

# Contemporary Minority Rights Issues in Nigeria: An Appraisal of the Extant Legal Regime

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## **Abstract**

*Scores of countries around the world are confronted by challenges associated with the towering number of culturally diverse groups, which may be linguistic, ethnic, tribal or religious situated within the defined boundaries of a state. This situation has led to tension and conflicts between the 'majorities' and the 'minorities'. The 'minorities' are mostly at the receiving end of the struggles and the 'majorities' are consistently discriminating against them. In attempting to end the discrimination against minorities, the UN Member States unanimously adopted the United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. The Declaration essentially presents direction to States as they look forward to manage diversity and guarantee non-discrimination, and for the minorities themselves, as they go all out to achieve equal opportunities and involvements. The central objective of this article is the interrogation of the precarious and ever expanding gap between the minorities and state legal instruments of protection which continuously expose these minorities to the hazards of undue discrimination and avoidable disadvantages. In examining the foregoing, the objective of this article is to highlight the overwhelming need for minority ethnic groups in Nigeria to have unique engagements and arrangements to safeguard their fundamental human rights as well as constitutional provisions to provide for specific rights that would protect them against socio-*

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*economic cum political marginalization and ensure that they play an all-inclusive and effective role in government at the local, state and federal levels, on the public sector front as well as full proof protection in the private sector. The methodology adopted in this article was the doctrinal approach with substantial reliance on primary and secondary sources accessed from library materials and the internet. This article found that some of the unabated race conflicts in the country overtime have been directly associated with the struggle by the minorities in the country to find wider participation and a sense of belonging in the scheme of things. It was also found that the paucity of statutory instruments and the protracted inability of state to set up institutions and systems of safeguards for the minorities in the union had served to exacerbate the worsening racial conditions in the country engendering the sporadic calls by some groups for self-determination. In the end, this article made prescriptions for Institutional, legislative and policy frameworks aimed at providing sustainable protection and safeguards to the minority groups in the country. The article also recommended the building of a common nationality, collective accord, balanced and effective government throughout the country as a palliative and antidote to the enduring suspicion currently characterizing the fabrics of the interface between the minorities and majorities in the Nigerian project.*

### **Introduction:**

Minority rights have over time risen to represent a set of legal phenomena and structures intended to ensure that an identifiable group which is in a vulnerable, disadvantaged, marginalized position in a given society is able to achieve equality and protection from persecution against them by the majority.<sup>2</sup> Minority rights are a fundamental part of International Human Rights Law, designed to promote human rights on social, economic, political, regional and domestic levels.

The United Nations described minorities as groups that are:

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<sup>2</sup> [http://en.oxforddictionaries.com/defination/minority\\_rights](http://en.oxforddictionaries.com/defination/minority_rights)

*Numerically inferior to the rest population of a state, in a dominant position, whose members possess ethnic, religious or linguistic characteristics differing from those of the rest of the population, and show, if only implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language.*<sup>3</sup>

The United Nations Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities<sup>4</sup> emphasizes the importance of promoting and protecting the rights of persons belonging to such minorities so as to enable them contribute to the political, social, economic stability and peace of a country.

Generally speaking, minority rights could be defined within the context of human diversity where a set of persons are marginalised because of their shared common heritage or beliefs. These beliefs could be religious or ideological, economic or social; it could be ethnic, linguistic, genetic, sexuality (as recently viewed), cultural, traditional or even environmental, or a numerically vulnerable group in the power equation of a state population. The entire concept has also manifested potential subjective vulnerabilities, given the fact that a minority in one breath could end up as a majority in another. Whatever the condition is, there must be the feeling of and actual fact of oppression and marginalization by some group considered to be so doing by reason of being a majority, and this is held without prejudice to the well known political science principle of gerrymandering, where the minority rules the majority.

The incidence of minority right infractions by the majority is a global phenomenon, preponderant in societies with diversity issues. This borders squarely on the principles and management of such differences and relations between the majorities and the minorities.

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<sup>3</sup> Cited by Thornberry, Patrick, (1980), in "Minority Rights, Human Rights and International Law", *Ethnic and Racial Studies*, 3, 3 (July), pp249-263.

<sup>4</sup> The Resolution of the United Nations General Assembly was adopted at the 92<sup>nd</sup> plenary meeting held on the 18<sup>th</sup> day of December, 1992

Nations confronted by these realities have had to devise strategies and legal instruments peculiar to their circumstances in dealing with the menace, as there is no one-size-fits-all antidote. The issues of minority rights protection have been the source of a lot of tension in many a society, because when poorly managed, it could degenerate to endemic internal crisis, serious enough to decimate development and in the long run, bequeath and inflict indelible pain on the race relations in the concerned society.

Recent developments in Nigeria associated with democratization have been tied in with the ever increasing conflict-ridden as well as detrimental cracks and demands amongst the different minority groups within the federation. Various minority communities still exhibit the fear of insecurity, domination, inequality, discrimination, annihilation and attrition in population despite some elements of constitutional and other legal safeguards, as well as, some positive actions taken by past and present governments.

The cries by the minorities is generally predicated on the grounds that they have been consistently locked behind on the border of education, employment, infrastructure, social security, political representation, power sharing and equation, freedom of worship and other socio-economic opportunities and development. The persistent calls by minorities about their perceived or real domination and subjugation by larger groups has led to the ever-increasing agitations by various ethno-religious groups for the restructuring of the federation and in some cases, for outright self-determination.

