

The Concept of Citizenship: Its Application and Denial in the Contemporary Nigerian Society

Emmanuel Kelechi Iwuagwu
University of Calabar, Nigeria

Abstract

The Nigerian constitution may have accepted in principle the prominent models of citizenship as well as the factors that determine it but in reality it is denied in various spheres of life. This paper, employing the methods of philosophical exposition and analysis while relying on data from books, journals and current affairs, reviews the concept of citizenship with the objective of determining its practicability or impracticability, application or denial in contemporary Nigerian society. The paper exposed some shortcomings and discrepancies in the application of citizenship in the various confederating states in Nigeria and recommends a strict application of citizenship as it is applicable in other parts of the civilized world and as it is enshrined in the Nigerian constitution.

KEYWORDS: Citizenship, Contemporary Nigerian Society, Nigerian Constitution, Ethnic Nationalities, Indigenes and Non-indigenes.

1. INTRODUCTION

Social and Political philosophy as a field of study concerns itself among other things with the myriads of concepts and issues that confront man in his daily quest for community living. It also deals with those political ideas, theories and institutions of government which arise in man's quest to organize a conducive social environment for proper development of his potentialities and adequate provision of his daily needs.

Among the many relevant socio-political issues and concepts that attract much attention in contemporary world is the concept of citizenship. This concept gives an individual his identity within a particular society or state and assigns obligations as well as rights and privileges to him. This makes being a citizen of a community or state a desirable thing. It prevents one being seen as an alien thus safeguarding one's rights and privileges.

As this concept appears to be assuming a wider scope with increasing rights and privileges in a globalized world, the reverse appears to be the case in the contemporary Nigerian society where it is assuming a narrower dimension with some rights and privileges informally stripped of those who have Nigerian citizenship. This unfortunate situation is as a result of the faulty application of citizenship in a tribalized and deeply ethno-conscious Nigeria with multiple ethnic nationalities and thirty-six legally constituted states of the federation.

This disturbing situation is the principal problem this paper wants to address. The paper wants to find a solution to the problem of Nigerian citizens being treated as aliens in their own country, and the problem of rights and privileges of citizenship being denied Nigerian citizens especially when they are outside their states of origin or ethnic nationality.

The research discovers that the division of Nigeria into thirty-six states structure for convenient administrative purposes as well as the well pronounced loyalty to the numerous ethnic nationalities with its exclusive tendencies appears to be a huge obstacle standing against the application of the concept of citizenship in Nigeria.

It further confirms the truth that in principle the Nigerian constitution accepted the prominent models of citizenship as well as the factors that determine who should be a citizen and the

rights and privileges attached to being a citizen, but in reality qualified citizens are denied the rights and privileges of citizenship in various spheres of life. This anomaly is not unconnected with the existence and prominence of the ethnic nationalities in Nigeria. With this criteria of ethnic nationality, state and local government of origin very much highlighted in the Nigerian society, it has become clear that the rights and privileges of which a citizen is entitled to is always denied him because of his not belonging to the ethnic nationality or state where he resides. Hence in this sense his status as a citizen does not give him the status of “nationality.” Thus, he may be an Igbo Nigerian citizen with the Igbo nation as his “nation” in the strong and strict sense of the word and Nigeria as his nation in the weaker and loose sense of the word. It means his Nigerian citizenship has not qualified him as a citizen of Yoruba nation, or Hausa nation, or Efik nation as the case may be. This being the case, he cannot insist on the totality of his rights and privileges as a citizen of Nigeria in Hausa land or Yoruba land or Efik land because he is not regarded as a son of the soil there. Hence he may vote in these parts of Nigeria (being a Nigerian citizen), but he may not be voted for (being a non-indigene of that race, state or local government area). He may go to school in any part of Nigeria whether he resides there or not, but he cannot enjoy the scholarship offered by the state or local government of the place even when he was born there and may have lived there more than ten years with himself or his parents as tax payers in that state or local government. For him to benefit from certain privileges in the state he may have to present the certificate that shows his Local Government of origin (his parents domicile or ethnic nationality). Hence the ethnic nationality, state and local government of origin, hometown, village and even kindred, as the case may be, determine a lot with regard to the rights and privileges a citizen should insist on as a Nigerian citizen.

This paper employs the method of philosophical exposition and analysis relying on data from books, journals and current affairs. It critically reviews the concept of citizenship from its etymological dimension to the various meanings it assumed in different philosophical schools of thought and different historical epochs. This expository and analytical method reveals the constituents of the concept of citizenship as basically consisting of possession of rights and privileges from the state as well as duties or obligations towards the state. Going further the paper exposes the problems facing Nigerian citizens who were born or reside in states or ethnic nationalities outside their hometowns or their parent’s domicile with regard to how the rights and privileges of citizenship are applied to them or denied them in their country Nigeria where they fully discharge obligations as citizens.

