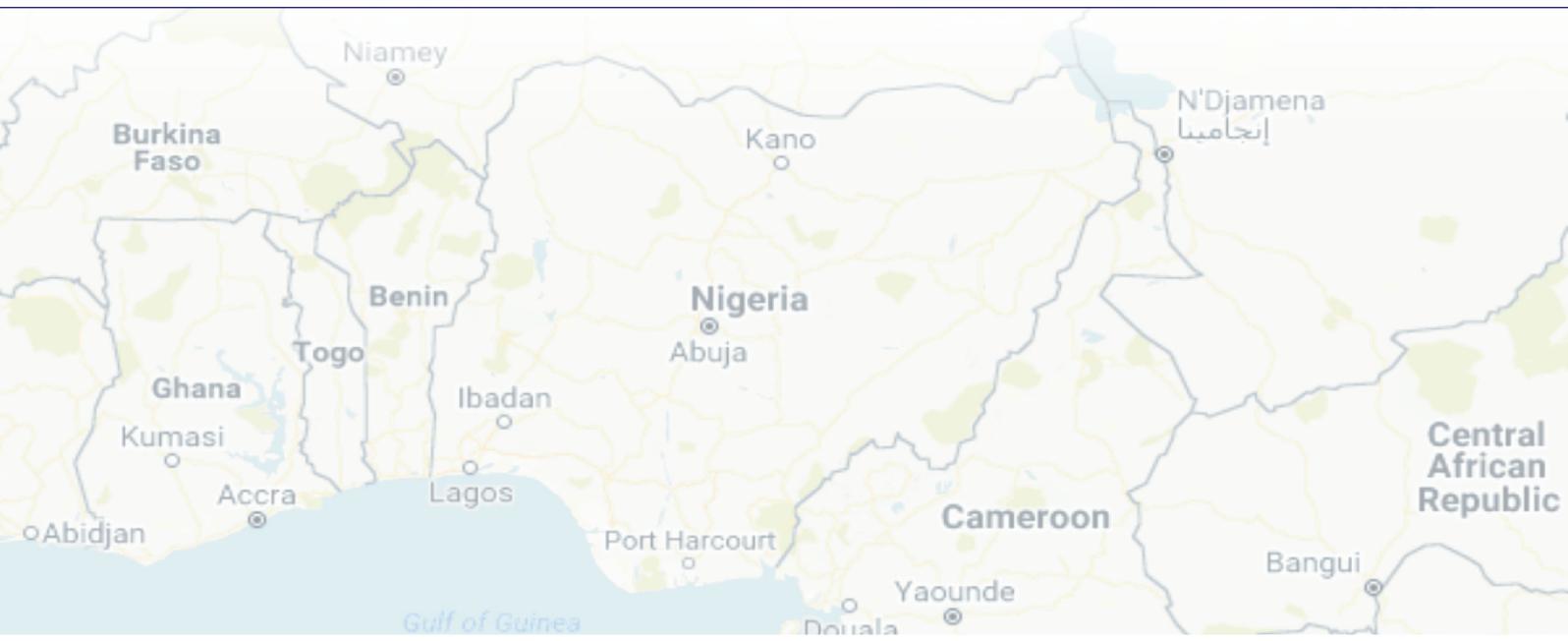


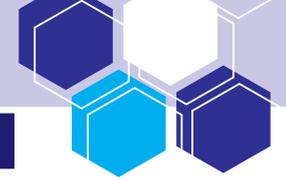
Mapping of Stateless Persons and Persons at Risk of Statelessness in the North-East Nigeria



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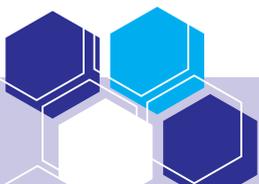


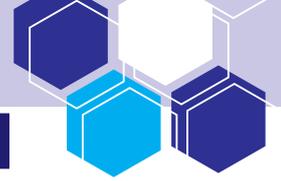
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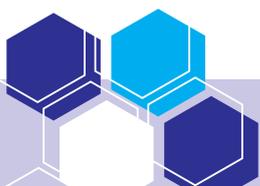
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Cite as: WACSOF (2016) Mapping of Stateless Persons and Persons at Risk of Statelessness in North East Nigeria, study report. Abuja, Nigeria.