It must be mentioned that the philosophical principle of 'Minority rights' has remained like a paradox in the evaluation of scholarship. This is because the phenomenon has overtime become an instrument of agitation in the hands of the disadvantaged even when the group is viewed demographically as a majority group. There are incidences also that abound for the majority to be ruled by a minority group and subjected to subordinating conditions. There are also incidences in minority rights scholarship where a group

maybe subjected to majority rule by another group whilst the said disadvantaged group is also at the same time dominating another sub minority group. These different levels of minority agitations have amply manifested themselves in the race relations of the Nigerian multi ethnic group mix.

This article deeply evaluates minority rights issues in Nigeria, its challenges and also extends proposals primarily to the Nigerian government at the federal, states and local governments level on how best to guarantee the highest significance to an all round participatory development and inclusive growth of minority communities in Nigeria, more particularly those minority communities that comparatively remain far behind on the front of education, employment and socio-economic participation in politics.

### **Minority Rights Issues in Nigeria**

The United Nations estimates Nigerian population to be of 193,112,690, representing about 2.53% of the world population, ranks 7<sup>th</sup> in the list of countries by population, and is arguably the most populous country in Africa<sup>5</sup>. The country's federal system of government has evolved over time, from 3 regions in 1946 to 36 states in 2003. Conspicuously, there are several diverse ethnic minority groups scattered across the country. The widespread illusion is that Nigeria has 250 ethnic groups. However, the fact remains that nobody knows the real figure, and estimates vary widely depending on the criteria used.<sup>6</sup> Worth mentioning, however, is the point that in spite of the conflicting views with regard to numbers, there is generally, the broad concurrence about the diverse ethnic composition of the country.

Generally, it is settled that the ethnic groups are largely divided into ethnic "majorities" and ethnic "minorities". The history of this categorization can be attributed principally to the ethnic-based

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<sup>5</sup> As at Wednesday, 13/12/2017. [www.worldometer.info](http://www.worldometer.info). Accessed 13/12/2017 by 11:15am

<sup>6</sup> AbdulRauf M.A: Ethnic Minority Groups in Nigeria – Current Situation and Major Problems. Retrieved from [www.nigerianmuse.com](http://www.nigerianmuse.com) 13/12/2017 by 11:25am

electoral politics associated with Nigeria's independence from 1960, when minority status became connected with the tininess of population size and the interrelated issue of limited electoral weight.<sup>7</sup> Noteworthy, however is the fact that minority issues predate Nigeria's independence from Britain in 1960. For example, the departing colonial authorities constituted the Willink Commission<sup>8</sup> in 1958 to investigate minority fears and other related issues.

An ethnic group is regarded generally as a communal society whose members not only share such objective characteristics as language, core-territory, ancestral myths, culture, religion and/or political organization, but also has some subjective consciousness or perception of common decent or identity. Despite the fact that a lot of theoretical and philosophical uncertainty envelops the word 'minority' most scholars have share the consensus that minorities are culturally distinct and relatively interconnected groups which occupy a position of numerical weakness and/or socio-political subordination when juxtaposed with other cultural divisions in the society.<sup>9</sup>

By and large, ethnic minority tussles have long been acknowledged as one of the fundamental threats to institutional permanence, political stability and national cohesion in the multi-ethnic societies of the third world, like Nigeria.<sup>10</sup> Succinctly put, ethnic minority conflicts have been credited numerously to the demonstrative power of cultural and ethnic ties, the struggle of relative group worth, mass-based resource competition, electoral mobilization, elite manipulation, false consciousness and/or defective political institutions and inequitable state policies.<sup>11</sup>

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<sup>7</sup> Ibid

<sup>8</sup> The Commission was set up by the departing Britain controlled colonial government.

<sup>9</sup> Amersfoort. H: Minority as a Sociological Concept, *Ethnic and Racial Studies*, April 1987, pp. 218 – 234.

<sup>10</sup> Diamond. L: Issues in the Constitutional Design of a Third Nigerian Republic, *African Affairs*, April 1987, pp. 209 - 226

<sup>11</sup> Doornbos. M: Linking the Future to the past: Ethnicity and Pluralism" *Review of African Political Economy*, 1998 No. 50, pp. 53 -65

In light of the foregoing, there has been intense struggle for jobs, scholarships, political appointments, government infrastructure and contracts, corporate windows, private sector opportunities and other social amenities, over and over again predetermined around contending ethnic and regional demands in Nigeria. The result of this political dynamic is the sequential development of cleavages, principally between the three majority ethnic groups; the Hausa-Fulani, the Ibos and the Yorubas on the one hand, and the rest of the minority groups on the other; and between the north and south.<sup>12</sup>

The unhealthy rivalry between the three dominant ethno-regional blocs and the associated suppression of minority rights formed the basis for an increasingly unstable political climate which resulted to the series of military coups in 1966 and the Civil War between 1967 and 1970. In light of the above, over the past years, there has been piercing tensions and agitations by ethnic minority communities within the realm of the Nigerian federation. These ethnic minority protests in some cases were violent. Also, these intense conflicts have involved several thousands of victims spread across virtually every region of the country.

These communal upheavals have aggravated rigorous associational activities among the country's ethnic minority units and have led to the establishment of minority ethnic associations to defend or advance minority rights. Some of the foremost ethnic minority groups include the Middle Belt Forum (MBF), the Movement for the Survival of the Ogoni People (MOSOP), Niger Delta Volunteer Forces (NDVF), the Southern Kaduna Peoples Union (SOKAPU), and the Ijaw Youth Council (IYC). In addition, there are several dozens of smaller ethnic minority groups scattered across virtually every nook and cranny of the country, like the Gamai Unity and Development Organization, Tangale Community Development Association (TCDA), Gamai Youth Movement (GYM) etc. Without a doubt, the political developments in Nigeria highlights

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<sup>12</sup> AbdulRaufu.M :The National Question and Radical Politics in Nigeria', *Review of African Political Economy*, 1986 No.37, Sheffield.

the precarious and contentious state of the country's multi-ethnic federal structure and its race relations paradigm. It is pertinent to note, fundamentally, that there is virtually no discussion about Nigeria's democratic governance today, which would not come to terms with the challenges and dilemma of ethnic-based minority conflicts and tension.