Among the many objectives of this paper include: Firstly, to further enrich the literature in this topical socio-political issue. Secondly, to determine the practicability or impracticability of citizenship in Nigeria by exposing the inadequacies in its application to Nigerian citizens. Thirdly, to challenge the basis on which Nigerian citizens are denied the rights and privileges of citizenship in their own country. Fourthly, to highlight what I see as the “non-indigene paradox” and discrimination of Nigerian citizens. Finally to proffer solutions toward a complete and proper application of citizenship rights in Nigeria.

The paper, after surveying and highlighting mostly the areas of denial of citizenship rights which are almost regarded as acceptable status quo, challenges the basis on which this unacceptable and unconstitutional practice is built upon referring Nigerians back to the constitutional provisions which guarantees the rights and privileges of every Nigerian citizen irrespective of his ethnic nationality, his quasi-domicile or method of acquiring citizenship.

The paper concluded by making recommendations that will ensure not only the acceptance of citizenship in principle, but its practical application as it is enshrined in the Nigerian constitution and as it is applicable in other civilized democracies.

Among the recommendations proffered include the playing down of one’s ethnic nationality, state or local government of origin in benefits like employment opportunities, scholarships,

contesting for elective offices etc. It also recommends the issuance of local government of residence certificate as well as local government of origin certificate to Nigerians wherever they reside or were born. Finally it recommends the prosecution and punishment of anybody who discriminates against a Nigerian citizen in his own country.

It is the contention of the paper that citizenship rights are not properly applied in Nigeria as it should be. It frowns at the existing practice of denying the rights and privileges of citizenship to Nigerians and thus urges that the various ethnic nationalities, states or local governments should respect and abide by the constitutional provisions of citizenship and safeguard the rights and privileges due to any Nigerian citizen irrespective of his/her ethnic nationality or place of quasi-domicile.

2. DEFINITIONS AND MEANING OF CITIZENSHIP

The English word "citizenship" is derived from the word citizen which has the Latin root '*civitas*' (city, state, town, body of citizens, etc.). In its literal meaning a citizen is one who dwells in a particular city, town or state. A proper definition of citizenship therefore will depend on the proper definition of who a citizen is.

The Longman Contemporary English Dictionary defines a citizen as "someone who lives in a particular town, country or state and has rights and responsibilities there... Someone who belongs to a particular country, whether they are living there or not." Similarly Stanford Encyclopaedia of Philosophy defines a citizen as "a member of a political community who enjoys the right and assumes the duties of membership."

From the foregoing a citizen can be said to be a natural or legal member of a political community entitled to rights and privileges that the state can provide and in turn assumes obligations required by law for the wellbeing of the state. With the above understanding of who a citizen is we can now explain the concept of citizenship.

Citizenship as a concept denotes the legal rights or status of being a member of a particular state or country as well as one's individual response to the attendant duties or obligations to that state or country. It involves an individual's link or relationship with the state or country in which the person is entitled to legal, social and political rights and in turn owes duties and obligations to the state, duties such as obedience to the laws, payment of taxes, defense of the state and other social responsibilities. According to Turner (2004, 5), "citizenship is a collection of rights and obligations which give an individual a formal legal identity."

3. THE ORIGIN AND HISTORICAL SURVEY OF THE CONCEPT OF CITIZENSHIP

Western philosophy generally agrees that the concept of citizenship arose in ancient Greece city-states where citizenship was granted only to property owners. The Greek conception of citizenship has influenced many views. At this point we will take a brief historical survey of the various epochs of history and their view about citizenship beginning with the ancient Greece Polis, through the Roman era, the Medieval, the Renaissance and the Modern times.

a. The ancient Greece Polis Citizenship

The ancient Greece Polis consists both of the city-states, political assembly and the entire society. The initial form of citizenship is seen in the way people lived in small scale organic communities of the Polis. For the ancient Greek citizens in the Polis, there is no dichotomy between the private and the public life, the obligation of citizenship whether social or political were deeply connected with everyday life in the community.

Hosking (2005, Lecture 3) asserts that citizenship in ancient Greece arose from an appreciation of the importance of freedom. Every Greek person dreaded being a slave and is thus very conscious of the value of freedom. He works hard in his farm in order not to be a debtor which will make him a slave. At war when they fight, they are conscious of the fact that defeat means slavery to their conquerors. Hence everyman puts in his all to be free, their

political institutions were also well arranged and all are to participate actively in order to remain free. According to Nisbet (1983, 8), "Plato loved the city-state, the political order that had...lifted its citizens, as has no other form of political society known to man, to heights of bravery in war and of cultural creativity in peace."

