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Bifurcated citizenship in Nigerian cities: The case of Lagos

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Abstract

The 1999 Constitution of Nigeria guarantees equality of the citizens, but accords special rights and privileges to natives. Thus, there is a bifurcation of citizenship between the "native-citizens" and "non-native-citizens", with different rights and privileges attached to each category. The crises created by this bifurcation is better observed in the cities, as it provides points of contact between large numbers of natives and non-natives. Lagos, as a megacity, epitomizes the identity and legal crises pervasive in Nigeria. This bifurcation of citizenship has created a dilemma thereby recasting the megacity as the pepper-farm, which Eko, the original name of Lagos, was in the 18th century. Using doctrinal method, the paper found that Lagos, not unlike many Nigerian cities, is shrouded in controversies and conflicts which could only be resolved by new legislation and orientation. The project of correcting the observed anomaly of bifurcated citizenship in Lagos is however beyond the city. It must embrace the whole of Nigeria. Hence, the relevant laws need to be updated towards permitting citizens to claim their place of birth or residence once they are able to assimilate the ways of life of the indigenous population, as this will resolve the legal and identity crises currently endangering the megacity; and help in reducing primordial attitude.

Keywords: *Citizenship, indigeneship, natives, megacity, Lagos*

Introduction

The United Nations defines a megacity as a city which has a population of at least 10 million people. Three cities- Lagos, Cairo and Kinshasa are classified as megacities in Africa (Encyclopedia Britannica, 2019; World Population Review, 2019; Toesland, 2019; United Nations, 2018; Agbiboa, 2018; Babalola, 2017). The population of Lagos is estimated to be over 19 million inhabitants in 2018 (United Nations Population Division, 2019: Young, 2019; World Population Review, 2019; Toesland, 2019; Vidal, 2019; Omondi, 2018; United Nations, 2018). With this vast population, comprising multiple peoples, cultures and aspirations, conflicts between the indigenes and non-indigenes especially with regards to access to economic and political opportunities is inevitable (Whiteman, 2012; Odoemene & Olaoba, 2010). The term Lagos or Lagosian has many connotations. Lagos may refer to the island, or the island and the mainland, or the island and all the adjourning conurbations (Definitions & Translations, n.d.). In this article, the latter definition is preferred. Similarly, the term "Lagosian" has different connotations, it could denote residency, being a settler, or an indigene (Glosbe Dictionary, n.d.). This article accepts the definition of Lagosians as natives or indigenes of Lagos.

The term "native", (or 'indigene'- the preferred synonym in modern times), was hitherto considered derogative (Chandlera & Reid, 2018). This hitherto derogatory term has now become trendy in Nigeria as a result of laws that accord special rights and privileges to natives (Sections 14 & 147(b) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

Lagos is a product of its history and the legal development in Nigeria. The Nigerian polity that emphasizes indigeneity as the basis of accessing opportunities, seem to place Lagos and Lagosians at a disadvantage in Nigeria (Sayne, 2012). The non-indigenes whose population is usually more than the Lagosians in different parts of the city access the political opportunities in their home communities as well as Lagos, thus claiming that Lagos is "a no man's land", to the consternation of Lagosians (Olawoyin, 2017; Njoku, 2017).

Sections 147 (b) of the 1999 Constitution and 4 of the Federal Character (Establishment etc.) Act, 2004 provide that accessing certain opportunities (such as distribution of ministerial or ambassadorial portfolios, job opportunities, admission to state subsidized educational institutions, among others, are the prerogatives of the indigenes (see Fourchard, 2015). However, in the case of Lagos, non-indigenes utilize opportunities that are legally the exclusive preserve of the indigenes due to the population advantage of the non-indigenes over Lagosians (Nwachukwu, 2019; Fourchard, 2015; Mile, 2013; Barnes, 1975). The use of the Lagos quota- the slots reserved for Lagosians- by non-indigenes is not replicated in other states of the Nigerian federation and if at all, not on the scale in which the Lagos' slots are being used by non-Lagosians. This issue of accessing political and economic opportunities in Lagos and within the Nigerian federation creates conflicts between the Lagosians and others (Olowojolu, Iseolorunkanmi & Oshewolo, 2016; Mile, 2013; Alubo, 2011). Consequently, this study examines the dilemma of a megacity torn between primordiality and modernity due to the extant legal system. The term "native" and "indigene"; and "non-indigene" and "settler or allogene" will be used interchangeably in this paper. The study mainly focused on the analysis of the constitutional, statutory and other documentary provisions related to citizenship and indigeneship in Nigeria.

