

A LEGAL ANATOMY OF ETHNO-RELIGIOUS INTOLERANCE RAVAGING NIGERIA ECONOMY

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ABSTRACT

Nigeria is a country that has more than 250 ethnic groups. It has many languages and religions. The rate of ethno-religious crises in Nigeria has recently increased because of the political effect of ethnicity and religion. This is evident in the level of destruction of lives and property emanating from restiveness developing from ethnicity and religion. Conflicts bred from a large number of agitating groups, kidnapping and banditry are compounding the problem of the nation. The provisions of the country's constitution on fundamental objectives and directive principles of state policy are unequivocal. Implementation of these objectives and other legal frameworks against ethnicity and religious bigotry is sacrosanct to achieve good governance. Besides, the bulk of the nation's wealth is lost to prevent and fight ethnicity and religious bigotry. This paper has examined international, regional and local frameworks and the involvement of ethno-religious intolerance in governance in Nigeria. The paper relied on primary and secondary sources of information which were given content analysis. These include international, regional and local legal frameworks, judicial authorities, textbooks, journals, and internet materials among others. The paper discovered that it is very expensive to maintain peace and tranquility, especially in a nation having more than 250 ethnic groups and several religions. Despite being blessed with enough human and natural resources, the country's progress, and political and economic growth are still being affected by unnecessary sentiments, lack of peaceful coexistence, and insecurity among others. The paper concluded that Nigeria can use the opportunity of its diverse tribes, languages and religions to make progress rather than using it to develop sentiment, hatred and unhealthy rivalry. Besides, there are defective legal frameworks and poor implementation of laws that could have nipped ethnicity and religious bigotry in the bud. Consequently, they need to be reviewed and applied

to prevent further hindrance of the economy by ethnicity and religious bigotry which is calling for serious attention by the concerned people in the country. The resultant effects of the crises have affected the economy, politics and societal interaction of the nation.

Keywords: Corruption, ethnicity, religion, hegemony, language, discrimination, peace, tribalism, human rights, freedom

INTRODUCTION

Nigeria is a country that has more than 250 ethnic groups. It has many languages and religions. The rate of crises caused by ethnicity and religion in Nigeria has recently increased because of the effect of politics on ethnicity and religion. This is evident in the level of destruction of lives and property emanating from restiveness developing from ethnicity and religion. Conflicts bred from a large number of agitating groups, kidnapping and banditry are compounding the problem of the nation which is calling for serious attention by the concerned people in the country. The resultant effects of the crises have hampered the economy, politics and societal interaction of the nation.ⁱ

There is nothing in Nigeria threatening the national unity of the nation than ethnicity. It is reflected in the opinions and decisions made in governance. A lot of challenges such as nepotism, deceit, corruption, and improper jealousy among others developed to militate against the progress and development of the nation. The ethnicity is more respected and treated as superior to the nation as a whole. Priority is given to the ethnic group rather than the national identity.ⁱⁱ A person is seen as an indigene of a community within a geographical area. There is discrimination among people of the same ethnic group by showing that a person is not an indigene of that community. On the other hand, people of the same ethnic group discriminate against people who are not from that ethnic group. Indigeneship takes place at the local, state and community levels whereas it is referred to as ethnicity at the federal level.ⁱⁱⁱ

When distinguishing between indigene and non-indigene settling in a place, efforts are made to avoid marginalization of smaller communities by bigger ones to preserve culture, traditions and identities. The situation is often overblown with discrimination whereby the settlers are deprived employment opportunities and involvement in scholarship competition. They are exposed to tougher admission criteria before being admitted into state universities. When

admitted they are charged higher school fees than what is charged the students that are indigene of the states. The non-indigenes are militated against when participating in an election by being deprived contesting.^{iv} Instead of enjoying the inherent benefits of ethnic groups, ethnicity has been a threat to the nation. It has a great influence on the political and economic development of the country. It has also contributed to the failure of the country to successfully conquer the war against corruption. Tendencies of corruption are displayed and violations of laws are usually taking place. Such violators hide under ethnicity to avoid prosecution and punishment.^v It is however pertinent to explain ethnicity and religious bigotry in Nigeria and examine relevant International, Regional and local legal frameworks so as to nip the problem in the bud.