### **Constitutional and Political Rights Safeguards Provided to Minorities in Nigeria**

Suffice it to say that Nigeria is a multi-ethnic state with diverse minority ethnic groups competing for socio-political and economic space within the federation. This struggle has led to widespread unease, agitation and disturbances between various minority communities. These struggles became evident as the minority groups found themselves in grave disadvantage moving against the run of play. The incidences of majority domination in the country have been recklessly handled overtime and that had engendered interrogations from the minority groups regarding the need for both legal and institutional safeguards against the rising ferocious and unbearable parameters of engagement with the majority groups, which had been unleashed with condemnable impunity.

Strikingly, at the attainment of Nigeria's political independence in 1960, the Constitution generally forbade any form of prejudice against "a particular community, tribe, and place of origin, religion or political opinion".<sup>13</sup> Noteworthy, however is the fact that there was no prescribed constitutional restriction on minority political rights. In spite of this general constitutional principle of non-discrimination, the country yet witnessed deep rivalry and clashes over political and economic resources by the major ethno-regional blocs. Even within the context of an open and

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<sup>13</sup> Bach D: 'Indigeneity, Ethnicity, and Federalism', in L. Diamond, A. Kirk-Greene & O. Oyediran, eds., *Transition Without End: Nigerian Politics and Civil Society Under Babangida*, Lynne Rienner, Boulder 1997, at 338

competitive political system, and explicit constitutional provisions, the ethnic minorities suffered from different levels of discrimination and neglect, chiefly as a result of the majority-driven predisposition in a political and social system with limited economic and political wherewithal.

Gaining from the foregoing realities, Nigeria started chains of political re-engineering programmes, which tended to change the constitutional and institutional narrative with the clear view of assuaging minority discrimination. These could be found in the periodic creation of states and local governments in areas where it was perceived that there was minority domination. At the beginning, States were created ostensibly towards allaying these minority fears. Overtime, it turned out that the then military governments converted these states and local government creation exercises to overtures for legitimacy from the majority tribes of the country. This led the number of states to multiply to 36<sup>14</sup> in the federation. Correspondingly, the Local Government Areas (LGA) also witnessed exponential increase in number from 301 LGAs in 1976 to 774 LGAs in 1996.

From the foregoing, it is important to note that the consequential end product of the creation of these States and Local Government Areas is the situation where several ethnic minority groups transformed to hold sway of their own states or local governments. In a number of instances, a number of ethnic minorities were grouped together in a state or local government, in so doing, letting loose intra-minority rivalry and division. Ultimately, this has led to new ‘majority’ groups emerging at the states and local governments’ level to the detriment of other pre-existing minority groups.

Additionally, Nigeria also **adopted “Federal Character” as a constitutional principle, and “Quota System” as an administrative principle.** This came against the background of the

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<sup>14</sup> See Part I of the First Schedule 1999 Constitution of the Federal Republic of Nigeria (as amended) for the comprehensive list of all the States and Local government Areas in Nigeria.

been pursued for national unity, following the extreme distress amongst the various ethnic groups chiefly as a fall out of the catastrophe of 1966<sup>15</sup> as well as the Civil War of 1967 to 1970. All these were a premeditated attempt designed to create a platform of representativeness of national institutions with the anticipation that such balanced representation would preclude the winner-take-all scramble of the previous era. Progressively more, merit began playing a secondary role whilst political imperative of representation and national unity became the crux of institutional building.

It was against this background that Nigeria approved the principle of “Federal Character” in the 1979 Constitution that ushered in the then democratically elected government in that year. The Constitution provided thus:

*The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that government or in any of its agencies*<sup>16</sup>.

In the year 1986, the then Military Government under General Ibrahim Babangida set up the Political Bureau to coordinate a national debate on the aborted transition to a third democratic republic in Nigeria, lamented the manner in which the process of which state-building has reduced the nations ethno-religious minorities and the socio-economically vulnerable groups into

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<sup>15</sup> The Major Chukwuma Kaduna Nzeogwu led-coup by young military officers of Southern Nigeria extraction and the counter-coup led by a crop of officers chiefly of Northern Nigeria decent. [www.en.wikipedia.org](http://www.en.wikipedia.org). Retrieved 14/12/17 15:30pm

<sup>16</sup> S.14(3) & (\$) 1979 Constitution of Nigeria

constant objects of “neglect, oppression, social exploitation, domination, victimization, nepotism, discrimination and bigotry...”<sup>17</sup>

Additionally, the 1989 Constitution which never saw the light of the day proposed that:

*The composition of the Government of a State, a Local Government or any of the agencies of such Governments, and the conduct of the affairs of the Governments or such agencies shall be carried out in such manner as to recognize the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the people of the Federation.*<sup>18</sup>

Furthermore, an express provision was enshrined requiring the strict adherence to the principle of federal character in the structure of the armed forces in country.<sup>19</sup>

From above, the weight of the foregoing constitutionally backed federal character provisions further buttressed the reality of the overwhelming need for national cohesion mechanisms that will aid in unifying the multi-ethnic state of Nigeria. These two stipulations on the federal character principle were not only preserved, but were even strengthened in the 1999 Constitution.<sup>20</sup>

Under the 1999 Constitution, distinct from the 1989 Constitution, the federal character principle is now to operate not just within the armed forces, but the composition of the “officer corps”

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<sup>17</sup> *Report of the Political Bureau*, (1986), Federal Printer, Lagos.