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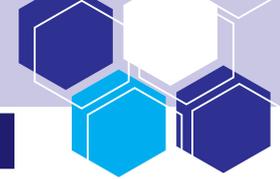
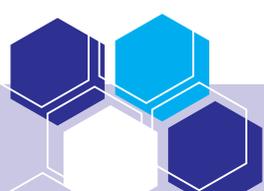
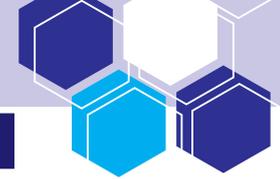


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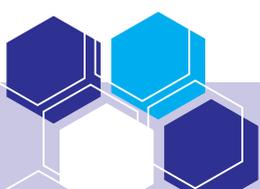


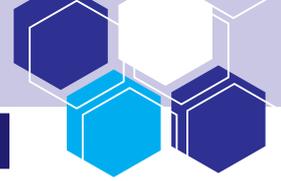


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Acknowledgements

The study on "Mapping of stateless persons and persons at risk of statelessness in North-East Nigeria" was conducted by Dr. Ibrahim Ahmed Jajere, Consultant, as a component of a project titled "*Reducing Risk of Statelessness in Nigeria through Advocacy and Empowerment/Sensitization of National Authorities, Civil Society Organizations and other Stakeholders*". The project implemented by the West African Civil Society Forum (WACSOF) with generous support from the United Nations High Commissioner for Refugees (UNHCR), Nigeria Office.

This publication was made possible through the very much appreciated work of many people and WACSOF is highly indebted to each and everyone of them for their contribution towards this achievement.

The first compliments go to the Consultant who worked tirelessly to birth this publication and all those who met with him and shared information and experiences during the course of the study.

WACSOF is grateful to Emmanuelle MITTE of UNHCR Regional Office in Dakar for her insightful contributions toward shaping the quality of this work.

Appreciation also goes to Bela Emile KOUAKOU who ably managed this project and the entire hard-working staff of WACSOF for their tireless efforts, commitment and team work which contributed to meet up with the objectives of the project.

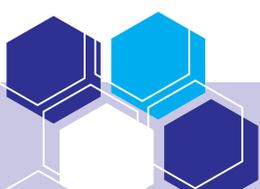
WACSOF is as well grateful to her Nigeria national platform coordinator and other WACSOF members who played a key role on the success of this project.

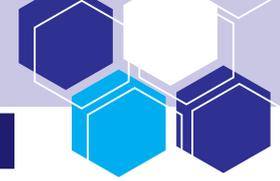
Finally, WACSOF acknowledges and expresses its gratitude to the UNHCR Office in Nigeria for their partnership and their continuous support to Civil Society in Nigeria in general and particularly for their commitment to end statelessness in the country.

Thank you very much to you all!

Auwal Ibrahim Musa (Rafsanjani)

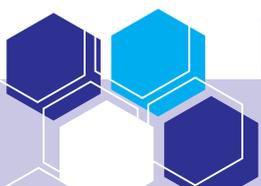
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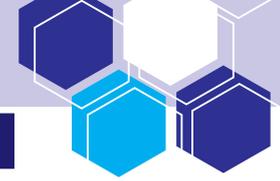




Acronyms

CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
ECOWAS	Economic Community of West African States
ICJ	International Court of Justice
NIMC	National Identity Card Management Commission
UN	United Nations
UNFPA	United Nations Population Fund
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
UNHCR	United Nations High Commissioner for Refugees
WACSOF	West African Civil Society Forum
WHO	World Health Organization



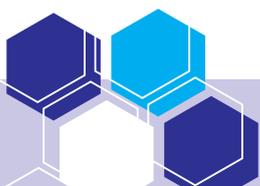


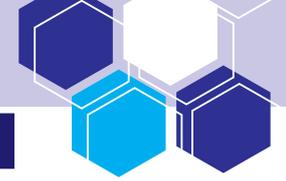
Executive Summary

UNHCR estimated that about 10 million people in the world have no legal bond with any state and 750,000 of this population live in the 15 countries that make up the West African region. Until recently, statelessness was a silent issue in Nigeria. Statelessness became apparent with the return of democracy in 1999 and the emergence of insurgency in 2009 (Boko Haram insurgency) and cattle rustling.