Who is an "indigene"?

The word "indigeneity" like its near-synonym "aboriginality," is an abstract noun fashioned from a term used to describe local peoples, exhibiting certain characteristics and living in specific territories" (Waldron, 2003a:56). "Aboriginality"—refers to the quality of being in existence, and or in possession of a piece of land at the earliest times (Das, 2015; Waldron, 2003a; Waldron, 2003b). Also, indigeneity is derived from indigenous which refers to being "born or produced naturally in a land or region; native or belonging naturally to the soil, region" (Waldron, 2003a: 57; Das, 2015:14; Sarivaara, Maatta & Uusiautti, 2013). Indigeneity is also a term used to express the politics and philosophy of cultural and other rights of the dominant peoples (Waldron, 2003a). The derivatives of the term 'indigenous'– indigenousness, indigineship and indigeneity are associated with a United Nation study on indigenous peoples (Cobo, 1986).

Natives or indigenes are: first, the descendants of the inhabitants of a territory at the time before the arrival of people(s) of different cultures or ethnic origin. Second, persons accepted by other members of the indigenous group. Third, a group of persons who uses an indigenous language, often different from the national language. Lastly, there may be relative isolation from other cultures, which have preserved the indigenous customs and traditions of the natives almost intact, notwithstanding that they are currently part of a modern political arrangement (McGuinne, 2014; Cobo, 1986; Article 1 of the ILO Convention, 1989). An indigene may also be defined as:

> Those who can trace their ethnic and genealogical roots back to the community of people who originally settled there. Everyone else, no matter how long they or their families have lived in the place they call home, is and always will be a non-indigene (HRW, 2006:1)

Indigeneity refers to a timeless kinship community defined by identification with a specific homeland whereby only indigenes are considered as rightful heirs to land (Adebanwi, 2009; 2004). Thereby, other groups are identified as strangers or settlers irrespective of the fact that they may have lived in the area for over a century.

The Native Authority Law No. 4 (Northern Nigeria) of 1954 defined a non-indigene or "stranger" as "any Native who is not a member of the native community living in the area of its authority" (Bach, 1997: 338). Similarly, Part II of the Federal Character Commission Guiding Principles provides that, first, an indigene of a local government refers to any person whose parents or grandparents (either) was or is an indigene of the local government concerned and accepted as an indigene by the local government. Second, an indigene of a state refers to "a person who is an indigene of one of the local governments in that state" (sections 223(2) (b) and 318(1) of the 1999 Constitution). Further, a married woman is an indigene of her natal local government in Nigeria, and not of her husband's local government (Part II, Section 3 of FCC Guiding Principles; Nwagwu, 2016). Essentially, it is the prerogative of local government officials and state bureaucrats to offer a definition of an indigene (Ehrhardt, 2017; ARC, 2017; Fourchard, 2015; Sayne, 2012).

In the light of the problems stated above, the study interrogates the question of fractured citizenship, whereby all Nigerians are citizens because they are first, indigenes of a local community and access all

opportunities by virtue of belonging to that indigenous community. Irrespective of the length of residing in a place, especially in post-independence period, it is difficult for a non-indigene to become an indigene.

Theoretical framework

In a democratic setting, majority rule is the norm. Majority rule is the practice which provides that the option that gets the most votes should be the group decision (Saunders, 2010:149; van Erp, 1999: 347-349). Riemer (1951) defined bare majority rule as the power of at least a half of the members, plus one, of any group to make a decision which binds the remainder of the group. Majority rule is predicated on political equality which entails that each group member has an equal chance of influencing the group's decisions, that is, one person has one vote only (Saunders, 2010, pp. 149-150). However, Heinberg, (1932) opined that majority rule is fraught with the danger of 'the tyranny of the majority' (p. 465). Saunders (2010) further stated that where there is a fixed majority/minority division, majority rule is likely to lead to the same people getting their way all of the time. Second, Saunders (2010) stated that the opinion of the wise minority, who are experts on certain issues is discounted (pp. 160-161). Thus, Bukve (1996: 2) maintained that though majority rule can make it easier to make decisions about changes, but dissatisfied minorities may prevent the implementation of the decision, which brings our discussion to consociational theory.