<sup>18</sup> See Sections Section 15(3) and 15 (4) of the Constitution of the Federal Republic of Nigeria, 1989,

<sup>19</sup> Ibid Section 217

<sup>20</sup> Under the 1999 Constitution (as amended), the **Federal Character Commission** was created to monitor and enforce the federal character principle in Nigeria. See Section 153(1). Also, the Constitution under the Fundamental Objectives and Directive Principles of State Policy in Section 14 (3) & (4) provides that the composition of government of the federation, state and local government should recognize the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the federation. Again, the Section provides that the composition of the government of the federation or its agencies must ensure that there is no predominance from a few States or from a few ethnic or other sectional groups in that government or its agencies.

and the other ranks and file<sup>21</sup>. Political parties are required to have a national spread as a precondition for registration as a platform to seek electoral offices and the composition of their executives and other officials must reflect the federal character of the country.<sup>22</sup>

It is also worthy to note that the constitutional requirement of federal character in the country transcends virtually every segment of government institutions and agencies. In the education sector, for instance, state quotas are used in admitting prospective students, award of scholarships, recruitment of both teaching and non-teaching staff etc. This is usually enforced by means of administrative practice of quota system. For instance, the Constitutional stipulation of the federal character principle is buttressed in administrative practice by the use of state quotas in the filling of university places, job vacancies, and the award of scholarships. A case in point is the condition in the country's **National Policy on Education which provides that placement in all federal-owned universities and other educational institutions must be distributed according to a prearranged quota system of 40% based on merit, 30% for applicants coming from the "catchment area" in which the university is situated, 20% for "educationally disadvantaged states", and 10% at the discretion of the administrators of the various institutions. In the same vein, albeit informally, appointments inside many political parties have continually ensured that party positions and elected offices are shared to different territorial-cum ethnic constituencies through the usually unwritten principles of 'zoning' and 'rotation'. And these routines are practiced right down to local government offices of the parties.**

However, it must be pointed out that the foregoing provisions find a lot of expression in theory than in practice. The reality is that nepotic and subterranean considerations take pre-eminence. Empirical facts show that when these recruitments play

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<sup>21</sup> See Section 217 (3) of the 1999 Constitution (as amended)

<sup>22</sup> See Sections 222 and 223 of the 1999 Constitution (as amended)

out in reality, the constitutional provisions occupy the back of the queue because the theatrical competition between the majority tribes who occupy most of the prominent positions in the country, making it impossible for the minority tribes to fit into the competition for power and resource sharing space in the country. In the long run, these noble provisions are consigned to the books leaving the minority to always leak their wounds without succour in a union that had covenanted to be fair to all confederates.

In India, Minority issues have been very central to race relations' issues. With an overwhelming majority Hindu tribe and religion, the space for the survival and engagement of the non-hindus became very intricate because of their potential vulnerability. In dealing with this very precarious situation, the Indian constitution had to codify the borders of protection for the minorities as a guarantee of its state secularism. The Indian constitution has guaranteed the prohibition of any kind of discrimination on grounds of race, religion, caste, descent, or place of birth. It also prohibits discrimination concerning employment in relations to the foregoing prejudices.<sup>23</sup> The Constitution further provided for the guarantee to conserve their language, script and culture as well as equal access to education.<sup>24</sup> The foregoing provisions resonate closely with the content of the safeguards and guarantees provided for under chapter IV of the 1999 Constitution of the Federal Republic of Nigeria. Although the courts are endowed with the powers to enforce the rights guaranteed under the 1999 constitution under the provisions of the Fundamental Human Rights Enforcement Rules<sup>25</sup> as it is under the Indian Constitution, the Indian experiment being mindful of the potential for difficulties in litigating issues of this nature, advanced the cause of the minorities by establishing the National Commission for Minorities<sup>26</sup> charged with the responsibility of monitoring

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<sup>23</sup> Articles 15 and 16 of the Indian Constitution. [www.blog.ipleaders.in](http://www.blog.ipleaders.in). Accessed 14/12/17 12:00

<sup>24</sup> Ibid Article 29

<sup>25</sup> S.46 1999 Constitution of Nigeria as Amended

<sup>26</sup> Indian National Commission for Minorities (Amendment) Act 1995

compliances, research and enforcement of the rules that protect the minorities.

**In the United States of America**, the Bill of Rights requires that minority rights are equally as important as does majority rule. Indeed, as democracy is understood today, the minority rights must be protected no matter how alienated a minority is from the majority society; otherwise, the majority rights lose their meaning. In the United States, individual liberties, as well as the rights of groups and individual states, are protected through the Bill of Rights, which were drafted by James Madison and adopted as the first Ten Amendments to the Constitution. These enumerate the rights that may not be violated by the government, safeguarding in theory against majority tyranny. Today, such rights are considered the essential element of any liberal democracy and are embodied in international human rights conventions<sup>27</sup>

The UN Declaration of Minority Rights 1993 believes that constant promotion and realization of the rights of ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and states. The principled approach so emerged is one of equal opportunities for the conservation of culture and protection of linguistic and religious minorities against coerced assimilation in every ramification. The cherished aim was to hold many peoples, languages, culture and religion into an atmosphere of tolerance and intellectual growth<sup>28</sup>.