Statelessness is a significant problem and issue of concern in Nigeria. Emerging evidence, based on the interviews conducted during this study, indicates that many thousands of people are at risk of statelessness. The twentieth century witnesses increasing incidences of statelessness around the world and hence raises the need to protect, reduce and eliminate statelessness. The United Nations therefore adopted two separate conventions focused specifically on statelessness: the 1954 Convention relating to the protection of stateless persons and ensure that they are accorded their fundamental rights and freedom, and, the 1961 Convention on the reduction of statelessness. These two conventions form the foundation of international legal framework to reduce statelessness and many West African countries are parties. Nigeria ratified the convention in 2012. At regional level, the Economic Community of West African States (ECOWAS) also acknowledged the importance of reducing statelessness. In May, 2015, in Accra, ECOWAS organized a summit where all the 15 Heads of States of the ECOWAS adopted and endorsed the Abidjan Declaration aimed at ending statelessness.

However, the Nigeria 1999 constitution currently in use has not strictly adhered to both the 1954 and 1961 conventions on the protection and reduction of statelessness which Nigeria acceded in 2011. In fact, the provisions of the constitution on citizenship failed to address some major issues raised by the Abidjan Declaration. Section 25 (1)(b) of the 1999 constitution (as amended) that grants citizenship by birth exclude the children of stateless parents or children born to parents unable to transmit their nationality or children born to parents who were unable to undertake necessary steps in documenting the nationality of their children. The failure of this section to include these two categories has rendered many persons stateless. Also, provision under the section 26(2) of the 1999 constitution leads to gender inequality in terms of acquisition of citizenship. Thus, discriminating granting a citizenship on basis of gender. This contradicts the equality and non-discrimination clause of all human right instruments to which Nigeria is a party. The provision of section 29(1) of the 1999 constitution on the loss of citizenship through renunciation also creates a bottleneck to the effort of reducing statelessness. The law in the Nigeria constitution makes individuals to renounce nationality without



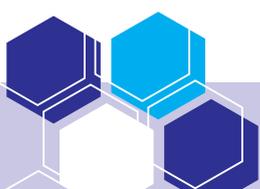


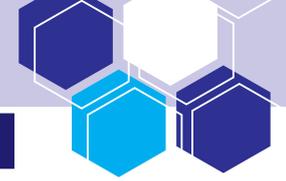
having acquired, or having guaranteed the acquisition of another nationality. Another safeguard that constitutes a risk of statelessness for people that acquired citizenship through naturalization is the provision of section 28 of the 1999 constitution (as amended). This safeguard does not apply to naturalized citizens and thus constitutes a risk of statelessness for this category of citizen. The criteria listed in the 1991 constitution (as amended) are clearly below the threshold provided by the 1961 Convention. Such criteria can lead to statelessness. For instance, being 'disloyal' is a notion that is too vague. Politicians can use sentiments to deprive opponents that acquired citizenship by naturalization their right to nationality. Similarly, deprivation on the basis of ordinary crime punished by at least three years imprisonment provided by the constitution is not in compliance with 1961 convention standard.

Majority of the population in Nigeria remain entirely in the informal sector, hence have not regarded documentation for prove of nationality as essential. Though these documents cannot confer a nationality to an individual, lack of it can make an individual vulnerable to statelessness. In Nigeria, there is no single document established by law that can conclusively proof nationality. In practice, the proof of right to be Nigerian is the Local Government Certificate/Letter of indigene. Other documents with high status as proof of identity are the National Identity Card and the ECOWAS passport (which most Nigerians do not have). Documents with lower status as proof of identity are the driver's license and the voter's card.

The stateless population and population at risk of statelessness in Nigeria include the migrants, nomads, Almajiris, abandoned children, unaccompanied children, boarder population and population affected by transfer of territory. The stateless people and people at risk of statelessness came from a variety of economic, religious and ethnic backgrounds. Most especially, majority of the identified stateless people and people at risk of statelessness are living on the margins of society and are not appreciated by the community where they do reside.