Consociational theory is a form of institutional engineering developed by political scientists like Lijphart to manage ethno-cultural diversity through the creation of a permanent multi-group coalition government (Lijphart, 1977: 113-114; O'Leary, 2005). The theory provides for adaptation, adjustment and consideration of the special interests, needs and fears of groups in a society that is fractured or divided along ethnic or religious lines (Yakinthou, 2009). McGarry, O'Leary, and Simeon (2008) distinguish between three primary types of consociation; 'complete', 'concurrent', and 'weak'. Representation ranges from the inclusion of all the significant leaders of an ethnically differentiated territories to partial and weak representation in 'complete', 'concurrent', and 'weak' respectively (McGarry, O'Leary, and Simeon, 2008: 12-14). Lehmbruch (1974:91–92) and Andeweg (2000: 512) maintained that 'in deeply divided societies, preferences are often

incompatible and intransitive'. For instance, a consociational mechanism for conflict resolution is to assign to the elite of each social segment its own sphere of influence, either territorially (federalism) or in the form of policy areas (functional decentralization) (Andeweg, 2000: 512). Consociational theory is criticized for placing a lot of emphasis on the elites to the detriment of the masses and on grand coalitions (Andeweg, 2000: 520). The consociational theory is adopted because it is applicable to a plural and divided society like Nigeria.

Lagos: From the pepper farm to a megacity

In the late 15th century inhabitants of Lagos Island, known in the local parlance as *Eko* and environs were Yoruba fishermen and hunters; elements from Benin Kingdom were integrated into the island's power structure between 16th century and 19th century (Encyclopedia Britannica, 2019). The paramount ruler of Lagos Island is the Oba, whose palace is known as Iga Idunganran, which means a palace built on a pepper farm (Eko Club Delaware, 2019). The Oba is assisted by his counselors and council of chiefs. The Portuguese who first landed on the Island in 1472 developed a trading relationship with the indigenes and named the island as Lagos (Encyclopedia Britannica, 2019; Adekoya, 2016).

Lagos of the 19th and 20th centuries was not a homogeneous community (Cole, 1975). It consists of four distinct communities, each occupying different parts of the Island. The Europeans lived on the Marina, the south-western shore of the Island; the educated Nigerians (Sierra Leoneans returnees- *Saros*) in Olowogbowo, the western part of the Island; the Brazilians returnees in the centre, at the Brazilians' quarters and the indigenous Africans on the rest of the Island (Cole, 1975). The native Lagosians exhibited deep hostility towards the immigrants especially the Saros, as immigration and British rule have created a new social hierarchy. The new hierarchy has the British officials, missionaries, and merchants as the aristocrats, the immigrants' black elite as the middle class and the indigenous Lagosians as the lower class (Euba, 2002). Further Aworawo (2004: 280-282) maintained that even in the 18th century the indigenes considered the Edo elements as strangers and there was incessant crises between the Yoruba indigenes and the Edo allogenes.

Lagos was initially governed as a British crown colony and oscillates between separate status and merger with other territories within 1866 and 1905. In 1906, it was merged with the Southern Nigerian Protectorate. In 1914, Southern and Northern Nigeria were amalgamated and Lagos became the capital city of Nigeria. In 1954, most of the mainland was ceded to the Western Region. The mainland was merged with the city in 1967 with the creation of Lagos State, by virtue of State (Creation and Transitional Provisions) Decree No. 14 of 1967. The boundary of Lagos was defined by Delineation of Lagos Township as per Townships (Lagos Boundaries) Order Cap. 216 LFN of April 20 1938. Lagos ceases to be the capital city of Nigeria on 12th December, 1991, when the capital city was officially relocated to Abuja. Despite the relocation of the national capital to Abuja, Lagos still remains the major commercial and industrial nerve centre of Nigeria (Babalola, 2017).

