



CONSEQUENCES OF HEIGHTENED TRIBALISM IN NIGERIA: A BREACH OF FUNDAMENTAL HUMAN RIGHT.

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ABSTRACT:

There are several rights that are accorded to Nigerian citizens by numerous laws. There are also rights that are placed above other rights and these rights are inalienable rights. The inalienable rights are provided by the Constitution of the Federal Republic of Nigeria, 1999. The fundamental human rights encompasses the right to life, right to dignity of human person, right to freedom from discrimination and others. The constitution provides that a person should not be subjected to any constraint or any disadvantage; or accorded any advantage or special benefits merely because he/she is of a particular ethnic group, sex, of a particular religious or political opinion or he originates from a particular place. Tribalism in Nigeria which entails loyalty to a particular ethnic group engenders actions and attitudes that entails the discrimination of certain ethnic groups especially the minority ethnic groups and it is a breach of the fundamental human right. In developed countries like Australia, United States of America, there are a lot of anti-discrimination laws that were put in place to curb tribalism, racism and other forms of discrimination. Tribalism was one of the major reasons behind the formulation of some anti-discrimination laws in some developed country. The concentration of people who were originally from different countries in the United States and their deep identification with some states in United States than others engendered tribalism. This brought about denial of some citizens of their basic rights and the United States Constitution introduced certain principles in Bill of Rights to curb it. Now, in Nigeria, where tribalism is overly practised and people are denied of their basic rights, there are no sufficient legislations put in place to curb tribalism. In the absence of sufficient laws on discrimination to restrain tribalistic practices, tribalism continues to thrive in Nigeria. Failure of Nigeria to recognize the impact of tribalism on the economy and in the society in

general had inhibited the legislature from making more laws to inhibit tribalism. This paper portrays deficiency of laws as the tool that fosters tribalism in Nigeria. If adequate laws are made available, it would have encouraged more people to go to court and challenge discrimination on the basis of tribalism. This article will be of immense importance to law makers in making more and better laws that are consistent with constitution in deterring discrimination on basis of tribe.

Keywords: *Tribe, tribalism/ ethnicity, minority group, discrimination, human right.*

INTRODUCTION:

Tribe can be defined as a group of people in a traditional society that are linked by blood, religion, similar culture. These groups of people share same ancestors or common leaders and they have similar customs and traditions. Akinsola Akiwowo stated that a tribe is a group of people greater in number than people of extended kinship group. This group share same culture, same tradition, same language and same name. They reside in the same geographical area either in different homes or villages connected by marriage. Some of these tribes portray politically consolidation which is much more compounded than a group of kin. Some tribes are more organised politically than others. ¹

Tribalism depicts exclusivity, clan-based. When a particular ethnic group pay no regard to another ethnic group, it portrays that it is deep-rooted and innate and this connotes tribalism. ²

Tribalism are behaviours that show that people are extremely loyal to their group than other groups or their country. Tribalism in Nigeria determines how people act, think, react and who they oppose or compete against.

Ethnicity signifies the intricacies of the conduct and existence of human, it resists simplified definition. It denotes the recognition of similar experiences, identity and memory. It is founded on ancient experiences, conventional norms, ethics and values. ³

Minority groups refer to the group that experience relational drawbacks as compared to other superior groups. Minority groups consist of people who as a result of the group they identify with, encounter discrimination in their accommodation, employment, education and other related things.

Human rights are those inviolable rights that are accorded to human.⁴ They are those rights that are not to be taken away, infringed or dishonoured.

Section 42 of the Constitution of Federal Republic of Nigeria, 1999 provides that a citizen of Nigeria of a particular community, place of origin, sex, religion, political opinion shall not by reason only that he is such a person (b) be accorded either expressly by or in the practical application of any law in force in Nigeria or any executive or administrative action of the government to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic group, places of origin, sex, religions or political opinions are not made subject.

Myriad of ethnic groups can be found in the country, Nigeria. However, the northern part of Nigeria is dominated by the Hausa, the southern part by the Yoruba and eastern part of Nigeria by the Igbo.

Before the realization of independence of Nigeria, the political parties that were formed were majorly for the realization of the objectives of different ethnic groups. Parties like Northern Peoples Congress, National Council of Nigerian Citizen and Action Group.

Although, some of the associations formed on the basis of tribalism was relevant to the education of the Igbo and Yoruba ethnic groups,⁵ it had its major drawbacks. After the independence of Nigeria, ethnic consciousness and tribalism resurfaced in Nigeria. Employment in different sectors in Nigeria are done underground on the basis of tribe during the military rule. Political leaders today still selfishly use tribalism in providing of access to education, erecting of school building and grant of school scholarships just they did before the military rule. Tribal loyalty might improved education in Nigeria but it had become defective as it used as basis for awarding of scholarship, dispersal of schools, erecting of school structures.