As Nigeria is yet to establish a mechanism to identify stateless persons, they have no stake and are denied employment opportunities in the public sector, right to livelihood assets, political participation in addition to facing social discrimination and suffering security abuse. This deepening sense of disenfranchisement among the affected is responsible for the conflicts in Nigeria now tilting towards tribal and even religion.





1.1 Introduction

UNHCR estimated that about 10 million people in the world have no legal bond with any state and 750,000 of this population live in the 15 West African States. These individuals referred to as stateless continue to suffer denial of their human rights as possession of nationality is a pre-requisite for basic political, economic and civil rights.

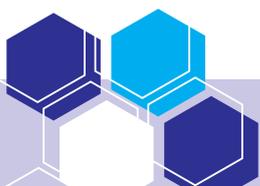
The 1954 Convention on the Status of Stateless Person defines a stateless person as one “who is not considered as a national by any state under the operation of its law” (Article 1). International law clearly affirms that every individual, everywhere in the world has a right to nationality. Until recently, statelessness was a silent issue in Nigeria. Perhaps due to the long period of military rule and the relative security the country enjoyed in last three decades after the Biafra War. Stateless persons that have crossed international borders into Nigeria are commonly found in communities located near the international boundaries as well as the major urban centers, except the mobile pastoralists who are found everywhere across the country. Statelessness became apparent with the return of democracy in 1999 and the emergence of insurgency in 2009 (Boko Haram insurgency) and cattle rustling.

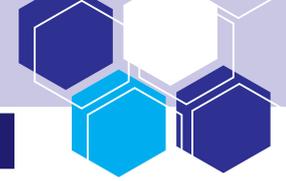
Statelessness is a significant problem and issue of concern in Nigeria. It is not possible to give a precise number of stateless persons in Nigeria for lack of data and also due to the fact that stakeholders were unable to understand the phenomenon, its nature and how it scales up. Emerging evidence, based on the interviews conducted during this study indicates the existence of statelessness. The problem of statelessness keeps persisting as children are born every day by stateless parents and parents at risk of statelessness. Many of those at risk of statelessness are becoming stateless as they are denied documentation at community level. More so, considering how proof of citizenship is applied in practice - indigene letter considered as ultimate proof of nationality - deprivation or inability of concerned authorities (Local Government Authorities) of any local government area within Nigeria certifying a person as indigene of a community within its jurisdiction is a reliable form of evidence of statelessness.

1 These estimates were based on UNHCR studies. It is the UN agency tasked with helping to reduce the incidence of statelessness and assisting the stateless persons in securing a nationality.

2 The 1954 Convention is the primary international instrument that aims to regulate the status of a stateless person.

3 See Article 15 of the Universal Declaration of Human Rights.





Authorities are not willing to declare the existence of stateless persons and those at risk of statelessness arguing that such people have a community of origin, without clearly mentioning the presumed origin. It is indeed a mere assumption! It is obvious from the findings of this study that many have lost link with their families. This is evident from the deportation of some pastoralists from Jos, Plateau to other neighboring states where they became stranded with no other community to identify with as their origin and be accepted.

On the other hand stateless persons are also unwilling to be identified for the fear of possible intimidation from the local authorities and government agents. This study found that the stateless and those at risk of statelessness are willing to hide their status as far as they can be allowed by the communities to achieve survival. Their priority is to achieve survival and possibly foregoing other rights enjoyed by the citizens.

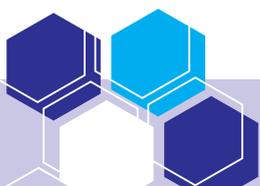
1.2 Research questions

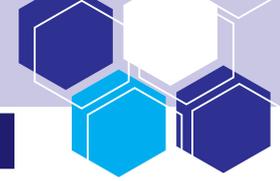
The study aimed at mapping the stateless persons in the North East Nigeria while presenting the major challenges they encounter in order to inform further actions to address them. Most especially, the study sought to:

- I. Map out the stateless persons and persons at risk of statelessness in North East Nigeria;
- ii. Examine the legal instruments in Nigeria against the international laws to identify the provisions that cause/likely to cause statelessness;
- iii. Identify the causes of statelessness in the North East Nigeria;
- iv. Ascertain the social and economic conditions of stateless persons in North East Nigeria;
- v. Examine the role of stakeholders in prevention and reduction of statelessness in Nigeria.