The foregoing empirical indices clearly show that there is a general global consensus over the indispensable need to protect the minority and vulnerable in every society as a panacea to the development of the socio-economic agenda and stability of that society. Succinctly put, there is no doubt that societies are struggling with the implementation of these safeguards as no one society could

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<sup>27</sup> [www.democracyweb.org](http://www.democracyweb.org) Accessed 15/12/17 00:09

<sup>28</sup> [www.blog.ipleaders.in](http://www.blog.ipleaders.in) Accessed 14/12/17 12:00

be said to have effectively overcome minority agitation in one form or another, but some societies have done better than others. With recent events in Nigeria, it is incontrovertible that there is so much ahead of leadership in designing the infrastructure and mechanisms for providing this level playing ground for all peoples and strata of the society.

### **Challenges Facing Minority Ethnic Groups in their Quest to Access Political and Economic Resources in Nigeria**

Flowing from our preceding scrutiny of contemporary minority rights issues in Nigeria, submissions were made on areas that have influenced, access to political, economic resources, civil rights and liberties as well as other attendant privileges of minorities despite some constitutional and political safeguards provided overtime. Some of these challenges are;

As was earlier noted, States and Local Government Areas were created<sup>29</sup> essentially to dispel the fear of the minorities of domination by the three major ethno-regional blocs, that is, the Hausa-Fulani, the Igbos and the Yorubas. However, in spite of the division of the three ethno-regional blocs, the intent of State creation may have not been achieved. This is because once the State creation principle was accepted; empirical evidence shows that more states were carved out for even the dominant ethnic majorities. **Consequent upon the series of state creation exercises over the years, there are more or less 7 States that can be said to be Yoruba dominated (the South West including Kwara State), 10 states dominated by the Hausa-Fulani (the North West plus Gombe, Bauchi and Adamawa States), and 5 States dominated by the Igbo. This gives the three ethnic majority groups a control over 22 of the 36 states; the Northern and Southern ethnic**

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<sup>29</sup> The creation of the Midwest Region in 1964 was the first instance of ethnic minorities holding both *de jure* and *de facto* political power. Subsequently, additional States were created to bring the number to 36 as at today

**minority groups are still left with the control of a minority of 14 states, often with worse conditions and resource control.**

In view of the fact that the “national cake”, specifically, human and economic resources akin to capital and social projects, employments, scholarships, grants and other forms of public reserves are allocated on the foundation of defined boundaries of states and local governments, it is crystal clear that since the ethnic majority groups still control the greater part of these States go on enjoying the larger share of resources on top of their previously amassed advantages. For that reason, it is opined that though the original viewpoint that States creation was to ensure fairness and equal opportunity between the majority and minority ethnic groups, conversely it has replicated the same elements of disparity and inequity of the old time Nigerian State.

Secondly, another explanation as to why ethnic minorities in Nigeria keep on experiencing shortcomings has to do with the funds hand out logic of the country. The over reliance of the States on Oil revenues controlled by the majority ethnic groups at the federal level to fund their own operations means that the ethnic minority States are inhibited in their capacity to stand for their local population. Similarly, because States and local governments are necessary to gain access to federal funds, chiefly for this reason, even the ethnic majority groups also ask for additional State and local governments. Minority State Governors have also not helped matters principally because taxation is not the basis for public finance in the country. They do as it pleases them without any recourse to their people. Nigeria’s main source of revenue mainly, overtime has remained oil.

Lately, there has incendiary mobility of people across the country and this has led into splitting up of inhabitants into ‘indigenes and settlers’. The attendant consequence is that it turns out to be very vital to stipulate who was to benefit from the share of economic, social and political wherewithal’s allocated to a particular state or a local government area. In this regard, it is a generally accepted assumption that such resources should go to ‘bona fide

indigenes' established by blood bonds and ethnicity. This principle clearly excludes people living in those communities notwithstanding how long such a person or group has been resident there. The Constitution, in defining who a citizen is clearly provides thus:

‘... a person either of whose parents or any of whose grandparents was a member of a community indigenous to Nigeria.’<sup>30</sup>

In an ideal world, the above constitutional provision is supposed to have fortified ethnic minorities' access to resources allocated to their states and local government areas, conversely, in actuality; it is no more than simply stimulating conflicts and violence in many ethnic minority neighbourhoods and regions.

From the foregoing, it is apparent that regardless of continuing constitutional, institutional and policy reforms, the division between the three majority ethnic groups, on the one part and the other minority ethnic groups on the other part has persisted unabated. Nevertheless, it will be erroneous to dwell on the problems and neglect the many positives and deep-seated transformation that has evolved in the relationship between the majorities and the minorities since the attainment of Nigeria's independence in 1960.

Literally today, lots of minority ethnic groups are by far better off in terms standing in for their interest at different levels of governance. In spite of everything, they are still inhibited by several acts/omissions of the majorities within the country's political system. Some of the problems bedevilling ethnic minorities in the country may include but not be limited to;

### **Allegations of the Old-Fashioned Dominance and land Grabbing**

The problem of land grabbing and feudal dominance in northern Nigeria, which revolves around the issues of rights and citizenship,<sup>31</sup> has remained endemic and unabated over a long period.

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<sup>30</sup> See Section 25 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)

<sup>31</sup> Op cit, Mustapha, Abdul Raufu

There are sustained claims of attempts of domination by the majority Hausa-Fulani in minority-dominated States of Northern Nigeria. This has fuelled attendant conflicts in minority-dominated areas of North Central Nigeria like Plateau, Southern Kaduna, Benue, Taraba and Adamawa states.