Indigeneship and citizenship contrasted in Nigeria and Lagos

The various Constitutions of the Federal Republic of Nigeria, including the current 1999 Constitution, grant equal rights to all Nigerians irrespective of any distinguishing criterion (see section 42 of the 1999 Constitution). However, the same constitution enshrines special rights accruable to only indigenes in their homelands and in accessing federal allotments, to the exclusion of other non-native citizens (sections 147(3) & 223 Constitution and section 8 of the third schedule to the 1999 Constitution). These indigenes are usually tied to the land, mainly depend on, and derived their livelihood from land-based industries such as fishing, agriculture, hunting, grazing and logging. Land is held in high esteem because of its socio-economic, political, religious, spiritual and historical values (Animashaun, 2004). Hence, neighbouring communities, even of the same extraction, fight and litigate over land ownership (Mile, 2013; Gbenda, 2013; Animashaun, 2004; Mohammed, n.d). This made Alubo (2006) to allude that the Nigerian Constitution made indigeneship the basis of citizenship. The paradox of citizenship with regards to indigeneship in Nigeria is best articulated by the quotation below (Adebanwi, 2009):

> The people mix up citizenship and indigeneship. Citizenship is a constitutional issue. Even foreigners can come in and naturalise and become citizens. But indigeneship is a different game ... (indigeneship)

> is that you have a virgin area, an area that is God-given and you have been there from day one (Gbong Gwon Jos, in Adebanwi, 2009:358)

Citizenship is acquired in Nigeria in three ways- by birth, registration and naturalization under sections 25, 26 and 27 of the 1999 Constitution respectively. Acquisition of citizenship by birth in any polity is based on two principles, namely the *Jus Sangolis* and the *Jus Soli* principles. The *Jus Sangolis* principle confers citizenship on children whose parents are citizens of a particular state. Here, parentage is the sole criterion for determining a person's citizenship. Nigeria subscribes to this principle. The *Jus Soli* principle uses territoriality as the guiding factor. Citizenship is conferred on any child born within the territory of such state, notwithstanding the citizenship of the parents. This article refrains from discussing citizenship by registration and naturalization since it is outside the purview of the article, because it concerns foreigners who would find it difficult, if not impossible to become an indigene of any community in Nigeria.

The 1999 Constitution recognizes all ethnic nationalities, irrespective of size, as components of Nigeria. Thus, section 14 (3) of the 1999 Constitution provides that the composition of the government of the federation or any of its agencies, shall reflect the federal character and inclusive of all ethnic groups and different sections of the population. Similar provision was enshrined in Section 210 (1) and 15 of the defunct Nigerian Constitution of 1979 and 1989 respectively.

Pursuant to section 14 of 1999 Constitution, the Federal Character Commission was established by the Federal Character Commission (Establishment) Act, 2004. However, the federal character system has institutionalized inequality, mediocrity and discrimination (Joshua, Loromeke, & Ilemobola, 2014; Tion & Orluchukwu, 2015; Ugoh & Ukpere, 2012). The cut off mark for admission to the highly subsidized Federal Government Colleges, for instance, is as low as 4 and 2 marks for male and female candidates respectively in the Northern states and as high as 139 for both male and female candidates in the Southern states in 2017 (Lawal, 2018). It was such perceived injustice that led to the institution of the case of *Badejo v Federal Minister of Education,* 1996. In this case, the applicant contended that her fundamental human right to freedom from discrimination under Section 39(1) of the 1979 Constitution (currently sections 42(1) & (2) 1999 Constitution), has been violated. The applicant scored 73 percent in a national entrance

examination but was not invited for interview for admission into any of the Federal Government Colleges, solely because of her state of origin. However, other candidates whose scores were below 38 percent from certain states were admitted. The Nigerian Supreme Court considered the applicant's course of action as abated and refused to deal with the issue of discrimination against the applicant. It seems that the 1999 constitution agrees with the consociational theory making provisions for the special rights of the indigenes. The author however observed that the special rights accorded to the indigenes make them to have a sense of entitlement which create sectarian violence between the indigenes and non indigenes from time to time.

The origin of native identity and reinforcement by the law in Nigeria

Indigeneity in Nigeria is a function of a combination of three key historical factors. These are indirect rule and the politics of predilection accorded to the natives over non-indigenes, during the colonial period. Next, the ideology of regionalism that developed in the 1950s and the 1960s, which favours only the indigenes of the particular region over other citizens from another region; and lastly the federal character provisions of the 1979 and 1999 Nigerian Constitutions (Fourchard, 2015).