Thus in this case the obligations of citizenship were deeply rooted in everyday life in the Polis. To be truly human and a citizen, then, means to be an active member of the polis. This is why Aristotle made his famous assertion: "To take no part in the running of the community's affairs is to be either a beast or a god." (Politics, 1253a 25-30)

It can be said, therefore, that the Greek form of citizenship was rooted on the citizen's obligations to the community rather than rights derived from being a member of the community, hence, for Aristotle, a citizen in the strictest sense is one whose special characteristic "is that he shares in the administration of justice and in offices" (Politics, 1275b 19-20). All the citizens had strong affinity with the community (polis) and their destiny and that of the polis is intrinsically bound. The Greek citizenship allows all citizens to aspire for any position in the polis and all have the right to speak, vote and be voted for in the political assembly; hence Appadorai (1968, 188) affirms that Athenian citizenship was rightly defined as the capacity to rule and be ruled.

b. Citizenship during the Roman Era

During the Roman Era, citizenship came to denote having rights to possessions, immunities and expectations from the state. We see Paul and Silas evoking the rights and immunities of Roman citizenship after being flogged publicly and imprisoned in Philippi (Acts 16: 35-39). Being a citizen, according to Pocock (1998, 31), came to mean a person "free to act by law, free to talk and expect the protection of the law." Appadorai (1968, 206) says that a Roman citizen is a very fortunate person since he enjoys the full protection of the state and is entitled to certain inalienable rights and privileges by the state.

Rome retained some Greek ideas of citizenship like civic participation in government, equality before the law and the notion of checks and balances in government affairs. It extended citizenship to the conquered people of its vassal states thereby legitimizing its rule over them. Hence Roman citizenship was reduced to a mere judicial safeguard and an expression of the rule of law rather than a status of political agency as it was in the Greek Polis (Hosking, 2005, Lecture 5). Roman citizenship unlike the Greek citizenship was more impersonal, universal, and multiform with different degrees and applications with the law as a kind of bond uniting the people (Pocock, 1998, 38).

c. Citizenship during the Medieval times

The concept of citizenship seemed to have disappeared in this Middle Ages because of the rise of Feudalism which gave power to few people – The lords who have subjects. Citizenship during this time was usually associated with cities and towns and the lords, nobles or bourgeois use to have undue privileges over the commoners or subjects.

d. Citizenship during the Renaissance

During the Renaissance period 14th – 17th C, the lords, the kings and queens began to lose their overbearing power over their subjects. With the rise of republicanism, independent citizens emerged who are no longer subjects of kings and queens but citizens of cities and nations who are subjects to the law of the states and not to their lords (David, 1990,177-187). Hence citizenship at this period denotes the bond between the individual and the state where the individual has rights as well as obligations to the state (Derek, 2004, 157).

e. The Modern conception of citizenship

The Modern day conception of citizenship is very much influenced by the democratic system of government. Modern citizenship unlike the Greek citizenship is much more passive. While not discarding the idea of political participation, it favours the system of political representation where governance is delegated to some persons who represent others in

government affairs, protecting their rights while the citizens fulfill their civic duties to the state.

f. International Citizenship

As the world gradually narrows down to a global village, the concept of international citizenship is applied to all citizens of the constituent countries that make up an international union. Citizenship in this case is a secondary concept with rights and privileges deriving from national citizenship of a particular international union of states if one's country belongs to that international body. Today we talk of commonwealth citizenship, European Union citizenship, ECOWAS citizenship, etc.

4. DIMENSION OF CITIZENSHIP THAT DEFINE ITS PREDOMINANT VIEWS

Contemporary understanding and definitions of the concept of citizenship are influenced by three predominant elements or dimensions, namely: legal, political and identity dimensions. These elements not only influence every definition of citizenship, they also form the background of the competing models of citizenship.

a. From the legal perspective, citizenship is seen as a legal status of a person who is endowed with civil, political and social rights. The citizen in this case is a legal entity who operates within the confines of the law, owing allegiance to the state and its laws and is in turn entitled to its protection. In this case, the individual need not participate actively in politics like being an official in any arm of the government.

b. From the political perspective of citizenship, a citizen is one who participates actively in the political life of the state. In this sense, only political agents are citizens. Those engaged in the various government institutions.

c. From the identity perspective citizenship denotes membership of a particular state or country which gives the individual a distinct source of identity.

