



Citizen but not Indigene: A Constitution Quagmire: The Case Study of Nnanna in *Across the Gulf*

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Abstract

Nigeria is one of the most ethnically diverse nation in the world. Unfortunately, the constitution negatively weaponised this into tribal-nations through indigeneship as against clear-cut citizenship. Over a century of her formation, the country stills grapples with the ugly reality of ethnic divides. This is the idea the novel *Across the Gulf* encapsulates through the protagonist, Nnanna. The study is based on hermeneutics literary theory cum Hans-Georg Gadamer's approach. While there are burgeoning publications on the challenges of being a citizen yet not on being an indigene, this paper analytically studies the effects of the constitutional provisions and questions the logic of instituting indigene-settler qualalude as seen in life of Nnanna in the novel. The study finds that the past inundates the present especially on the children. The paper therefore calls for the abolition of the indigeneity clause from the Constitution and the Native Authority Law of 1954 for the sake of tangible patriotic national unity. Our national identity should not be hinged on indigeneship but citizenship.

Keywords: Indigeneship, Citizenship, Homeland, Identity and Constitution

Introduction

In Nigeria, the concept of nationality, citizenship and indigeneship connote different aspects of the same relationship and membership of a state. Nationality and citizenship deal with international perspective and indigeneship with the local. These notions of citizenship against indigeneship are further complicated by the 1999 Constitution. In the constitution, nationality is mostly employed in its politico-legal sense as denoting membership of a nation state and as regards Nigeria, but stops short in conferring equal status of an ethnic-state of indigeneship to a person. The constitutional provisions for Nigerian citizenship are: Section 42, (1), (2), (3) & (4) which dictate that:

- a) a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion, or political opinion shall not by reason only that he is such a person;
- b) be subjected 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 groups, places of origin, sex, religion, or political opinions are not made subject;
- c) be accorded either expressly by, or in the practical application of any law in Nigeria or any law such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion, or political opinions;
- d) no citizen of Nigeria shall be subjected to any disability or deprivation merely because of the circumstance of his birth.

These provide full and equal citizenship for all Nigerians irrespective of any differences. At the same time, they serve as safeguards to ensure that no Nigerian is discriminated against because of his/her religious, political and ethnic affiliations. In essence, all Nigerians have the same sets of rights and responsibilities anywhere and everywhere in the nation-state. The same notion of complete and equal citizenship is emphasised in Section 15 (13) (b) in which it states that it shall be the role of the State to secure full residence rights for every citizen in all parts of the Federation". However, in Section 318 (1), the constitution dictates that only a person who has satisfied the conditions of indigeneity can qualify to become a citizen of a local government area or state in Nigeria (Adenuga, 2018). That is, you are a citizen of the geographical sphere called Nigeria but if without a specific ethnic-home land, not an indigene. Nylander (2011) aptly espoused the quasi-dilemma of a citizen but without a homeland thus:



Nationality in this sense has been described as the subjective corporate sentiment of the unity of members of a specific group forming a 'race' or national (tribe). It determines the membership of a particular clan, tribe race and homeland (but not nationality). A member of an ethnic group is bound in alliance to his local chief to fight his wars and obey the dictates of the community as promulgated by the chief. Such a member of an ethnic community is a national or citizen of that community.

This conundrum gave birth to the concept of settlers, indigenes and migrants and, in worse case, Internally Displaced Persons (IDPS). In a civilised clime; with well thought out laws, a citizen should not still be a settler or even an indigene and, as stated in Section 147 of the 1999 Constitution, such cannot be displaced. Here lies the quagmire.

Unfortunately, another injustice has already been accentuated in sub-section 2 and 12 of Section 7 of the constitution, the *jus sanguinis* is limited to the male line. This *jus sanguinis* in citizen legislation is also limited to natural lineage. (Nigerian Constitution, 1999). This is carnal of *Across the Gulf*. Nnanna, though one of the model citizen of Okigboli; in the words of Chief Mbanefo: 'So, tell me, is there anyone, anyone at all, old or young that you know in Okigboli, who is contributing more to the construction of our town hall than Nnanna?' (175); is less of an indigene of Okigboli because of his paternal lineage. The paper is a practical application of constitutional provisions of citizenship and indigeneship in the context of Nnanna in *Across the Gulf*. Factors of homeland in terms of IDPS in one's country leading to the lost of identity and disenfranchisement form the objectives of analysis.