The colonial authority classifies its subjects as natives and non-natives or natives and aliens/foreigners. In colonial Nigeria, the administrators discourage the integration of ethno-regional groups (Kraxberger, 2005). The policy entrenched in the northern region which predates British colonization, where only indigenes were permitted to stay within the old walled cities while non-indigenous northerners and others, stayed in separate settlements, was encouraged by the British, because it was in tandem with indirect rule (Dudley, 1968). The British introduced indirect rule and laws which distinguished, first, between natives (herded into different tribes) and non-natives (according to races) (Lushaba, 2013, Mamdani, 1998; 2001b). Segregated further, natives (tribes) were horizontally categorised into indigenes or native and settlers or non-native based on whether the native was indigenous to the locality or not. Notably, the distinction between races and tribes resulted in and was sustained by a regime of legal plurality (Lushaba, 2013; Mamdani, 1998; 2001b). African was seen as a tribesperson subject to customary

law; such a process of separate legal regime for Africans effectively meant that they had separate rights from Europeans and existed in a different society from that of the latter (Mngomezulu, 2015; Mamdani, 1996; 1998).

Natives alone possess ethnic citizenship. Non-indigenes has no customary home, no customary authority, and no customary rights (Mamdani, 1998). The poor amongst the settlers has no access to land because he has no customary right to one. This is the prerogative of the natives or indigenes only (Mamdani, 1996). Thus, a distinction was fashioned between civic and ethnic rights. Civic rights are defined as individual rights; in contrast, customary rights were defined as a group right, accessed only by virtue of belonging to an ethnic group (Mamdani, 1998). This historical background made the settler-indigene distinction to endure and to be written into the structure of the post-colonial state and the definition of rights (Mamdani, 2001a, 1998).

The most common forms of discrimination against settlers or non-indigene include: employment - jobs are shared based on the individuals' state of origin and or the local government area. Similarly, indigenes are given preferences over more qualified settlers in gaining admission to secondary and tertiary institutions; government scholarships are accessed on indigeneship basis. Non-indigenes are subjected to discriminatory schedule of fees, whereby non-indigenes are charged higher fees, in state government run educational institutions in Nigeria (Eze, 2019). Lagos state is an exception in this respect, because it has a uniform fee for indigenes and non-indigenes alike, but sometimes gives bursary to the indigenes (Eze, 2019).

The second foundation of the citizenship crisis in Nigeria is the regionalization ideology of 1950-1966, which cannot be divorced from the colonial history. This is predicated on the fact that Britain conquered the different peoples in Nigeria in phases and administered the country as separate entities until the amalgamation of the 1914. Consequently, the natives of the various protectorates, were subjects of the British, however, natives of a protectorate were considered strangers in other protectorates (Mamdani, 1998). These categorizations were to have a devastating effect on common citizenship, conflict resolution and nation-building in post-colonial Nigeria (Ige, 1991).

In addition, even after the unification of the Southern and Northern Protectorates in 1914, the three Regions were operating under different judicial systems, where diverse laws were applicable. This practice exists

till date. Jurisdiction of some of the Nigerian courts is predicated on the person's ancestry and religion (sections 260-264, 265-268, 275-279, & 280-284 of the 1999 Constitution). This policy did not abate but becomes more ingrained after independence.

The Constitution of the Federal Republic of Nigeria ("Nigerian Constitution"), 1960 and 1963 provides for "place of origin", and refers to "A citizen of Nigeria of a particular community, tribe" (section 27 (1) and 28 (1) of the Nigerian Constitution, 1960 and 1963 respectively. The Constitution of the Federal Republic of Nigeria, 1979 however complicates the issue by introducing the concept of 'indigeneity' into the Nigerian legal dictionary for the first time. The relevant provision under Section 23(1) (a). The provisions of the Nigerian Constitution, 1979 is a radical departure from the equivalent sections in the 1960 and 1963 Constitutions on the acquisition of Nigerian citizenship by birth and have far reaching implications. This is in contradistinction to the provisions of Section 7 (1) of the 1960 and 1963 Constitutions.

The rather subtle constitutional provisions under the Nigerian constitutions of 1960 and 1963 did not however imply that the native/settler issue is not well engrained in the Nigerian First Republic (1960- 1966). The interview of the Premier of the Northern Region, Sir Ahmadu Bello, the author of the "Northernization policy", is instructive here. In this interview, Bello stated that he would rather employ a foreigner (expatriate) in Northern Region rather than a fellow Nigerian, even in a contract rather than permanent appointment (Bello, 1964). This interview depicted the deep division on the subject involving natives and settlers in Nigeria, even, in the First Republic. In the light of this it seems as if Nigeria has always been a subscriber of the consociational theory since it has always advocated and catered for sectional and ethnic interests.