5. TWO PROMINENT AND CONTRASTING MODELS OF CITIZENSHIP

The conception of citizenship in the modern times has been overwhelmingly overshadowed by two prominent but contrasting views or models, namely: the Civic-Republican model and the Liberal-Individualistic model. These two conceptions dominate most discussions on the concept of citizenship.

a. The Civic-Republican model of citizenship

This model of citizenship also referred to as classical or civic humanist conception is historically traceable to the Athenian democracy, the Republican Rome and the Italian city states. It emphasizes man's political nature and insists that the citizen must be a political agent. Citizenship is here seen as an active process not a passive state. The champions of this model include Aristotle, Tacitus, Cicero, Machiavelli, Rousseau etc. For them, citizenship denotes being active in government affairs. Basic to this model is civic self-rule represented in classical institutions and practices such as rotation of offices. It is in this sense that Aristotle refers to a citizen as one capable of ruling and being ruled in turn. For him, citizens are most importantly "those who share in the holding of office." The ideal citizen is one who exhibits good civic behavior (Politics, 1275b 19-20).

At the heart of Rousseau's Social Contract is this idea of self-rule. It is the coming together of citizens to make laws and through their general will that makes them free citizens and such laws legitimate. By participating actively in the process of decision making individuals show themselves as citizens and not subjects or slaves. This model favours the political dimension of citizenship.

b. The Liberal-Individualist model of citizenship

This model also known as liberal conception of citizenship developed strongly from the 17th century though it has its root in the Roman Empire which extended citizenship to conquered people. In the liberal conception citizenship denotes enjoying the protection of the state and its laws rather than participating in government affairs. According to Walzer (1989, 215),

citizenship in this model is “an important but occasional identity, a legal status rather than a fact of everyday life.”

It is the position of this model that it is the duty of the state to respect and protect the civil, political and social rights of citizens, while the citizens who are sovereign and morally autonomous pay allegiance to the law of the state by fulfilling their civic and social duties like the paying of taxes, engaging in legitimate business transactions, defending the state and obeying its laws. Citizenship here, according to Pocock, J (1995, 37), “denotes membership in a community of shared or common law which may or may not be identical with a territorial community.”

In this case the citizens are politically passive and must not engage in the governing affairs of the state. Citizenship here is understood as a legal status that guarantees the freedom and rights of the citizens without necessarily involving them in the political affairs of the state.

6. FACTORS THAT DETERMINE CITIZENSHIP AND THEIR ACCEPTANCE IN NIGERIAN CONSTITUTION

There are some universally accepted ways of obtaining the citizenship of a country. The Nigerian constitution recognizes and accepts these factors as well as the three dimensions and two models of citizenship discussed above. Citizenship may be gained through birth, through parentage, through marriage or through naturalization.

a. Citizenship by birth (*jus Soli* i.e. Right of Soil)

This is the case where one automatically becomes a citizen of a state of country because he/she was born there.

b. Citizenship through Parentage (*jus Sanguinis* i.e. right of blood).

In this case a person becomes a citizen of a state if one or both of his parents are citizens of that state. Also a person born outside a particular country becomes a citizen of that country as long as one or both of his parents are citizens of that country. Before the advent of the sex equality campaign in the 20th century this right used to be limited to only paternal lineage as it is still obtainable in some African ethnic nationalities where citizenship is based on paternal ancestry or ethnicity.

There are also presently limitations in many countries to the right of citizenship by descent to a certain number of generations with regard to those born outside the state or country. Citizenship by parentage just as that by birth cannot be withdrawn or revoked since it is given automatically by nature. It can also not be denied or rejected.

c. Citizenship by Marriage (*jure matrimonii* i.e. right of marriage).

In this case citizenship is obtained by marrying a citizen of a particular state or country. This form of citizenship is facing challenges in the modern times because of sham or contract marriages in immigration destination countries where citizens for the purpose of payment marry non-citizens to assist them obtain citizenship with no intention of living as husband and wife.

d. Citizenship through Naturalization

This is a situation where citizenship is granted to persons who have lawfully entered a country to reside or have been granted political asylum. After residing in this host country for some specific period of time stipulated by law and exhibited reasonable knowledge of the language and culture of the place and being of good conduct without serious criminal record, the immigrant is granted citizenship upon application. This form of citizenship also called “contract of citizenship” by Raphael (1970, 86) unlike that by birth and by parentage can be revoked by the legitimate authority in cases of serious crimes, hence it is conditional on having a reasonably good behavior.