In these parts of Nigeria, the Hausa-Fulani ethnic majority make up a considerable number of communities of settlers on the territories of ethnic-minority groups. The hostilities in these areas are stimulated by allegations of feudal dominance and land grabbing by the Hausa-Fulani ethnic majorities over the ethnic-minority dominated areas. For example, the Zangon-Kataf ethnic minority dominated community has over the years witnessed communal upheavals, chiefly on the contention that the Hausa-Fulanis in this community are appointed into several political and other offices in the federal and state governments as “representatives” of the people of the area.

The Kataf dominant minority group in the area formed the view that elements of the local Hausa/Fulani communities were drawing influence from their wider links within the larger Nigerian state structure and the society in broad spectrum to maintain their successful dominion of the Kataf minority group and other southern Kaduna minority groups. This accusation and sundry of other related issues like the continuing clashes between the Hausa-Fulani herders and the ethnic minority farmers in southern Kaduna have continued to show off its ugly head even today.

It is important to note that, to an extent, many ethnic minority groups in Plateau, Bauchi and Adamawa States also raise similar fears about the perpetuation of old-style domination, even within the changed context of post Civil War Nigeria.<sup>32</sup> Therefore, it is as well awfully widespread situation now for the elite of one minority ethnic group to accuse competing elites from another minority ethnic group of seeking to monopolize new opportunities at

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<sup>32</sup> Dilawa, Banu: 2002, 'The Oligarchy in Nigeria's Democracy', the Lagos *Guardian*, June 23<sup>rd</sup>

the state and local government levels, thereby seeking to create a situation of old-style domination.

### **The Minorities of the Niger-Delta**

Even as the old-fashioned domination of minority ethnic groups in northern Nigeria is about unequal political and bureaucratic access, the present-day grievance of the ethnic minorities of the Niger Delta is about the control of the abundant natural resources found in their area, but controlled by a federal government. The paradox of the contemporary state of affairs in the Niger Delta region was that the then military-led federal government in its bid to weaken regional governments and assume many of their powers in order to carry out the sort of political engineering necessary for breaking up the old regions and creating the new minority-controlled states and local governments. Enhancing minority interests was coterminous with accumulating federal power and this effort to ‘nationalize control of the sources of Nigerian social power’ was further consolidated in the 1979 Constitution.<sup>33</sup>

Consequently, the wearing gown of regional authority and control by the federal government meant that the new states, which the ethnic minorities got, were not as influential and as independent as the ethnic minority elites had desired. Noteworthy, is the fact that after the elation of state creation, many southern ethnic minority elites started to insinuate that they were still subject to domination and exploitation by the federal government, dominated by ‘northern’ or *wazobia*<sup>34</sup> benefits. Gradually, a contentious relationship developed between the Niger Delta ethnic minorities on the one hand, the federal government and the oil multinationals on the other; this conflict over the control of natural resources was a new dimension in minority rights agitation.

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<sup>33</sup> Suberu, Rotimi: 2001, *Federalism and Ethnic Conflict in Nigeria*, United States Institute of Peace Press, Washington DC at 36

<sup>34</sup> *Wazobia* is the acronym used to describe the three dominant ethnic groups of Hausa, Igbo and Yoruba’s in Nigeria

One major characteristic of this latest conflict has been the explosion in the numbers of militant ethnic minority organizations, some of which we mentioned earlier in this article, in the Niger Delta.<sup>35</sup> These organizations exposed some of the distinguishing features and opinion of the current ethnic minority agitation in the Niger Delta. The foremost demand of the Niger Delta ethnic minorities, spelt out in a number of documents including the Ogoni Bill of Rights<sup>36</sup> and the Kaiama Declaration<sup>37</sup>, is that of ‘resource control’.

Minority calls for ‘resource control’ have persisted; there have also been demands for a national conference of ethnic groups as a path to the restoration of a truly federalist or confederal constitution which will guarantee deeper level of independence and self-sufficiency as well as the right to ‘self-determination’ of the numerous ethnic minorities of the Niger Delta. Coupled with this particular demand was the minority complaint that while their resources were being used to develop other parts of the country, their areas were left without basic social amenities and subjected to environmental pollution.

The pursuit for ‘resource control’ by the ethnic minority in the Niger Delta region has continued unabated. Additionally, there are also calls for a Sovereign National Conference which should pave the way for a truly federalist or confederal constitution that would ensure the independence and self-sufficiency as well as guarantee the right to self-determination of the numerous ethnic minority groups of the Niger-Delta. Again, they also grumble that whilst their areas continue to lack in key social facilities like roads, hospitals, power, water, sanitation etc, yet other parts of the country are being developed rapidly with the resources that are derived from their region.

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<sup>35</sup> [http://owogienedo.com/ETHNIC\\_MINORITY\\_GROUPS\\_IN\\_NIGERIA.html](http://owogienedo.com/ETHNIC_MINORITY_GROUPS_IN_NIGERIA.html)

<sup>36</sup> *ibid*

<sup>37</sup> *ibid*

## **The National Language Policy and Discrimination towards Ethnic Minorities in Nigeria.**

The National Language Policy is another area of obvious inequity against the minority ethnic groups in the country. This is because the guiding principle on languages shows favouritism against ethnic minority languages to the point that it bestows an exceptional eminence on the three ethnic majority languages of Hausa, Igbo and Yoruba in the country. For example, the National Policy on Education<sup>38</sup> provided that the preliminary language in primary schools should be the mother tongue of the child, or the language of the immediate neighbourhood. While English, the country's official language is to follow later<sup>39</sup>. Conversely, in a further segment, the National Policy on Education indicates that apart from:

Preserving the people's culture, the Government considers it to be in the interest of national unity that each child should be encouraged to learn one of the three major languages other than his own mother tongue. The government considers the three major languages in Nigeria to be Hausa, Igbo and Yoruba<sup>40</sup>

Without doubt, the above guiding principle shows prejudice against other languages of ethnic minorities. Similarly, Nigeria's 1979 Constitution gave its backing wherein it provided that:

Parliamentary business in the National Assembly could be conducted in English, and in Hausa, Igbo and Yoruba, when adequate arrangements for translation have been put in place.<sup>41</sup>

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<sup>38</sup> Ibid

<sup>39</sup> Akinnaso, F. Niyi: 1991, 'On the Mother Tongue Education Policy in Nigeria', *Educational Review*, 43, 1.