DEFICIENCY OF LAW ON HUMAN RIGHTS IN NIGERIA:

Ethnic conflict is perceived as one of the major obstruction to development in Nigeria. Certain ethnic group enjoy certain rights which ought to be universal and some ethnic groups are deprived of this rights, fundamental Human Right as provided for in the Constitution of the Federal Republic of Nigeria.

The rudimentary principles that human right consist of are the freedom rights which includes freedom from discrimination of all forms, participatory right which includes the right to involved in making decisions. It also consist of the advantageous rights, like right to education, medical care, food and others.⁶

When these basic rights to education and food, for instance is denied to a particular tribe because their tribe is not properly represented in the federal government, it becomes a violation of inviolable right.

The Niger Delta communities are agitating for development and supplementation of their primary means of sustenance that have been taken away from them as a result of the oil spillage and gas flaring in their communities. Communities like these have denied of the benefit rights, like rights to food, education and medical care.

Tribalism breeds unequal treatment of the citizenry in a country. The equal treatment of these citizens and their fundamental rights are the basis of democracy. Although, Nigeria had signed various international treaties, there is always absolute disregard of these treaties by the heightened discrimination and violation of people's rights.

A person who has been denied of any of the basic rights provided by the Constitution on the basis of tribalism may not have sufficient legislations to reinforce his case in the court of law. The international treaties which the dissatisfied party would have relied on, are not to be executed on their own, they have to be passed into law by National Assembly in accordance with Section 12 of the Constitution of the Federal Republic of Nigeria, 1999.

Irrespective of the availability of these international instruments, the National Assembly needs to enact more laws. A meticulous examination of several international treaties discloses that there are unclear descriptions of instances of partial suppression innate in them. Most of the rights that are provided by the international treaties are not accorded in unreserved expressions. An explicit example is the African Charter which empowers the state to curb, restrain, limit and hold off the exercise of certain rights. While some rights are not to be accorded in unreserved expressions, the absence of clear description of this partial suppression may engender violation and exploitation.⁷

There may not be absolute rights in the Constitution of the Federal Republic of Nigeria, 1999 and this constitutes a disadvantage and obstruction in advancement of rights accorded to human. The relaxation of certain rights like the right to life by the inclusion of exemptions in Section 33 of the Constitution brought about unwarranted killings by the Nigerian security officers that are not properly trained. Section 33 provided that if a person dies in circumstances like defence from unlawful violence and suppression of riots, that such person shall not be regarded as a person who was deprived of his/her right to life. It created a loopholes for the violation of rights of Nigerian citizenry.

Section 42 of the Constitution of the Federal Republic of Nigeria, 1999 in granting freedom from discrimination on the basis of ethnic group, sex, religion created an exemption to the freedom. Subsection 3 of section 44 asserted that the provision of subsection 1 shall not be deemed to be violated

by reason of the fact that a provision of law imposes restriction on designation of one to office in a state or being a member of the armed forces of Federal Republic of Nigeria in service of a body established by law in force. The ill-defined derogation provided by subsection 3 of section 44 of the Constitution are susceptible to violation.⁸

Failure of the National Assembly to make well defined provisions brings about the violation of people's rights. This provision can easily be exploited by the politicians in appointment of people to office and in granting employment to the citizens. If there are exemptions to be introduced in the Constitution of the Federal Republic of Nigeria being the grundnorm, such exemption should be explicit to cover maximum possible violation of the major provision.

MARGINALIZATION:

Ethnicity in Nigeria has taken unsettling novel dimensions. Treating of groups as insignificant has brought about the agitation of the minority groups. Marginalisation of a particular group reproduces lack of trust, tribal tensity and scepticism. This eventually brought about disagreement in the allotment in resources and allocation of power.⁹

The system of leadership adopted by Nigeria where power is believed to be held by elected representatives of the people is being thwarted by marginalization. When one or more ethnic group is marginalized, they may feel the need to be independent of other ethnic groups. The Igbo people in Nigeria who believed they were marginalized sought to be independent from the other ethnic groups and created an independent state. This actually led to Nigerian Civil war which lasted till 1970. The political, economic, ethnic, economic traction was majorly the reason why the Igbos sought to detach from Nigeria.

The political tension during the military regime brought about the killing of the minority Igbos in the eastern part of Nigeria. The Nigerians were better equipped so the Biafran secessionist ended up surrendering in 1970. This war might have put to a stop but the ethnic grievances is yet to be sought out. The Biafrans still hold a protest in Nigeria and abroad. In 2015, the Indigenous People of Biafra (IPOB) leader, Nnamdi Kanu was detained and in 2016, during the IPOB protest 150 unarmed Pro Biafran activist were killed.¹⁰

The Niger Delta communities have long been agitating against the fact that they are marginalized even when the nation's major revenue source is derived from Niger Delta. They allege that they lack in development, yet the major ethnic groups utilize the resources derived from Niger Delta to develop themselves. The spillage of oil and combustion of gasses had made it difficult for the communities in Niger Delta to engage in the primary sectors of the economy like agriculture, fishing to sustain themselves.