Literature Review

Statelessness and homelessness have become a burning issue in Nigeria and the world over. Millions are displaced by natural disasters as a result of El-nino effects. Some have also been displaced by man-made disasters such as resource mismanagement, wars and draconian legislative enactments. Homogeneous tolerance has become contentious for heterogeneous intolerance. Ethnic-nationality supra-imposed itself on patriotic nationality. These have given rise to citizens displaced within their home country. They are citizens but not indigenes because of their place of residency.

Nigeria with over 250 ethnic groups is one of the most diverse countries in the world (Mba et al., 2019). This diversity necessitated the adoption of federalism as the guiding structure and principle of governance (Babalola, 2015; Odisu, 2015; Okudolo and Onah, 2019). It is perceived that federalism has the capacity for national integration in an extremely polarised nation. Despite the adoption, the country has failed to shed its pre-colonial mindsets so as to harmonise the diversity in order to achieve national unity (Ali and Ahmed, 2019). This inability to institutionalise citizenship above indigeneship (tribalism) creates ambiguity in the Nigerian constitution. Serious research attention has been devoted to it (Edewor et al., 2014; Anthony, 2018, Chidozie and Orji, 2022; Ukiwo, 2005).

Ethnicity which has been formalised in the constitution as indigeneship refers to a group of people with commonly shared cultural traits (Taras & Ganguly, 2015). Prior to colonisation, many sovereign tribal-states existed (Adenuga, 2022). Though no tribal-state was created through conquest before the advent of the British. It should be noted that those created afterward were sustained through exclusive ethnic socio-economic construct. Membership of these tribal-states like indigene letters are for a lifetime (Adenuga, 2022).

It is against this backdrop that the Nigeria constitution emerged. The 1960, 1963, 1979 and 1999 constitution were so crafted to reflect tribal-states not nation-state of Nigeria. The indigeneity clause pitches the 'us' against the 'them', the 'first comers' against the 'late comers' and the 'indigenes' against the 'non-indigenes' (AngerBrandt, 2018; Bamidele, 2018; Maiangwa, 2020; Mang & Erhardt, 2018). No meaningful development and significant growth can be achieved in a nation-state that denies a section of her citizens access to equal resources and home-state.

Theoretical Framework

This paper adopts Hans-Georg Gadamer's approach of hermeneutics literary theory. Gadamer posits that an interpretation of past literature arises from argument between past and present. The present perspective is definitely associated with the past; simultaneously vice versa. Hence, the reader's



involvement in the creation of meaning also becomes significant. The analysis of a text hinges on the knowledge, assumptions, cultural backdrop, experiences and insights of its readers (Mambrol, 2016). The theory is appropriate for the interpretation of citizen but not indigene scenario in *Across the Gulf*. The novel balances the vicious cycle of the past and the present as an intricately interwoven continuum at an interjection.

The Quest for Homeland

More often than not, the concept of home is used to connote the land of my people. Little wonder sayings such as 'home sweet home' or 'there is no place like home' are household aphorisms among the people of Nigeria. The justification being that, in times of turbulence, only your homeland or kinsmen will stand by you through thick and thin. Nigerians hold that land defines a person's identity. Even the corporate economic development of society is tied to land. Similarly, sociology and geographical definitions of homeland encapsulate this idea. The social scientists understand homeland as a place where one is born and raised. Geographically, it is a human-land concept. It is a land that a group of people love to the degree that they call it home. Hence, terms such as 'son of the soil' are widespread among different tribes in separate locations. For instance, the Tarok of Langtang, Plateau State, describes the concept of land as the home of a person in 'Uyen Mbin' loosely translates as 'son of the land/soil'. The concept is much more profound with attendant consequences amongst the Igbos. The acrimonious relationship in *Across the Gulf* between Ofala and Ikenna see the latter's anger for the denial of their father Chukwuma's remains (178).