Under the 1979 and 1999 Constitutions, citizenship of Nigeria is acquired by birth, if evidence is adduced showing that the applicants' parent or grandparent belongs to or belonged to a community that are indigenous to Nigeria (sections 23(1) (a) and 25 of the 1979 and 1999 Constitutions respectively). Incidentally, neither of these constitutions nor the Interpretation Act, provide a schedule of communities that are indigenous. The indigeneship issue was taken to an extreme length in *Shugaba Abdulrahaman Darman v The Federal Minister of Internal Affairs and Others,* 1981. An elected legislator in the opposition party and the majority leader of a State House of Assembly was deported on the claim

he was not a member of any indigenous community in Nigeria hence, not a Nigerian. The deportation was set aside by the court as unlawful when it was proved that he was a member of an indigenous tribe in Nigeria, with Kanuri tribal marks deeply etched on his face.

In addition, there is a remarkable difference in the appointment of ministers and government functionaries under the 1960 and 1963 Constitutions on one hand and the 1979 and 1999 Constitutions on the other hand. Section 135 (B) of the 1979 Constitution, again, introduced the concept of *indigene*, for the first time into ministerial appointment. The provision of section 147 of the 1999 Constitution is in *pari material* the same with the 1979 provision. It provides that the president must appoint at least an indigene of each state as a minister. The above constitutional provisions differ sharply from the 1963 provisions with regards to citizenship and indigeneship. Under the 1963 Constitution, the power of the President to appoint a minister is unfettered and not restricted by the *indigeneship clause* (section 87 of the Nigerian Constitution, 1963). This power is however not only radically shackled under the 1979 and 1999 Constitutions but also creates the problem of choosing incompetent persons and having an unwieldy cabinet because of the unreasonable constitutional prescription of the mandatory appointment of at least a minister from each of the states of the federation (section 147 (3) of the 1999 Constitution). It is pertinent to note that Nigeria currently has thirty six states and a federal capital territory (section 3(1) of the 1999 Constitution).

Ironically, section 15 of the 1999 Constitution (see also Section 15 of the 1979 Constitution for similar provision) canvassed that there should be no discrimination against citizens irrespective of whether they are *indigenes* or not. Similarly, Section 17 of the Nigerian Constitution, 1999 prohibits inequality, injustice and discrimination. Section 42 of the 1999 Constitution, further provides that no citizen of Nigeria shall be subjected to any discrimination by reason of the circumstances of his birth.

The above constitutional provisions prohibit discrimination on the basis of 'place of origin' or 'indigeneity', among other things. Notwithstanding these constitutional provisions against discrimination, the same constitution grants the federal, state and local governments the power to legally discriminate among Nigerian citizens on the basis of "place of origin" or "indigeneity". Citizens are categorized as *indigenes* and *non-indigenes*. The former is favoured, entitled to certain privileges

and perquisites to the exclusion of the latter. Indigenes are issued special certificates, differentiating them from the settlers and identifying them as natives, in order to access these special privileges (Kraxberger, 2005). The application of this principle has engendered fraud, dissent, tension and conflicts.

Lagosian concept: The legal and identity crises

"Indigene" and "native" used to be derogatory terms because they denote underdevelopment, inferiority and provinciality (Isidoros, 2015; Ehiabhi, 2014). The term "native" was hitherto considered crude, barbaric, offensive and derogatory, even dangerous (Macmillan Dictionary, 2019; Chandlera & Reid, 2018; Hauptfleisch, 2013; College Confidential, 2009). The previously despicable term "native" has suddenly become trendy, acceptable and a highly sought-after status because being a native confers numerous advantages on the native to the exclusion of other citizens (John, 2013; Odeku & Animashaun, 2012). This distinction between natives and strangers creates both identity and legal problems in a megacity like Lagos.