If the communities of Niger Delta are not truly marginalized, there should have been proper means put in place to develop and sustain them. The mining rents and royalties which are supposed to be paid this group are slashed every now and then. The rent, royalties, part of the tax derived by the Federal Government and compensation clamoured for by the Niger Delta is being considered trivial and overlooked by the Federal Government of Nigeria.

TRIBALISM IN POLITICS:

The impact of tribalism in Nigeria cannot be underemphasized. Since inception of the civilian rule, there has been tribal mode of voting which engenders tribal politics after the election. The creation of more states in Nigeria gave a measure of liberty to ethnic groups and intensified tribalism as the group grappled for power at the federal level.

The agitation for creation of more state at the commencement of the civilian rule portrays that tribalism has coated the Nigerian politics. In the second Republic, tribal sentiment aided Ibrahim Waziri in departing the Nigerian Peoples Party with huge number of politicians. The Nigerian People Party after Waziri left with his supporters was regarded as eastern Nigerian party. The presidential candidate in the second republic had almost all the votes of the respective tribes. Presidential candidates from the Yoruba tribe got majority of their votes from the west and same applied to the Igbo tribe.¹¹

The debate on who gets what give rise to tribal conflicts and discordance. There has been presumption that sufficient education of people in Nigeria will shrink tribal loyalty. Education of Nigeria might have lessened tribalism as there are more educated people who are advocating for demise of tribalism. However, there are other educated politician who in a bid to outsmart their opponents have intensified tribal allegiance.

Numerous Nigerian politicians have opined that the extermination of tribalism will alleviate countless problems the country is facing, however the have not done anything that will placate the impact in Nigerian politics. It is regrettable that the Nigerian politics is deep-rooted in tribalism despite the view point of many Nigerian politicians.¹²

The agitation of people for creation of more states and tribes in the current decade shows that the aim of the Constitution of the Federal Republic of Nigeria to obliterate tribalism in politics in nugatory. Loyalty and allegiance to ethnicity will be resuscitated in the event of national problems in the country. Political leaders like Chief Obafemi Awolowo and Abubakar Tafawa Balewa alleged that Nigeria is not a country and if it were a country, it is just on paper. They are of opinion that Nigeria is merely used address people that lives in the confines of Nigeria.¹³

Ethnic loyalty has crawled into virtually all the political activities in Nigeria and this has brought about ineffectiveness and inefficacy. Uneven treatment

of nationals in Nigeria is a common feature of the leadership. This worsens the issue of uneven emolument and brings about scrabbling for resources and conscious rejection of the state by the nationals. This is equivalent to corruption as it often entails direct and indirect required commitments dependant on how familiar the grantee is with the grantor. ¹⁴

Tribalism incapacitated the political leaders in carrying out their duties. The answerability of the Nigerian government to the citizenry is conceded as a result ethnic sentiments. The political leaders are no longer serving the masses but the people that belong to their tribes. Incompetent citizens are being placed above the competent citizens because of ethnic sentiments. When this happens the ethnic groups that are treated as insignificant harbour grudge and this breeds conflict in the society.

RECOMMENDATION:

This paper recommends the legislature should consider enactment of laws solely targeted on inhibiting discrimination on the basis of tribalism. The loopholes introduced by ill-defined exemptions in anti-discrimination laws should be remedied to inhibit exploitation.

The enactment of more and better laws on discrimination will assist people whose rights have been violated as a result of heightened tribalism in Nigeria.

The Constitutional provisions prohibiting discrimination on the basis of ethnic group is not sufficient. The derogation of right to freedom from discrimination on the basis of tribe should be properly defined and exemplified.

The international treaties on human rights should be domesticated so that there will sufficient laws on discrimination. When this done, awareness should be made to encourage people and communities that allege that they have been denied of certain privileges on the basis of their tribe to institute actions in the court.

Communities that are marginalized should be paid attention to by the government. Political leaders are to be dissuaded from according unmerited privileges to people of the same ethnic group with them.

CONCLUSION:

The legislature have a crucial role to play in impeding the tribalistic practices that violate human rights. The sufficiency of legislation on discrimination will empower the minority ethnic groups that allege that they have been denied certain privileges and also people whose rights have been violated on the basis of tribe.

The discrimination against people of certain tribe can be watered down by the enactment of laws specifically targeted at eliminating discriminatory

practices on the basis of tribe. The political leaders should be reminded of their allegiance to the citizenry and not their tribesmen.

The Niger Delta communities that allege marginalization against the government for utilization of their resources for the development of other parts of the countries except theirs should not be shut down. Any tribe that alleged marginalization should have proper medium to lay formal complaints.

The judiciary are required to participate actively in the enforcement and execution of the laws made by the legislature on the basis of tribalism.

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