1.3 Methodology

As a general rule in mapping stateless populations, this study used both primary and secondary data sources. The primary sources of data used include administration of semi-structured interviews with stateless persons or persons at risk of statelessness. Key Informant Interviews were conducted to supplement the data to be generated from the interview with stateless persons or persons at risk of statelessness. The targeted key informants included the community leaders, officials of the Nigeria Immigration Service, officials of States' Ministry of Social Development as well as officials of National





Population Commission.

Purposive strategy was used in selecting communities. One urban community and rural community were selected from each state. The criterion for selecting a settlement was based on existing cases of statelessness or risk of statelessness. Due to the lack of sample frame, respondents were selected using convenient sampling method with the help of community leaders. Quota sampling was used in selecting the number of respondents interviewed from each settlement and the category. This was based on the researcher's knowledge of the targeted people. Across the sample communities, the study captured respondents from different Economic, social and education backgrounds.

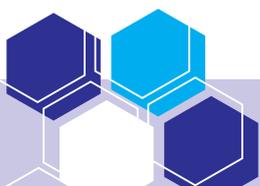
The secondary sources used included academic literature, grey literature on legislation, maps of the study area, statistics of civil registries and social service agencies.

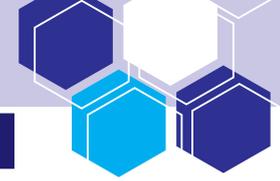
2.0 Analysis of Constitution and highlight of various gaps

The twentieth century witnesses increasing incidents of statelessness around the world and hence raises the need for urgent action to protect stateless people and eliminate statelessness. It has also been realized that statelessness could only be avoided through international cooperation. The United Nations therefore, adopted two conventions to protect stateless persons to ensure that they are accorded their fundamental rights and freedom (1954 Convention) and on the reduction of statelessness (1961 convention). These two conventions form the foundation of international legal framework to reduce statelessness and many West African States are parties including Nigeria. At the regional level, the Economic Community of West African States (ECOWAS) also acknowledged the importance of reducing statelessness. In May, 2015, in Accra, ECOWAS organized a summit where all the 15 Heads of States of the ECOWAS adopted and endorsed the Abidjan Declaration aimed at ending statelessness.

The Abidjan Declaration was adopted on 25 February 2015 by the Member States of ECOWAS. It highlighted the scale of the problem of statelessness in the region and the urgent need for the States to ensure that everyone within the region has a recognized nationality.

However, the Nigeria 1999 constitution currently in use has not strictly adhered to both the 1954 and 1961 conventions on the protection and reduction of statelessness which Nigeria acceded in 2011. Most especially, the provisions of the constitution on citizenship failed to address some major issues raised by the Abidjan Declaration which





the president of the Federal Republic of Nigeria endorsed in May, 2015 in Accra, Ghana. The shortcomings of the laws governing the citizenship rights, criteria for eligibility, method of acquisition and procedures for naturalization, registration, loss and deprivation of citizenship create additional issue in statelessness.

2.1 Reference to indigenous community

Establishing a proof of citizenship or statelessness in Nigeria should involve the legal interpretation of "belonging to an indigenous community" and how it applies in an individual case in practice.

"Belonging" to an indigenous community is a criteria mentioned by section 25 (1) (a) of the Nigeria 1999 constitution (as amended) for those born before independence.

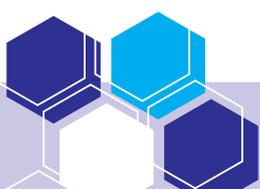
The following persons are citizens of Nigeria by birth-namely-

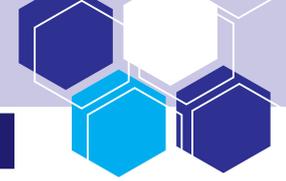
(a) every person born in Nigeria before the date of independence, either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria".