Historically, the Igbo culture dictates that the custodian of the father's grave is the most reverend member of the family. This explains the special attention accorded to the family compound that houses the graveyard of the ancestors let alone the elaborate and glamorous attention lavish on the corpse. This is so because the dead is accorded deitic piety. Homeland is not just a place to live on but a link to the ancestry and even a home of dearly beloved departed. This is something the framers of the constitution are either ignorant of or deliberately nonchalant about.

The homeland is not the where but the who that occupied it before the present generation; therefore, the present generation is a benevolent beneficiary of the past. Hermeneutically, the deceased has the capacity to influence the living; hence, they must be properly granted a befitting burial in the chosen land. The value of the land is solely dependent on this. It is often considered an abomination of the highest kind to dispose of a land that houses the ancestors. But then this cultural diversity could have been managed and harnessed for national gains. Countries such as Ghana and Belgium have enacted constitutional and institutional laws to foster national integration and unity by borrowing healthy cultural practices, not setting the stage for another Yugoslavia or Rwanda.

The least the constitution can guarantee is a home regardless of where. But the constitution rudely takes the assurance of a home anywhere within the sphere of Nigeria for a colonial divine and rule policy. Most of the conflicts in the country are occasioned by the indigene-settler quest for an ethnically exclusive homeland. The Yoruba-Hausa/Fulani bloodbath in Mile 12 and Sagamu, the Taroh or Berom-Hausa/Fulani face-off in the southern and the northern part of Plateau respectively and the Jukun-Tiv episodes in Wukari are just but a few of wanton killings in the name of homeland.

Nnanna suffers denial and persecution for contributing to the growth of someone else homeland, that is, his maternal ancestry. He is disgraced and his adopted father ultimately dragged to the mud for allowing a bastard son, born of some mercenary 'Awusa soldier,... taking away your birthright (184). This is a boy who stands head tall than any of his peers in morality, philanthropy and cultural practices. Eze Orizu considers him the most suitable for Chinyere-Ugo, one the highest title in Okigboli (175). But no! citizenship is not enough. For it is the homeland (indigeneship) that gives a person legitimacy.

It is true amongst the Igbos that someone can claim indigeneship through the mother. In the novel, one of the villagers recounts cultural practices through historical facts by saying: 'Do you remember someone who ran away from his village to his mother's people in one of those old stories our people used to tell' (215). It is also common knowledge that once a father pronounces and adopts a child, such a child assumes and enjoys the privilege of a biological child regardless of whether they are legitimate or illegitimate.



However, the Constitution complicates such practices. It introduces autochthonous as the basis for complete citizenship which insists on Section 318 (1), which takes away the right of adoption through pronouncement from the Igbos. It dictates that only a person who has satisfied the conditions of indigeneity can qualify to become a citizen of a local government area or state in Nigeria (The International Crisis Group, 2012: 3). This is complicated by the 1954 Native Authority Law which states that 'indigene is someone whose genealogy can be traced to a definite geo-ethnic space within a local council' and a non-indigene is just a native residing within a native community (Adenuga, 101). Section 147 (3), defines it as who is entitled to what as the national pie trickles down. This provision no doubt inspires Ikenna's words to Chinedu his son (184):

'You fool! You idiot! How could you be getting drunk and snoring away here like a hog when a bastard son, born of some mercenary Awusa soldier, is taking away your birthright...'

Heroes such as Barack Obama, Cristiano Ronaldo and Rishi Sunak would have ended as nobody in Nigeria. There is the complaint about racism but ethnicism is worst. Unfortunately, the constitution encourages it.

In Nigeria, the capacity for the success of an individual or a society is dependent on the extent to which a man understands his homeland and the extent to which he puts that understanding into practice. This singular reason leads to other forms of misunderstanding. To keep their home and also their source of survival, the concept of indigeneship, tribal politics and tribal marriages gain a stronghold as a form of culture.