In line with the universally accepted standard the Nigerian Constitution recognizes these factors in Sections 25, 26 and 27 as citizenship by birth (comprising of right of soil and right of blood), by registration and by naturalization. The Nigerian constitution also safeguards the

rights of every citizen of Nigeria against any form of discrimination in sections 33 – 46. These rights among others include: Right to freedom from discrimination (Sect. 42), right to freedom of movement (Sect. 41 which includes “right to move freely throughout Nigeria and to reside in any part thereof”), right to acquire and own immovable property anywhere in Nigeria (Sect. 43), right to peaceful assembly and association (Sect.40), etc

7. SOME ASPECTS OF THE IMPLEMENTATION OF CITIZENSHIP RIGHTS IN NIGERIA

Citizenship is not only about fulfilment of obligations but also enjoyment of rights and privileges. As Eteng (1999, 26) asserts, “citizenship involves the enjoyment of basic socioeconomic and political rights as expressed in the constitution.” It will be unfair to place a blanket denial of the practical implementation of citizenship rights in Nigeria. It is not only in principle that the Nigerian constitution recognised the rights of citizens, some aspect of citizenship rights are fully practiced in Nigeria. According to Madunagu (2006, 40), the enjoyment of certain necessities in life such as good roads, electric light, education, elementary medical care, etc. bestow on a person the sense of citizenship.

Nigerians exercise the right to freedom of speech, of movement, of residence in any part of the country. They exercise the right to vote during elections, the freedom to emigrate from Nigeria and return to Nigeria without any hindrance. They do exercise the right to benefit from the public amenities as well as some social and political institutions; the right to the protection of the law in some cases, the right to freedom of worship and association. These and many other citizenship rights are not only recognised in principle but are also practiced in Nigeria.

8. DENIAL OF CITIZENSHIP IN NIGERIA AND FACTORS MILITATING AGAINST CITIZENSHIP RIGHTS IMPLEMENTATION.

We must affirm strongly that to be truly a citizen one’s basic constitutional rights must be well protected by the law of the land irrespective of the part of the country he resides. Hence Barbalet (1988, 20) asserts that for one to be truly called a citizen “there must be freedom the state cannot invade as well as actions that the state must perform.” The practical acceptance of citizenship in contemporary Nigeria through the implementation of some rights accruing to one by the fact of his being a citizen notwithstanding, the issue of Nigerian citizenship is weak because in practice it is secondary to ethnic nationality, state, local government, town, clan or village citizenship as the case may be. Thus while possessing town, clan or village citizenship guarantee one of all the rights and privileges of Nigerian citizenship, it is not the case that possessing Nigerian citizenship entitles one of the rights and privileges provided by the state, town, clan or village citizenship.

Hence in Nigeria, many Nigerian citizens are accorded the status of aliens once they are outside their state of origin, local government, town, clan or village in various spheres of life. Among the many areas that witness the deprivation of citizenship rights in Nigeria to Nigerian citizens and question the importance of Nigerian citizenship include the following:

a. In the area of employment and job opportunities.

The Indigene and Non-indigene syndrome determines a lot of things in getting employed in Nigeria. It is extremely difficult for a Nigerian citizen to be offered employment in a job provided by a state or local government outside his state or local government of origin. Such jobs are for indigenes of that state or local government. It is also near impossible even to get jobs in some federal government establishments located in a particular state or some state government establishments located in a particular local government if one does not come from that locality. Hence Nigerian citizens who even if they were born in these states or local governments, as the case may be, and have lived all their lives in these places are denied this opportunity simply because their parents were non-indigenes of the state. This discrimination

has also found itself in non-governmental or private establishments where indigenes agitate for the employment of their people to key positions to the exclusion of other Nigerians. In this case it has become almost impossible to see a non-indigene being the Vice-Chancellor of a state university and very rare to see one in a federal university. Highly qualified Nigerian professionals cannot become Chief Medical Directors, Chief Judges, Accountant Generals, etc. in General or Teaching Hospitals, or state government ministries outside their own states of origin.

b. In the area of education many Nigerians are discriminated against as aliens outside their states of origin even when they and their parents reside in such states and fulfilled their social obligations in the state in question. Some state governments that offer scholarship to students at secondary and university levels insist that beneficiaries of such scholarship must be indigenes of the state and must be students of state owned institutions, other Nigerian citizens even if they or their parents are tax payers in such a state, or even if they were born and reside there but have another state of origin are denied this privilege.