<sup>40</sup> Agheyisi, R. N.: 1984, 'Minor languages in the Nigerian context: Prospects and problems', *Word*, at 245

<sup>41</sup> See Section 51 of the 1979 Constitution; 53 of the 1989 Constitution; and 55 of the 1999 Constitution

As one writer<sup>42</sup> rightly observes, some of the privileges that the three major languages of Hausa, Igbo and Yoruba continue to enjoy include:

- ✓ Whereas the teaching of the mother-tongue of the minority child terminates at the junior secondary school level, the three major languages continue to be taught at the senior secondary school level;
- ✓ Only the three major languages are taught on national television;
- ✓ Translation of national network news on the national television network are done only in the three languages;
- ✓ The three languages benefit from state-sponsored language development, particularly in the development and enrichment of parliamentary vocabulary;
- ✓ The print media only publishes in the three languages.

Following the foregoing, sooner or later, a number of ethnic minorities may lose their language and may perhaps even disappear, if urgent steps are not taken to correct the imbalance in the country's language policy.

### **Recommendations**

Generally, there is no one methodology for dealing with minorities. Therefore, for the purposes of this article, we have identified about four ways of dealing with minorities so as to achieve unity, equity as well as promote nationhood in the multi-ethno federating unit called Nigeria.

### **The Accommodation and Integration of Minorities**

Integration as a methodology in dealing with minorities arises in a situation where a majority may possibly aver to a

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<sup>42</sup> Essien, Okon: 1991, 'The Future of Minority Languages', in E. N. Emenanjo, ed., *Multilingualism, Minority Languages and Language Policy in Nigeria*, Central Books, Agbor. At 156-7

generally shared characteristic regardless of the huge cultural, ethnic and religious diversity. This is basically on the ground of the apprehension that giving special powers to the minorities or being generous by giving out open-handed unique safeguards could jeopardize political stability and instigate conflict in the country. This methodology vehemently opposes any express constitutional identification of minorities or institutional instruments created under cultural and ethnic differences.

On the contrary, under the accommodation paradigm, the majority possibly will bestow some constitutional and other institutional representation to a particular cultural, ethnic, religious group as well as make available a number of political decentralization and a range of other measures to boost the representation of minorities in the administration, control and supervision of government institutions. These channels point towards the conviction that they will promote and enhance a more cordial coexistence of diverse groups of people within the same federation.

The recent experience in Plateau State clearly strengthens our position in respect to the overwhelming need for the country to focus on the accommodationist approach of minorities. Prior to the inauguration of the Governor Simon Lalong administration in the year 2015, the State over the past few years witnessed a lot of communal upheavals with sectarian and ethnic conflicts between the majority 'indigenes' and the minority 'settlers'. This has led to enormous loss of lives and properties as well as the ensuing deep-seated suspicion and hatred amongst the diverse populace of the State. However, largely due to the incumbent government's disposition to the accommodationists approach in dealing with minorities, developmental projects like the provision of roads, portable drinking water, power, schools in Ungwan Rogo, Bauchi Road, etc which were in the past unavailable in the communities inhabited by the minority 'settlers' groups are now being provided to them. In the same way, many sons and daughters of the minority 'settlers' are appointed into key positions in government like the

Deputy Chief of Staff to the Governor, Commissioner for Information, High Court Judge and Judges of the Sharia Court of Appeal etc. This approach has no doubt helped to douse tension and suspicion as well as develop trust in the State.

### **The Constitutional Amendment and Implementation**

As noted earlier in this article, despite several efforts by successive governments since independence to allay minority fears, the fact remains that there is still so much distrust between the majority ethnic groups and the minority ethnic groups in Nigeria. Given the protraction of the minority suspicion, it is apt to submit that it will take some time, even with more concerted efforts to bury these gaps of trust between the majority and minority tribes.

There is the compelling need for the country to embark on constitutional amendments to incorporate an accommodationist paradigm in dealing with minorities. In the constitution, there should be greater power-sharing *modus operandi* on relative conditions of equality. This will serve as excellent means of comforting the ethnic minority groups that the amended constitution will safeguard their interest and promote a more harmonious and peaceful Nigeria. Even though some political parties have the rotation principle in their respective manifestos yet, politicians manipulate these party provisions to suit their personal egos.

Recently, Nigeria was almost thrown into turmoil when the former President Goodluck Jonathan, a southern minority, attempted to get re-elected after late President Umaru Yar'adua, a northern majority, died in office before the completion of his term of office. The move by President Goodluck Jonathan was in the face of an unwritten agreement that the office of the president is rotational between the north and the south.

From above, it is submitted, that the implementation of the accommodationists approach to minority issues in Nigeria via special constitutional provisions will go a long way to allay minority suspicion and tension. Some of the specialized and enforceable

constitutional provisions should include, but not limited to the insertion of clauses that contain affirmative action for minority representation in elective and appointable positions, The insertion of special clauses in our corporate lexicons that would compel affirmative actions in company incorporation, employment and the protection of land and property holding by the minority tribes among others.