BRIEF HISTORICAL BACKGROUND

The position of the United Nations on the Rights of Persons in a nation about language, ethnic, and religious minorities is a reference point by the comity of nations on the rights of minorities. It was adopted by the General Assembly in 1992. There are approved steps to be taken by the states to create avenues for minorities to enjoy their rights. These include sensitization of the public on the history, traditions, language and culture of minorities in countries of member nations. National policies and programmes are to be implemented by protecting the interests of minorities. Non-discrimination, effective participation, and protection of identity are the basis of the declaration.^{vi}

Before the European Colonialists came to Nigeria, there were indigenous communities with internal methods of Administration. It was Lord Fredrick Lugard who later amalgamated the country in 1914.^{vii} Ethnicity has been reflected in the national development of Nigeria before its independence. Conflict in the nation has been encouraged by ethnicity. It has also been reflected in the establishment of political parties in Nigeria. The Action Group (A.G.) was the only party dominating the Western Region; the National Council of Nigerian Citizens (NCNC) was the dominant party in Eastern Nigeria while the Northern People's Congress was dominating Northern Nigeria by the Hausa/ Fulani Ethnic group. Ethno-religion has been a strong instrument in determining electoral process when a government is to come to power in Nigeria.^{viii}

LITERATURE REVIEW

Mendeberg (2017) argues that despite the discouragement of racial discrimination and racial equality, politicians still enjoy the opportunity of racial support to win elections.^{ix} Nwagwu (2018) explains that ethno-religious conflict is bred through rivalry among ethnic groups. There are religious intolerance, ethnic bigotry and uneven distribution of wealth in the nation. Cultural and political dominations are also orchestrated. He further reveals that it is used by politicians to draw their ethnic group to support them to win an election. It is also used by tyrant military rulers, monarchical oppressive leaders and repressive oligarchic leaders to oppress the people to avoid confrontation from those who are discouraged from expressing themselves. Meanwhile, it has affected the development of Africa generally.^x

Suberu (1996) treats ethnic problems in Nigeria by identifying fear and agitations by minorities against ethnic extinction, political and economic marginalisation. The problems are created by many things which include a concentration of too much power at the centre, power sharing methodology, weak framework, incursion of the military and lack of mediatory institutions. The book compares military rule to civil rule in which he argues that despite the foibles of the military, the minorities' interest was to some extent taken care of by the military. During the military regime, more states were created instead of just three major ethnic groups. Besides, revenue sharing causing problems among the component units of the federation was addressed.^{xi} Ngwoke and Ituma (2020) examine ethno-religious crises such as the Boko haram, Fulani herdsmen and the Maitatsine to treat the effect of the crises on the sustainable development of the economy. The crises were noted to have been affecting the educational system, farming, food supply, and investment generally thereby adding to the unemployment problem of the nation and breeding poverty. Besides, it has resulted in a loss of many lives. Apart from other recommended solutions, the religion misconstrued by the perpetrators of religious crises was relied on by the authors and was posited to be used to solve the problems.^{xii}

STATEMENT OF RESEARCH PROBLEM

The horrific killing of Deborah Samuel, a student in Sokoto for religious reasons is a good example of such murder by bigots. It made one to be bewildered. People who carried out such murderous acts were said to be hypocrites using ethnicity and religion to carry out their

aggrandizement. Such acts continue to divide the nation. Unfortunately, religion and ethnicity have not been able to unite the people. It is only corruption that unites the people. When there is corruption, people cooperate while issues on religion and ethnicity are dropped. Meanwhile, the murder was condemned by many people including Islamic scholars who maintained that the killing was contrary to the teachings of Islam which is meant to propagate peace.^{xiii}

The general election held in Nigeria proved the dichotomisation and division existing among the people during the political era and national integration. Having more than 250 ethnic groups, it is one of the countries with the greatest number of ethnic groups in the world. It has traditional religion, Islam and Christianity. There have been ethnic and religious crises in the country for a long time. The Politicians have seized the opportunity to exploit a great number of people in their group to achieve influence and power.^{xiv}

The speaker of the House of Representatives Hon Femi Gbajabiamila was published to have said that the election of legislators into the National Assembly was influenced by ethnicity, religion and many other things instead of the competence and feat of the candidates.^{xv}

MANIFESTATION

Religious Crises

Ethno-religious intolerance has led to the death of many Nigerians. The number of those who were injured tripled that of those who lost their lives while millions of people have been displaced. The Maitatsine initiated by the late Mohamaddu Marwa led to the crisis that took place in Kano. It resulted in the death of many Nigerians which included Christians and Muslims. The crisis also led to the death of a journalist, Tunde Amao who was shot with a poisonous arrow in the chest when trying to cover civil disobedience.^{xvi}

Despite constitutional provisions in the nation, the Federal Government is said to have failed to tackle or avert hostility from religious groups. The groups reported that the Federal and State governments failed to investigate, prosecute or punish perpetrators of abuses committed on religious intolerance such as the 2nd June 2016 murder of one Christian woman in Kano. It has also been reported that some State and Local Government legislations are discriminatory and affect rights. There was vicious violence against Deborah Samuel killed while in school at Shehu Shagari College of Education in Sokoto. She was flogged, stoned and burnt by the mob till she died after being accused of blasphemy because she warned her classmate not to post

religious matters on their social media platform. She was honoured for being a victim of hatred, discrimination and religious bigotry by the United States Department of State on 22 August 2022. ^{xvii}