In some states of the Nigerian federation there exists a dichotomy in the payment of school fees at the secondary and university education levels in institutions run by the state. Non-indigenes pay higher school fees like foreign students do. In some states that register the students for external examination like WASC or NECO free of charge, Nigerian Citizens who are not indigenes of such states are excluded. In offering of admission into institutions of higher learning the scores used as cut off marks are not the same for all Nigerians; the bar is raised for non-indigenes to deny them admissions in favour of indigenes who can be admitted with far lower scores.

c. In elective offices: The denials of citizenship through discrimination and promotion of grades of first class and second citizens rears its head again in the exercise of one's civic right of being voted for during elections. Whereas a citizen of Nigeria can vote in any part of the country where he resides, he may not be voted for outside his place of origin even when the constitutional requirements are met. For instance, it is easier for an indigene who resides in the United States to come home and contest for election than for a non-indigene who has lived more than thirty years in the locality to contest even if he was born and bred there. This being the case, the citizen of Nigeria in question is being treated as a non-citizen though he has fulfilled all the conditions required by law to stand for election for the office in question. The reason for his disqualification is simply because he is a non-indigene.

d. In several other areas: The denial of citizenship rears its head virtually in every spheres of life in the Nigeria contemporary society. In the acquisition of land, in taxation, in promotions, in award of contracts, in the civil service, in the military even in religious circles, provision of medical care, etc., discriminations abound based on indigene and non-indigene criteria thereby denying some well qualified Nigerian citizens the rights and privileges they are entitled to while demanding of them the fulfillment of their social obligations. Thus their being second class citizens in their country make them in no way better than aliens.

It may be asserted that in Nigeria it is more profitable to be an indigene than to be a citizen since "indigeneship" carries with it all the rights and privileges of citizenship whereas Nigerian citizenship does not carry with it the rights and privileges offered by "indigeneship". It may even be said that Nigerian citizenship concedes some of its rights and privileges when confronted by "indigeneship." Being an indigene of a particular ethnic nationality, state, local government area, town, clan, village or kindred, as the case may be, is stronger than being a Nigerian citizen because it offers more opportunities than being a Nigerian citizen. First and foremost it guarantees a person one hundred percent right to Nigerian citizenship and all it offers and grants a person more rights and privileges in his locality more than Nigerian citizenship can grant a non-indigene.

In the contemporary Nigerian society there is a very visible dichotomy or conflict between indigeneship and citizenship with the former appearing to be more profitable than the latter. Being a non-indigene in a particular state in Nigeria outside one's state of origin is near to being a non-Nigerian.

9. FACTORS THAT CONTRIBUTE TO THE DENIAL OF CITIZENSHIP IN CONTEMPORARY NIGERIAN SOCIETY

First among the factors that lead to the denial of citizenship rights in contemporary Nigeria is the existence of and loyalty to ethnic nationalities, states, local government areas, towns, clans, villages etc. This natural or administrative structural factor in turn promotes "son of the soil" syndrome or what Omotosho (2010, 146-180) regards as "indigeneity" or "indigeneship" which promotes the abuse and denial of Nigerian citizenship in a plethora of ways making Nigerian citizens mere second class citizens outside their states of origin.

In Nigeria there is undue attachment and loyalty to one's ethnic nationality, state, or local government. This factor makes indigenes of a particular state, local government, town, clan, etc. exclude other Nigerians from benefits that belong to all Nigerians simply because they are non-indigenes. The worst hit in this indigeneity drama are Nigerian citizens without an ethnic nationality who may have obtained their citizenship by naturalization or as settlers. They may have no state or ethnic nationality to have recourse to. In this case their Nigerian citizenship will be of little consequence. Thus the undue recognition and loyalty to the multiple indigenous groups more than the Nigerian state is a major inhibiting factor to the proper application of citizenship in the contemporary Nigerian society.

Another factor that contributes to denial of citizenship rights in Nigeria is disregard for the rule of law. Where the rule of law is not respected the society is open to all forms of abuse of human rights. There seem to be a tacit approval of the discrimination Nigerian citizens face outside their states of origin, because no individual nor cooperative body has been prosecuted for discriminating against citizens of Nigeria in their own country.

Other factors that promote the denial of citizenship rights in the contemporary Nigerian society are Prebendalism and Clientelism which established a political hegemony that favours its loyalists to the exclusion of others. Ukpe (1999, 13) sees prebendalism as a system of spoilt politics where the winner takes all. Political affiliation fostered by prebendalism solely and exclusively represents the interest of their members represented by politicians, contractors, legal professionals, bureaucrats, military personnel and the academia. Hence employment promotions, appointment to key lucrative positions in government establishments are the exclusive reserve of members to the exclusion of other well qualified citizens of Nigeria merely seen as outsiders or second class citizens.

According to Joseph (1999, 55) clientelism is "a channel through which one joins the dominant class and a practice which is then seen as fundamental to the continued enjoyment of the prerequisites of that class." Thus prebendalism and clientelism are two sides of the same coin by which people, through the help of godfathers to whom they have shown loyalty, receive undue favours like promotions, contracts, key appointments, loans, plots of land etc when other citizens are denied such favours.