### **The Establishment of a National Commission for Minorities in Nigeria**

A National Commission for Minorities in Nigeria should be established to enable the conduct of independent inquiry and investigations, among others into the preservation, protection and enforcement of minority rights as guaranteed by law. When established, the commission will further safeguard the interest of minorities. This commission should be backed by the Constitution of Nigeria as well as the Acts to be enacted by the National Assembly and the domestication Laws to be passed by the State Houses of Assembly.

The Commission should be charged with but, not limited, the following roles and responsibilities:

- ✓ Evaluate the progress of the development of minorities in the federal, state and local governments levels.
- ✓ Monitor the working of the safeguards for minorities as will be provided for in the Constitution and/or the Acts that will be enacted by the National Assembly as well the Laws by State Houses of Assembly
- ✓ Make recommendations for the effective implementation of safeguards for the protection of interests of minorities by the federal/state governments
- ✓ Look into specific complaints regarding deprivation of rights and safeguards of minorities and taking up such matters with the appropriate authorities

- ✓ Cause studies to be undertaken into the problems arising out of any discrimination against minorities and recommend measures for their removal
- ✓ Conduct studies, research and analysis on issues relating to socio-economic and educational development of minorities
- ✓ Suggest appropriate measures in respect of any minority to be undertaken by the federal, state and local governments
- ✓ Make periodical or special reports to the federal, state and local governments on any matter pertaining to minorities and in particular the difficulties confronted by them; and
- ✓ Any other matter, which may be referred to it by the federal, state and local governments.

### **Improved Security Methodology and other Related Issues**

Recently there have been a lot of hue and cry by ethnic minority groups on allegations of bias and partiality by the security forces deployed to their regions to safeguard the lives and properties of inhabitants. This distrust has no doubt exacerbated the crises in the affected areas. Following the foregoing, it is submitted that, the federal government should as a matter of urgency deploy only security officers who are known to be of highest efficiency, impartiality, integrity and secular record to ethno-religious crises-prone areas so as to build a sense of trust and confidence in the natives, and the promotion and career progression of such officers should be tied to performance. In addition to, the intelligence machinery should be strengthened.

In the same vein, sincere, severe and demonstrable action should be taken against all those who incite ethno-religious tensions or take part in violence and as a deterrent and for the purpose of retribution, Special Courts should be established with the exclusive jurisdiction to deal with offenders in this class, thereby facilitating a speedy dispensation of cases associated with this category of crimes. Correspondingly, victims of ethno-religious violence should be given immediate relief, i.e. within 30 days of the incident, and provided

with prompt, adequate, uniform and equitable compensation for their rehabilitation. Compensation for damage of movable and immovable properties should be provided at current replacement value within the period of 6 months.

## **Conclusion**

In conclusion, the article offers prescriptions to the Government of Nigeria to amongst other methodologies, to produce a Draft Policy on Minority Communities and also proffered that the National Assembly ought to ultimately provide in the Constitution and other laws, obligatory provisions that can be judicially enforceable to protect the overall interest of minorities and this should extend to the whole of Nigeria without exception, considering with urgency the establishment of a minorities commission to be charged with the management of minority rights issues, the compliance and enforcements of minority rights infractions by governments, groups, individuals and bodies corporate.

Minorities no doubt exist in the entire countries of the world and they take diverse forms as well as consequences. Some of these diversities could be cultural, ethnic, linguistic or religious and because of all these, countries are facing distinctive challenges in dealing with minorities. World over, there may be seemingly conflicting objectives between nation-building and recognizing diversity, between individual rights and more collective rights, between accommodation and integration.

The Nigerian state today is no doubt facing unique challenges in dealing with the minorities due to its strong degree of cultural, ethnic, linguistic or religious and even regional diversity. Consequently, Nigeria must find its own pathway; the approach taken should recognize the importance of a full recognition of basic as well as special minority rights and the most of all, fair treatment for all. The ethnic majorities in the country should ask how they would wish to be treated if they were an ethnic minority.

As Nigeria seeks out to achieve political stability, harmony and unity in diversity, the pre-eminent means of realizing this may perhaps be by way of appreciating the contributions that the entire groups in the population are capable of bringing to the country's strength, wealth and prosperity. The country should have elements of both integration and accommodation in its approach to minorities.

Consequently, for an extremely diverse country like Nigeria to find stability and be successful, certain bold and appropriate measures must be taken by the government at the federal, state and local government levels. Some of these measures may include constitutionally backed power sharing formula or some form of guaranteed representation for ethnic minorities in vital institutions, enforceable constitutional protections for ethnic minorities, etc. such measures can be an integral part of nation-building and balanced with an integrative approach to citizenship and government.

Majority rule is controlled so as to protect minority rights, because if it were left denuded, it probably would be employed as an instrument of oppression against persons holding minority or opposing views. Arbitrary majority rule in any democratic dispensation is potentially just as despotic as the arbitrary rule of an autocrat or an elitist minority political group.

Constitutional democracies are characterized by ongoing tensions between the contradictory factors of majority rule and minority rights. Suffice it to state that elected officials in the institutions of representative government must take legacy and sustainable positions about two questions which are when, and under what circumstances, should majority control be curtailed in order to protect the rights of the minority? And on the flip side, when, and under what terms those of the minority should be curtailed so as to prevent the subversion of majority rule. The consequent response to the foregoing rhetoric would provide the delicate balance and algorithm for this unending but precarious competition for harmony between the majority and minority which would in turn provide stability for the society.

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