Nonetheless, the criteria of "belonging" to an indigenous community continues to prevail. In practice, obtaining an indigenous certificate is significant in establishing a proof of citizenship and is also the basic requirement for obtaining other proofs of citizenship. There is no legal definition or criteria of indigenous community or indigenous people. In most Nigerian communities, indigenous people refer to those who have occupied a place at the time of its contact with colonial powers or the outside world. They are the first settlers and in most cases possessing the kinship of the community. Long years of residence can lead to belonging to a community but similarity in culture and religion is paramount. Belonging to a community is recognised as having a place, a respected place where you cannot be rejected. Having a sense of belonging is a common experience as "belong" means acceptance as a member or part. Belonging to a community is not a choice of one's self but rather the choices of others. This is reflected in the process of obtaining an indigene certificate where the traditional authority certifies your being or otherwise a member of a community.

In practice, it is apparent that the only document that can certify an individual having a nationality is the local government indigene letter though there are some instances where a person having an indigene letter will have a questionable nationality. This

⁴ See Nigeria 1999 Constitution (as amended)



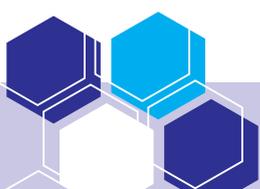


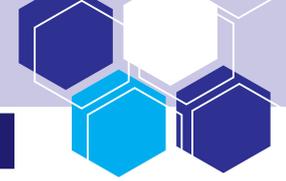
relates to the people obtaining documents through paying bribes to local government authorities responsible for issuing the indigene letter. This category of people usually use the document to get an employment at federal level as employment opportunities are tied to federal character or getting international passport. Whereas the document is rejected while contesting for a political office or seeking state scholarship or employment, still people vie for it in an effort to enjoy other benefits of life. This can be harmful and in some cases devastating to the lives of the individuals concerned. Many

Box 1: A stateless person that acquired proof of nationality through illegal channel

I was born in Nigeria in 1989 at Bade Local Government; my father is a trader claiming to have migrated from Sokoto state. While he was alive, he refused to connect us to his family there in Sokoto. Honestly no one can tell of his origin or the reason for hiding his origin. My mother is from Niger. The only community we knew is here. We were allowed to attend public school and visit public hospitals. However, when I attempted joining the Nigeria Army, I was denied local government indigene which is among the requirements. As all legal means of getting it failed, I opted for paying bribe. It was given to me, and I went to the training college after meeting all the requirements. Unfortunately, while on the training, I was dismissed on the ground that the authorities of the local government I am claiming questioned and rejected my being part of the local government. It did not end there; I was taken to the court of law and spent years in prison.

⁵ Section 25(a) of the Constitution of Nigeria provides citizenship to a person born before the date of independence, either those of his parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria.



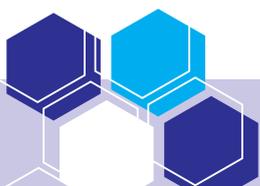


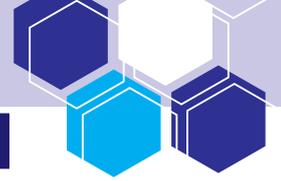
2.2 Lack of safeguards for children born in Nigeria which could otherwise be stateless and for foundlings

Section 25 (1)(b) of the 1999 constitution (as amended) that grants citizenship by birth excludes the children of stateless parents or children born to parents unable to transmit their nationality or children born to parents who were unable to undertake necessary steps in documenting the nationality of their children. According to international law, every foundling without age limitation are entitled to the nationality of the country they are found. The law clearly stated that children found abandoned on the territory of the contracting state must be treated as foundlings.

The 1999 Nigeria Constitution fails to prevent the abandoned children a day or after few days of birth on Nigerian territory and other children found on the Nigerian territory who are not yet able to communicate accurately information pertaining to the identity of their parents and place of birth from becoming stateless. The section of the constitution that grants citizenship at birth in Nigerian territory is restricted to whose either parents or grandparents is a citizen of Nigeria. Though majority of abandoned children have Nigerian parents, lack of proof limited them to a legal right of nationality. It is obvious that the abandoned children may have foster parents; citizenship right that is attached to decent can render their nationality questionable. It is apparent that the “parents” in Nigerian law refers to biological parent and tactically excludes foster parents.