The pervasive legal regime in Nigeria which favours indigenes to the exclusion of other citizens has a negative bearing on Lagos and the Lagosians. The Lagosian concept oscillates from indigenes of Lagos Island, to natives of the Island and Lagos mainland, to Lagos state indigenes from other divisions. It may also mean settlers especially those who had integrated into the local community, and indigenes of the surrounding state who were cut off by state creation. For instance, the Aworis of Lagos and Ogun states are blood relations and some of the latter pass off as Lagosians in order to access the "Lagos privileges". All "resident-citizens" are recognized as Lagosians during elections because of their voting power. All these create the identity crises which the definition of Lagosian is currently enmeshed in.

The legal regime that defines citizen's rights and in the same breath creates special privileges for indigenes, places Lagosians in a quagmire as earlier stated. The massive influx of immigrants into Lagos has made the natives of Lagos to become a minority in their homestead. Secondly, the indiscriminate disposal of land by the forebears of the indigenes has probably left more land in the hands of the "strangers", making certain personage to state that Lagos has no indigenous population to the dismay of Lagosians (Odufowokan, 2012). The fact that Lagos has an

indigenous population was alluded to, in old cases where the Privy Council held that Lagos chiefs were entitled to compensation for their land held by the crown (*Amodu Tijani v Secretary of Southern Nigeria*, (1921) 2 A.C. 399; *Oshodi v. Balogun & ors.* (1936) 2 A.E.R. 163). Thirdly, Lagosians are precluded from exercising the rights that others, - non-indigenes exercise in Lagos, whenever they reside outside Lagos state (Eze, 2019; Olowojolu et al., 2106). This has made Lagos elites to protest about being shortchanged. The statement of the prominent Eko indigenes in their anniversary publication is instructive. It stated thus, 'it is apparent that the indigenes of Eko were systematically being deprived of the heritage that God had freely bestowed on them' (Ogunsanwo, 1996:7).

The indigenes/settlers crises is predicated on the real or perceived domination of the political or economic space by the settlers to the exclusion of the indigenes. For instance, Rilwan Akiolu, the Oba (king) of Lagos was reported to have threatened the Igbos in Lagos that they will be drowned in the Lagos lagoon if they fail to vote for his candidate during the gubernatorial election in 2015 (Alayande, 2019: 79). Similarly, the Okota/Isolo ethno-electoral crisis which pitted the Igbo against the Yoruba during the 2019 electoral exercise was seen by the latter as an attempt by the settlers to dominate and dictate the political tempo in the area (Olajokun, 2019). The author opined that the indigenes felt that the settlers are having a good bargain in Lagos which the Lagosians will not have in the latter's homestead. There was also ethnic crises based on economic grounds, that is, the domination of a particular trade or occupation by an ethnic group. There were ethnic crises between the Hausa allogenes and the Yoruba indigenes in Mile 12 market, on who was the entitled party to control the market between the two groups (Animasawun, 2016a). Similarly, the ethnic violence in Ladipo market between the Igbo allogenes and the Yoruba indigenes on the appropriate group to occupy the powerful positions in the market hierarchy led to the eventually lockdown of the market in 2016 (Animasawun, 2016b). In addition, the crisis in Alaba Rago market in Okokomaiko was linked to economic supremacy battle between the Yoruba indigenes and the Hausa settlers (Ezeobi, 2019).

In 2016, prominent Lagosians under the auspices of Eko Foundation seriously agitated for the removal of Nobel Laureate, Wole Soyinka as a co-chair of Lagos at 50 Anniversary- a rather sinecure appointment (Author unknown, 2017; Author unknown, 2016). Also, on numerous

occasions Lagosians have lamented that non-indigenes were appointed to high offices, as state commissioners, federal ministers, directors-general of federal and state parastatals and judges of superior courts using the Lagos quota (Author unknown, 2017; Author unknown, 2016: Odufowokan, 2012). It is instructive to note that a minister currently representing Lagos state, in the federal cabinet, Adeleke Mamoora, is a non-indigene (Nwachukwu, 2019). Similarly, Eze (2019) lauded the appointment of Benjamin Akabueze, an Igbo, as a Commissioner in Lagos. Sam Egube, an Igbo, is the current Commissioner for Economic Planning while another fellow Igbo, Joe Igbokwe who used to be the spokesman of the All Progressive Congress (the ruling political party) in Lagos state, is the Special Adviser on Drainages to the incumbent governor Babajide Sanwo-Olu, among other portfolios held by allogenes of non-Yoruba extraction (Ademiluyi, 2019). However, the author observed that the governors of the Igbo states are most unlikely to offer such exalted appointments to a non-indigenes. Moreso, non-indigenes were elected into local, state and federal offices in Lagos. For instance, four non-indigenes are currently representing Lagos at the National Assembly and many non-indigenes are serving in the Lagos State House of Assembly (Olowojolu, et al, 2016).