Communal Crises

There has been a communal crisis in Nigeria. These include Ife/ Modake crisis in Oshun State, Umuleri/ Aguleri in Anambra State, Hausa/ Kataf in Zangon Kata Local Government in Kaduna State, Jukun/ Tiv Conflict in Wukari Local Government in Taraba State, Chamba/ Ebira in Toto Local Government in Nasarawa state, Hausa vs Fulani; Muslims vs Christians in all the Local Governments in Plateau State, Ijaw vs Itsekiri vs Urhobo in Warri North, South, South West Local Governments in Delta State. The crises between Ife/ Modake in Oshun State and Umuleri/ Aguleri in Anambra State even occurred among people of the same ethnic origin, linguistic and cultural heritage. ^{xviii}

The Boko Harm Insurgence

The Boko Haram insurgence has subjected many people to attacks and many have been killed. Ethnicity, struggles over gracing rights and criminality have also been observed to have caused many people to be killed. About 300 people were killed in Benue in April 2016 by herdsmen. ^{xix} The extremists Boko haram and the Islamic State in West Africa (ISWA) have been alleged to have killed over 35,000 people since 2008 that they have launched an insurgency which is aimed at propagating their belief and establishing a theocracy. They have engaged in suicide bombings, killings, torture, abductions, rape, forced marriages, attack on infrastructures that belong to the government and recruitment of child soldiers. The United Nations confirmed 524 serious abuses of 307 children in the North- Eastern part of Nigeria, 10 attacks against hospitals and schools were attributed to ISWA. ^{xx}

THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

The International Covenant on Civil and Political Rights (ICCPR) provides in Article 25(b) (1966) that member nations should make sure that every citizen has rights and opportunities

without restrictions and distinctions which include discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status as provided in Article 2 of the International Covenant on Civil and Political Rights.

The 1999 Constitution of Nigeria

The Nigeria Constitution is intended to pursue stability and this is reflected in the preamble of the constitution which maintains that Nigerians have resolved to be united and have a harmonious relationship that cannot be divided and dissolved as a sovereign nation. It further provides that the constitution is to promote good governance and the welfare of everybody in Nigeria through the principles of freedom, equality and justice. It also makes provision for consolidating people's unity. Section 42(1) of the constitution provides for the right to freedom from ethnic or religious discrimination.

Apart from the preamble of the constitution, the Fundamental Objectives and Directive Principle of State Policy of the Nation provides in Section 14(2) that the Government and its Agencies shall reflect Federal character when conducting its affairs. It also provides that it shall promote national unity to avoid the predominance of persons from a few states, ethnic or sectional in Government or its Agencies.

The Constitution expressly prohibits the adoption of any religion by any state or Federal Government in section 10 of the constitution. This protects people in a state from being forced to practice any religion in a state in Nigeria.

The political objectives of Nigeria as provided by Section 15(1) of the constitution, is that its motto shall be unity and faith, peace and progress. Section 15(2) provides that national integration shall be actively encouraged. It further provides for the prohibition of discrimination on sex, religion, place of origin, status, linguistic association or ethnic association or connections. Section 15(3)(b) provides that residence rights for every citizen throughout the Federation shall be secured. Section 15(3)(c) provides for the encouragement of inter-marriage relationships among people from different places of origin, and different religion, ethnicity, language, association or ties. It is also provided in section 15 (1)(d) that associations formed on ethnicity, language, religion among others shall be promoted or encouraged.

INADEQUACY OF LAWS AGAINST ETHNICITY IN NIGERIA

The constitution of Nigeria does not provide adequate laws against ethnicity. It lacks adequate provisions for National integration. The country's state of origin policy does not create a sense of harmony, society and common spirit. The policy gives a person an opportunity to only be an indigene of his ancestral home which is that of the place he resides even if born there. There are many of them being treated as secondhand citizens and refused indigeneship.^{xxi}

This is the practice known as *jus sangolis* principle whereby children by birth become citizens of the states of their parents. This is practiced in France as well as Nigeria. This is different from the *jussoli* principle provided by section 7(1) of the 1963 constitution of Nigeria which is based on territoriality as opposed to parentage provided under *jus sangolis* principle. In *jussolis* principle, a person becomes a citizen through birth in the territory of a state. Britain, Brazil and the United States practice it.^{xxii}

IMPACT OF ETHNICITY AND RELIGIOUS BIGOTRY ON THE ECONOMY

The ethnic and religious conflict in Nigeria has resulted in serious security challenges to the nation and it is affecting its economy. In 2016 The United States Department of State warned its citizens not to travel to 20 states in Nigeria. The North-Eastern States that top the list are Borno, Yobe, and Adamawa. Other states in the list are Bauchi, Bayelsa, Delta, Edo, Imo, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Niger, Plateau, Rivers, Sokoto and Zamfara.^{xxiii}

