of an indigene (USIP July 2012, 3). According to the USIP report, each of Nigeria's 776 local government areas issues indigeneity certificates, with officials exercising "almost unfettered discretion" (ibid.). The USIP article states that "[b]ona fide applicants [for indigeneity certificates] are turned away because of their religion and appearance, or handed papers solely on those grounds" (ibid.). The same article explains that some localities have "burdensome application hurdles, such as language tests and birth certificates" (ibid., 4).

According to the Professor of History, belonging to an ethnic group that is indigenous to an area is theoretically sufficient to enjoy the privileges of an indigene, but in his experience, an individual's ethnicity is "grossly inadequate" to prove their indigeneship (Professor 9 Oct. 2012). The Professor stated that formal proof of indigeneship can entail a letter of introduction from an individual's local government in their area of birth or from the "traditional ruler" in their community, or both (ibid.). He added, however, that proving one's indigeneship can sometimes involve additional criteria, such as the ability to "identify a compound of birth, recognizable lineage, identification by elders of [one's] community dating as far back as three, four or five previous generations" (ibid.). On the other hand, the Professor indicated that, in the field of politics, "acceptance of indigeneship is fluid and could be influenced more by partisan consideration than by recognizable evidence" (ibid.).

The ACSS article explains that

a Hausa, Igbo, or Yoruba - groups that tend not to be originally from Jos - could legally be deemed a settler and denied a certificate even though his family has lived in Jos for generations. Were this same individual to return to areas where his ethnic group predominates, local officials could similarly deny certificates on account of his birth and connections in Jos. (ACSS July 2011, 3)

Similarly, an article published in the *Journal of Pan African Studies* by academics in the Department of History at Obafemi Awolowo University in Ile-Ife states that "settlers' groups in different parts of the country have consistently maintained that having settled in a place for a long period, it is not proper to refer to them as settlers, but rather as indigenes" because they can no longer trace their ancestry to their place of origin and cannot "fit properly into the old society they or their forbears left several years ago" (Adesoji and Alao Mar. 2009, 154). Further, the US Department of State's *Country Reports on Human Rights Practices for 2011* reports that state and local governments "occasionally compell[ed] individuals to return to a region where their ethnic group originated but to which they no longer had personal ties," sometimes with the use of threats, hiring and employment discrimination or the destruction of their homes (24 May 2012, 48).

3.2 Obstacles Faced when Relocating

According to the professors of Sociology, an individual who relocates to another part of the country where his or her ethnic group is a minority can generally be identified by local residents as an "outsider" or as a member of a different ethnic group (Professors 25 Oct. 2012). The professors note that although "there may be instances where some individuals can 'pass' for another ethnic group, overall, local residents often have the uncanny ability to differentiate 'them' from 'us'" (ibid.). Similarly, the Professor of History indicated that individuals who migrate to cities such as Lagos, Abuja, and Port Harcourt can be "easily identified" because of their "settlement far away from the mainstream of the indigenes and their way of life/outlook" (9 Oct. 2012).

However, according to the Professor of History, indigeneship status is less important in big cities such as Lagos, Abuja, and Port Harcourt than it is in other places, in terms of access to public jobs or ownership of land, because the indigene population in these areas has been "overwhelmed" by migrants to the cities (Professor 9 Oct. 2012). He explained, for example, that the establishment of the Federal Capital Territory pushed the indigenes of Abuja further from the "centre of influence" (ibid.). However, he also indicated that indigenous ethnic groups continue to dominate the market for land in Lagos, and that indigenes of the Niger Delta, including in Port Harcourt, have been demanding a greater allocation of jobs in the region's oil industry (ibid.). Non-indigenes also face discrimination in the field of politics (ibid.). Nevertheless, the Professor stated that, in other industries, they can generally find work where there is a demand for it (ibid.).

The MPI report states that "internal migrants maintain ties with their communities of origin as an important part of an elaborate kinship system and as a survival strategy" (MPI June 2010). The professors of Sociology indicated, similarly, that ethnic minorities tend to live in the same neighbourhood within or on the outskirts of a city (25 Oct. 2012). They explained, for example, that most Yoruba towns have an ethnic Hausa-Fulani residential area known as the "Sabonger" (Professors 25 Oct. 2012).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact representatives or academics at the following institutions were unsuccessful: Duke University, International Development Law Organization, Sciences Po, University of Birmingham, University of Lagos, University of Ilorin, Federal University of Agriculture of Nigeria, and Taraba State University. Professors at Cambridge University and the University of Jos were unable to provide information within the time constraints of this Response.

Internet sites, including: *African Sociological Review*, Al Jazeera, All Africa, Amnesty International, Council on Foreign Relations, *ecoi.net*, Freedom House, International Crisis Group, Lagos State Government, Minority Rights Group International, *National Mirror*, NigeriaExchange, NigeriaWorld, United Kingdom Border Agency, *Vanguard*.

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