The other states in the federation are less tolerant and are unlikely to replicate this gesture. It is doubtful that a state like Abia, for instance, where civil servants, who are predominantly fellow Igbos from neighbouring states were disengaged *en-masse* in 2011, would allow Lagosians or non-indigenes access to its reserved quota or political representation (Eze, 2019; Mike, 2011). Further, the schism in the Ahiara Diocese in Imo state is instructive. The priests and the laity in the newly created diocese refused to allow the consecrated Bishop, though a fellow Igbo to assume office since 2012, till his eventually resignation six year after, because he is not an indigene (Obi & Uneze, 2018). Would indigenes of such states allow Lagosians to access or utilize their allotted quota? The answer is likely to be negative.

It is against the aforestated submissions that one asks the following questions: could a megacity endure parochialism in face of the narrow mindedness of the others? Is the megacity not retreating to the original pepperfarm era? Who then is a Lagosian? A resident, a settler, an associate; an indigene of Lagos Island and the mainland or Lagos State? The Lagos that used to be the bastion of sophistication and cosmopolitanism, where the likes of Herbert Macaulay, Henry Carr, Sir

Kitoye Ajasa and sophisticated Lagosians of that era were affectionately referred to as "native foreigners" or "black Englishmen" has now "descended to the realm of parochialism and indigeneity" (Olusanya, 2002: 269-270; Cole, 1975: 45-49; Soyinka, 2015). The author then recommends that the acquisition of citizenship under the customary law, as in *Olowu v Olowu,* 1985, should be revisited. In this case, an Ijesha man who was a longtime resident in Benin was conferred with Benin status on application to the Oba of Benin. It was held when he died interstate that he was a Benin man subject to Benin customary law as he had naturalized. Similarly, the Oshodi-Tapa family was fully integrated into the Lagos traditional structure in less than twenty years (Oyeweso, 2006). The founder of the dynasty, Oshodi-Tapa, is of Nupe ancestry and an ex-slave of Oba Esinlokun of Lagos. He was given a traditional title and built his palace in Epetedo area of Lagos (Oyeweso, 2006).

Conclusion

The study found that the extant laws have put Lagosians at a disadvantage. A city, and a people that have to contend with the law that gave special rights to indigenes, but in this case, the indigenes are in the minority due to massive influx of immigrants; and may not be able to assert themselves in a democracy, where the majority decides all issues (Akinyele, 2015: 89; Adah, 2015, Aworawo, 2004: 288). Lagosians that must contend with being a minority in their homestead, who could only access opportunities in their state while others could access opportunities in their home state as well as Lagos. Lagosians, constrained by law and custom to seek opportunities in another state; and a people unable to conclusively define their identity – the "Lagosian concept" properly. This is the dilemma of a city, a city that prided itself as a megacity, now being downgraded into a parochial city by the extant laws. In the light of this, is it possible to jettison the consociational theory in favour of pure majority rule without making special provisions in the extant laws to cater for the special needs of the indigenes, in this case Lagosians? The answer is no. Given the history of Nigeria and Lagos the catering for the needs of the indigenes must continue. However, Lagos must change but so must others, in order for the Lagosians to be at welcomed in other Nigerian cities too. Indeed, other Nigerian cities and towns must change in order to accommodate Lagosians as Lagos has accommodated them. There is a need to amend the law to allow persons to claim their place of birth or

residence once they could assimilate the ways of life of the indigenous population, at least as a starting point.

There is a need to prescribe a mandatory residency criterion and civic responsibilities that will allow any Nigerian to be recognized as an indigene of the locality where he resides. The governments in Nigeria need to undertake a mass mobilization and education of the populace on the advantages of equal rather than fractured citizenship devoid of discrimination, as the mere abrogation of indigene/ non-indigene dichotomy which has survived many centuries could not be simply wished away by mere legislation. Finally, the different governments must create a thriving environment for private initiative and business, in order to provide creative outlets and profitable reward for the teeming youth and the elites. This would reduce the overdependence on government patronage and lead to a reduction in primordial attitude. It is only then, that the legal and identity crises of this megacity would be resolved.

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