Adeji (2017) defines culture as a way of life of a people and involves the complex whole of man's acquisition of knowledge, morals, habits, beliefs, arts, ideas, customs, myths, technology, folklore and music among many others which are shared and transmitted from generation to generation. Since indigeneity is now established as culture because it is deeply rooted in lifestyles and national documents, what then becomes the fate of women married to communities other than theirs? What about children that are product of rape and the rapist unknown? There is also a third category of those who are truly Nigerians but cannot trace their roots, what becomes of them? Land is sacred as the identity of a person but constitutional provisions should not base someone's identity on it.

Concept of a Refugee, Migrant and Internally Displaced Persons (IDPS)

The concept of refugees, migrant and IDPS are used interchangeably in this section. This is because 1951 Refugee Convention has no clear distinction between a migrant and an IDPS. A refugee as explained by United Nations High Commissioner for Refugees (UNHCR) is 'someone who is forced to flee their own country (homeland) and seek safety in another country. They are unable to return to their own country because of fear of persecution as a result of who they are, what they believe in or say, or because of armed conflict, violence or serious public disorder (hunger)' (UNCHR, 2024). It has been earlier established that ethnic enclave are nations or states in their rights. From this, it will be right to syllogistically say that anyone forced out of his/her native community in search for means of survival is a refugee, a migrant and an IDPS.

Hunger, persecution and violence are co-tenants in extreme situations. They are emotions in absolute. Throughout history, mankind has always had to coexist with these extremities. This has forced many to flee their homeland in search of a better opportunity. This is true of Nigeria as many have fled to different tribal-nations in search of better opportunities. Others have fled because of religious persecution. Out of the 35.3 million displaced persons, a number of them are in Nigeria. The poverty index of the country is estimated at 38.9% in 2023 with about 87 million people living below the poverty line (World Bank, 2023). Such has turned many into refugees, migrants and IDPS in their own country.

You wake one morning from troubled dreams to discover that your world has been transformed.

Under the cover of the night, you have been transported elsewhere. As you open your eyes, the first thing you notice is the sound of the wind blowing across a flat, empty land. The sky is dark by a nimbus cloud, getting ready to rain in January. The soil is grey, and the grasses are lush green. You find yourself wondering if you are dreaming or awake.



You are settled, uprooted from your native community. You have been transported. Who transported you? Who broke your links with the land? You have been forcibly moved off, and you have fled rumour or war or hunger. You are on the move, stumbling along your line of flight. In moving, your life has come to a halt. Your life has been fractured, and your family is fragmented. The lovely familiar stabilities of ordinary everyday life and social existence that you have known have passed. Compressed into a brief moment, you have experienced the violent disruptions of the mundane. You have suddenly become an emblem of everything that people running away from extreme conditions experienced. You encounter a new world, a new culture to which you have to adapt while trying to preserve your own unrecognisable forms of beliefs, culture and lifestyles.

Putting these scenarios together is the experience of Nnanna in *Across The Gulf* as he travels from the eastern to the Northern part of the country. Chapter Thirty Three succinctly captures in:

Nnanna clambered into the truck.

The driver's assistant turned towards the door to allow him pass and sit between them. The driver sensed that something was wrong with the young man. His second answer had confirmed this.

'Which part of the North are you going?' the driver asked him. He did not respond, behaving as if he did not hear the question. What town or city, or village?'

'Just anywhere in the North,' Nnanna said. The driver's assistant looked at him and shook his head?' (205).

Life has become too fragile, too uncertain and bitter. You can count on nothing is the state of mind of Nnanna. You have become an object in the eyes of the world. Who is interested in his experiences or in what he thinks or feels? Politicians rush to make legislations to prevent you entry into their ethnic - countries. Asylum-seeker in your country. Barred from a people you have long known. Familiar faces once yet so unfamiliar now. Your family members now see you as an intruder. Not long ago, all and sundry convert an audience with the soon to Chinyere-Ugo, one of Okigboli now an Awusa boy. You are untimely, and you are out of place. For a crime you know nothing of. You had but loved all, now no one except Ifunanya your mother, cares. A refugee is what you have ended as. Tearing yourself from your own land, the place of friends and family to an uncertain destination in search of a complete stranger. Carrying your body, beliefs, your language and your desires, your habits and your affections, across to the strange subliminal spaces of unrecognisable worlds. Everything that happens in this raw, painful experience of disruption, dislocation and dis-remembering paradoxically fuels the cruelty that burns in your chest.