10. THE NON-INDIGENE PARADOX AND DISCRIMINATION OF NIGERIAN CITIZENS

It is undeniable that in spite of the many ethnic nationalities, states, local government areas, clans, etc. in Nigeria, citizens carry out their social responsibilities wherever they reside and contribute to the progress, peace and security of their states of residence more than their states of origin. Many Nigerians build houses, establish big businesses, pay heavy taxes,

carry out social services, and contribute to the building of churches or mosques, etc. even when they have never thought of achieving such feats in their states of origin. During census to determine the population of a state or local government non-indigenes are counted for their states of residence not their states of origin, in the registration of births non-indigenes are registered in their place of residence and not their state of origin. Non-indigenes do not take their taxes back to their home states or local governments but offer them to their states of residence. It therefore stands against reasons for such Nigerian citizens who have not known nor contributed anything to their states of origin to be pushed to go there to receive the benefits that accrue to them as citizens of Nigeria. It amounts to nothing than forcing one to go and reap where he has never sown. Some local governments or states in Nigeria will not have the numerical strength to qualify being a local government area or state without the population of non-indigenes resident in that locality. Some electoral wards or constituencies or zones will not qualify to be so if not for the population of non-indigenes. The internally generated revenue of some states or local government areas will be near to nothing if not for the contributions of non-indigenes by way of taxes, rates, levies and businesses. The human resources available to some states or local government areas will be deficient if non-indigenes are to withdraw from such places. It may even be true in some cases that if non-indigenes are to return to their places of origin some states, towns and local governments may be near to ghost states, cities or towns. A case in hand was the scene created by the annulment of the 1992 presidential election in Nigeria and the anticipated war that will envelope Nigeria as a consequence of such injustice. This led many Nigerians to flee to their home towns from the cities leading to many Nigerian cities becoming almost empty of human beings.

It must be seen as the height of injustice meted on Nigerian citizens who contributed massively to the development of their places of residence to treat them as second class citizens when there are benefits to be shared. It is really unfair to deny the rights and privileges of Nigerian citizenship to Nigerians who in some cases are at the forefront of working for the growth of their states of residence when they have rarely done so for their home states.

As has been pointed out above this ugly situation continues to persist because in Nigeria nation and state do not coincide. The Nigerian state comprises more than one nation. It includes members of Igbo nation, Yoruba nation, Hausa nation, Efik, Ibibio, Annang, Ijaw, Boki, Bini, Idoma nation etc. The people of Nigeria, as we can see, form a nation in a weaker sense than that in which the Igbo, Hausa, Yoruba, etc, are nations. The position of Raphael (1970, 41) may very well apply to Nigeria when he says that: "The nation is a community, the state is an association; membership of the nation is a matter of sentiment, depending on common experience and history, while membership of a state is a matter of legal status."

The Nigerian constitution (Section 41, 1) upholds the right of every Nigerian citizen to reside in any parts of the Nigerian state without molestation and discrimination. This has not been achieved in reality. In practice the citizenship recognized is not Nigerian citizenship but that of one ethnic nationality, state, local government, clan, village etc. Nigerian citizens should be allowed to reap where they sow, if scholarship is offered to students of states where they reside no one should be excluded because his parents are not from there. Uniform school fees should be paid by all Nigerian citizens who attend school in a particular state and school. As citizenship obligations are enforced with regard to all, citizenship rights and privileges must be granted to all irrespective of their state of origin and place of residence.

11. RECOMMENDATIONS FOR A PROPER APPLICATION OF THE CONCEPT OF CITIZENSHIP IN CONTEMPORARY NIGERIA

The struggle for citizenship according to Barbalet (1988, 44) “is a struggle against exclusion and the inequalities which exclusion brings.” The rights and privileges of citizenship enshrined in the Nigerian Constitution notwithstanding, gross abuses emanating from discriminations is very visible everywhere in Nigeria. The paradox of the denial of citizenship rights in contemporary Nigerian state gives one great cause for concern. Racial discrimination is a thing every black person frowns at in Europe and America where there is great agitation for equal treatment of all races. It then beats one’s imagination that a Nigerian in his own country where he is naturally a citizen is denied the rights and privileges of citizenship simply because he is not from that part of the country or state.

Looking at the diverse nature of the Nigerian state with more than two hundred ethnic nationalities with each having a common history, language and tradition, the inborn ethnic consciousness and loyalty cannot be wished away. It has proved difficult to collapse the identity of these ethnic nations into the Nigerian federation since all considerations in every sphere of life in Nigeria takes into account these ethnic groups.