The rate of insecurity emanating from ethno-religious crises among others in Nigeria has affected the country causing a great economic loss among others. It has also affected the Foreign Direct Investment of the nation. No economy can develop in such a situation. The killing of over 40 students in Mubi in Adamawa state, 4 students in Yobe state, and the attack on Police headquarters and the United Nations Building have caused great fear thereby making Kaduna, Jos and other states to be dreaded by tourists, investors and other people.^{xxiv}

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state. Trade within the country is being affected by insecurity in the nation which includes the Boko Haram insurgency, and the South East kidnapping. Manufacturers have since been recording losses. Many goods in stock are not sold. Distributions of goods to the dangerous zones have been affected. These contributed immensely to the laying-off of labour in some companies. P.Z., Nestle and many companies were affected. The business environment report of the Lagos Chamber of Commerce and Industry's report reflected that many firms had lost up to 30% of their sales. Many bank branches were also closed down. Investors could not invest in the affected areas for fear of bombing and terrorism among others.^{xxv}

A great number of Nigerians have lost their lives as a result of political, religious and ethnic crises. Since the situation persists, the United States of America continue to issue the travel advice.^{xxvi}

Model Jurisdictions

Religious freedom is important in the life of human beings. It is promoted in the United States and the country has standard laws on it. It is taken to be very important in its foreign policy. The country promotes it because countries that protect human rights are more prosperous, vibrant and peaceful. Where it is not promoted, instability, terrorism and violence are bred.^{xxvii} This was maintained by George Washington, the first President of the United States in 1793 that the people of the United States of America had tremendous reasons to display happiness because honesty and objectivity has overpowered bigotry and false notion. Any person in the nation might decide to worship God according to his or her faith. He referred to the period at that time as an enlightened one and his country was referred as a land of equal liberty. He proudly added that "a man's religious tenets will not forfeit the protection of the Laws, nor deprive him of the right of attaining and holding the highest offices that are known in the United States".^{xxviii} This was corroborated in 2009 when Barack Obama, an Africa-American whose father migrated to the United States from Kenya, his country became the 44th U. S. President.^{xxix} In South Africa, there are Christians, Muslims, Hindus, Jews, Buddhists and traditional African beliefs. The Constitution and other laws protect religious freedom. The laws are generally enforced by the Government.^{xxx}

The tremendous progress in Lagos state is worthy of emulation for other states in Nigeria and the country as a whole. The Deputy Governor of the state maintained that even though the state has residents from different religions and tribes, the state is making huge development and has

good governance. The achievement of the state on these was as a result of peaceful relationships among residents of the state. It was maintained that the country can as well develop when there is existence of love and tolerance despite various languages, tribes and religions in the nation.

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CONCLUSION

Finding a solution to Ethno-religious intolerance is essential in a nation. In a country where this has been seriously tackled the economy would be good for both the citizen and the foreigners. This is because, without peace, migration of people within and into the nation will not be encouraged. Besides, investors, especially foreign ones will be discouraged from investing. The country will spend a lot of money that would be expended to finance good economic development plans for the prevention of crisis, and insecurity and on maintenance of peace. Invariably, the economy of the nation will be hampered. With a good legal framework, every tribe will hardly exhibit ethnicity while religious intolerance will not be displayed to the extent that it will affect the economy.

RECOMMENDATIONS

There should be a review of the constitution of Nigeria to give people born in a place the opportunity to have full rights as an indigene of the place as provided by the 1963 constitution. This will change the orientation of the people in the state of origin and make Nigerians to be more united. It will reduce discrimination and ethnicity which is usually exhibited in the treatment given to non-indigenes.

There should be stringent measures against anybody who displays ethnicity and religious bigotry while Chapter II on Fundamental Objectives and Directive Principles covering ethnicity and religious freedom should make it justiceable for individuals to take action to compel the Government to pursue its objectives.

There should be a special body that will investigate and prosecute on marginalisation, ethnicity and religious intolerance for appropriate sanction and compensation. Executive immunity should not be extended to cover such matters while special courts should be established in each

Geo-political zone. It should have original jurisdiction to handle communal and group complaints on marginalisation, ethnicity and religious intolerance. It should have appellate jurisdiction to handle individual complaints that should commence from State High Courts. The appeal of a decision of the court should go to the Supreme Court.

Computerised instruments, CCTV and modern security gadgets should be used to fight insecurity. The security operatives should also be trained with modern gadgets and be re-orientated with better welfare packages for security challenges in the nation to be nipped in the bud.



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