By far, the concept of a refugee is always defined in relation to land. The land is used to define the identity of a person, community and even a country. An individual also feels lost, without a homeland. Edward Said concurs to these assertions in *After the Last Sky*: 'How rich our mutability, how easily we change (and are changed) from one thing to another, how unstable one place- and all because of the missing foundation of our existence, the lost ground of our origin, the broken link with our land and our past.' (269). In many colonised countries, settlers created vast farms and estates by driving off those who had traditionally lived on that land, some of whose descendants continue to this day to live in an impoverished landless limbo and abject poverty. Without land to live on, cultivate and make sacrifice to, a person is worst off alive than dead. It is important at this juncture that a distinction be made between the cultural practices of the Igbos and the Taroks.

Among the Igbos and Taroks, the concept of land as the visible embodiment of the deities is strong. They hold land to be the channel on which their ancestral worship is carried out. Anyone willing to seek the face of his ancestors on matters of dispute, protection and leadership must resort to the soil, streams and plants in their homeland. This goes deeper than the notion of romantic mysticisms. The Romantics sees the supreme in caves, streams and trees but the Taroks and Igbos consider the caves, streams and trees



as a link to the deities of *Inan* and *Chukwu* respectively. The Taroks make sacrifices of cock using *mullak* onwards to *Inan*. The Igbos on the other hand, sacrifices different animals as one can afford at the ritual of *Chi* to *Chukwu*. It is this link that determines the success or failure of an individual in a community. The surest way for someone to fail is to break the link. This link is the umbilical cord that connects the people to their ancestors. To them, the land is not only the sustainer of life but also the source of life itself.

Among the Igbos, an illegitimate child has no connection to the ancestral land and worship except some older male: grandfather, uncle or any male, adopts him. In fact, even the mother of the child will continually be tormented by the gods because of her unholy sin of bringing strange blood into the fold as witnessed in the epoch of the birth of Nnanna. Usually, the baby will be delivered by the sound of the grandfather's name but this did not happen on this occasion because the gods of the Chukwuma's reject it as a bastard. Until Ifunanya confesses: 'Awusa soldier, father...boy...name... girl... name, Awusa soldier, I don't, don't remember the names, names, names...you gave...gave me for your child ooaahhh! In the midst of the cacophony of these words the baby tore its way out' (104). It is this link that determines the status of a person in the community.

Contribution of the Study

The immediate call of this paper is quite urgent on the policy makers to enact inclusive and uniting laws that build bridges between the numerous tribal-states in Nigeria. Laws that foster unity and national cohesion not confusing, divisive and neo-imperialistic in nature.

Another pivotal contribution to knowledge is the clarion call on the citizens to ditch the archaic notion of tribalism and ethnicism for patriotic nationalism. The traditional council must resolve the case of the issuance of certificate to indigenes to model morally upright citizens regardless of the place of origin of the awardees.

Findings of the Study

The study finds that the constitution is itself a factor militating against national cohesion and integration. The study also finds that the constitution is crafted to promulgate religious, tribal and sectional sentiments as meted on Nnanna by his uncle Ikenna in Okigboli.

Conclusion and Recommendations

In conclusion, the paper unequivocally recommends the abolition of Indigene letters or certificates. The national identity card should replace any other forms of identification at the federal, state and local government level. No citizen of Nigeria should ever endure the treatment meted on Nnanna in Okigboli. Though this paper acknowledges the usefulness of Indigene letter or certificate in checkmating the inflow of illegal aliens but that task should be left to the Immigration Service of Nigeria. Besides, some parts of the country will rather issue that certificate to an alien and deny the natives from their locality because of religious sentiment.

A constitution conference is urgently canvassed for by this paper to fashion out a national document devoid of tribal cleavages. Whatever decisions that come out of this constitutional review must be free of any religious, tribal and political sentiments.

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