The issue then is how these ethnic consciousness and loyalty can co-exist conveniently with Nigerian citizenship without denying Nigerian citizens of their rights when they reside outside their states of origin or ethnic nationality. I therefore make the following recommendations in consideration of the complex nature of the Nigerian state.

Firstly, while not playing down the importance of one’s identity which comes primarily from his race, I recommend that we de-emphasize the use of one’s state of origin in granting rights, privileges and other benefits to Nigerian citizens just as this is not used in demanding obligations. Nigerian citizens should be treated equally everywhere in Nigeria irrespective of their ethnic group, state or local government of origin. In demanding obligations and in apportioning rights and privileges Nigerian citizenship should come before state of origin or ethnic nationality and should be made a superior criterion.

Secondly, in issues like employments, admissions into higher institutions, appointments, contesting elective offices, scholarships, landed property acquisition, etc. emphasis should be on state or local government of residence rather than state or local government of origin in as much as the people concerned have met the statutory number of years required for such rights or privileges as the case may be.

Thirdly, parallel to the issuance of local government of origin certificate which are always required in admissions, recruitments, employments, etc. should be the issuance of local government of residence certificate with a specific period of validity and open to the possibility of renewal so that non-indigenes who reside in other states and fulfill their civic obligations there may have the same legal status with the indigenes of the locality. This certificate will have expiration date to checkmate people who may take undue advantage of abusing the benefits of this privilege.

Fourthly, just as by the Nigerian Constitution (Section 25, 1) people who were born in Nigeria are accorded the status of citizenship by the fact of their being born within the geographical and legal territory called Nigeria, likewise Nigerians born in any state or local government in Nigeria should be accorded the status of citizenship of that locality by the fact of their being born there even if their parents are not from there. Hence such Nigerians should have the local government of origin certificate of such a place together with those whose parents are indigenes of the place. This may entail one having two or more local government of origin certificate; by birth, by parentage and by marriage as the case may be. This is the same way in which one born in the United States of Nigerian parents may have dual citizenship as an American and a Nigerian citizen. We should bear in mind that all residents are counted for their place of residence during census.

Fifthly, the rule of law must be respected. The constitution of Nigeria is a law binding on all Nigerians. Disobedience of any provision of the constitution is disobedience of a law. An unenforced law ceases to fulfill its purpose. I therefore recommend the enforcement of the constitutional provisions prohibiting the discrimination against any Nigerian citizen. Individuals, states and any cooperative body found discriminating against Nigerian citizens by denying them the rights and privileges of citizenship should be prosecuted and an appropriate penalty meted out to them to serve as a deterrent to other would-be offenders.

Finally, young Nigerians should be taught to promote Nigerian national consciousness more than Igbo, Hausa, Yoruba and other ethnic national consciousness. Citizens should be taught to respect and treat other Nigerian citizens equally irrespective of their ethnic origin or state of origin. Other measures geared towards enhancing national integration should be promoted like the NYSC, the unity schools and other national associations. This will encourage Nigerians to put in their best in promoting the wellbeing of their states of residence bearing in mind that when rights and privileges are shared they will not be left out.

12. CONCLUSION

The Nigerian state as this paper has shown is a Nation-State, i.e. a nation organized as an association of many ethnic nationalities which are communities or groups with all the conditions for a common life that promotes natural sentiments of loyalty and identity. Hence these ethnic groups are so intrinsically bound together as nations in the stronger sense than the Nigerian federation which is a nation in the weaker sense held together by a legal bond.

The structure of the Nigerian state where Nigerian citizens show more loyalty to their ethnic nationality has made the application of citizenship in Nigeria an unfulfilled project. It is a proven fact that many Nigerian citizens are either treated as second class citizens or aliens in Nigeria with the rights and privileges of citizenship denied them because they are not indigenes of a particular ethnic group, state or local government. In Nigeria therefore it is indigeneship that matters and not citizenship. Being a citizen of Nigeria without being an indigene of a state or local government is of little benefit in Nigeria. Disregard for the rule of law, prebendalism and clientelism are other ugly practices that promote the denial of citizenship in Nigeria. Though it will be wrong to assert that the Nigerian citizenship is totally inconsequential, it will not be false to say that its denial is more visible than its application in contemporary Nigeria where Nigerian citizenship means very little outside one's state of origin.

This paper after the above recommendations believe that full implementation of citizenship right is a realizable project if Nigerians work towards national integration irrespective of their ethnic nationalities and states of origin; if Nigerians will accept and treat each other as members of the same Nigerian family with equal duties, rights and privileges irrespective of their parental origin, language, religion or political affiliation; if Nigerians respect the rule of law and finally if Nigerians will pay more loyalty to the Nigerian state than their ethnic nationality and highlight the things that unit them while minimizing the things that divide them.

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