This contradicts article 2 of the 1961 Convention and article 6 of the African Charter on People's and Human Rights. The failure of this section to include these two categories has rendered many persons stateless. It is obvious to include the Almajiri pupils whose identity of parents is missing, the abandoned children found on streets and other places, and the unaccompanied and separated children due to insurgency who cannot accurately communicate information pertaining their parents.





2.3 Gender discrimination in the acquisition of citizenship

Another provision in the Nigeria 1999 constitution that leads to gender inequality in terms of acquisition of citizenship is the section 26(2). The law provided acquisition of citizenship by registration for only woman who is married to a citizen of Nigeria and excluded the non-Nigerian spouse of Nigerian woman from applying citizenship by registration; thus,

discriminating granting a citizenship on basis of gender. This contradicts the equality and non-discrimination clause of all human right instruments to which Nigeria is a party. Article 9.1 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides that women and men shall be granted equal rights to acquire, change or retain their nationality.

Nonetheless, the criteria set for registration are easier to fulfill than the criteria set for naturalization. The law provides three conditions for any woman married to a citizen of Nigeria to meet, thus being of good character, showing clear intention of her desire to be domiciled in Nigeria and taken the Oath of Allegiance prescribed in the seventh Schedule of the constitution. However, non-Nigerian spouse of a Nigerian woman that can only apply for the citizenship by naturalization was given further sets of conditions. Section 27(2) of the constitution that provided citizenship by naturalization stated that:

"No person shall be qualified to apply for the grant of a certificate or naturalisation, unless he satisfies the President that -

(a) he is a person of full age and capacity;

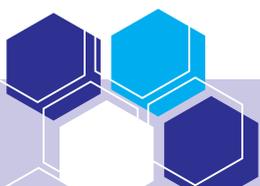
(b) he is a person of good character;

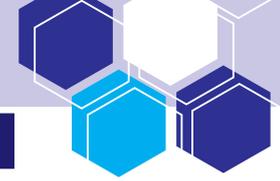
(c) he has shown a clear intention of his desire to be domiciled in Nigeria;

(d) he is, in the opinion of the Governor of the State where he is or he proposes to be resident, acceptable to the local community in which he is to live permanently, and has been assimilated into the way of life of Nigerians in that part of the Federation;

(e) he is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;

(f) he has taken the Oath of Allegiance prescribed in the Seventh Schedule to this





Constitution; and

(g) he has, immediately preceding the date of his application, either-

(i) resided in Nigeria for a continuous period of fifteen years; or

(ii) resided in Nigeria continuously for a period of twelve months, and during the period of twenty years immediately preceding that period of twelve months has resided in Nigeria for periods amounting in the aggregate to not less than fifteen years.

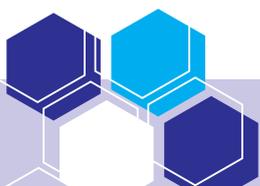
2.4 Withdrawal of Nationality

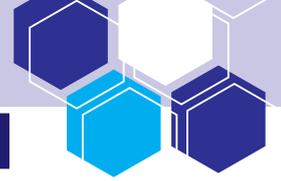
The provision of the 1999 constitution that also creates a bottleneck to the effort of reducing statelessness is section 29(1) on the loss of citizenship through renunciation. The law provides that "any citizen of Nigeria of full age who wishes to renounce his Nigerian citizenship shall make a declaration in the prescribed manner for the renunciation". The provision conditioned withholding of the registration of such declaration to war periods in which Nigeria is physically involved and opinion contrary to public policy and does not condition the withholding of renunciation on the lack of possession or acquisition of another nationality. While Article 7.1 (a) of the 1961 Convention on Reduction of Statelessness which Nigeria acceded provides that "If the law of a contracting States permits renunciation of nationality, such renunciation shall not result in loss of nationality" and similarly "a national of a contracting State who seeks naturalization in a foreign country shall not loss his or her nationality unless he or she acquires or has been given the assurance of acquiring the nationality of that foreign country"; the law in Nigeria constitution makes individuals to renounce nationality without having acquired, or having been guaranteed the acquisition of another nationality. This can lead to both temporary and permanent statelessness. Individuals that renounced their citizenship are rendered stateless for a certain period, while waiting a granting of new citizenship. In some instances, an individual that renounced his citizenship cannot fulfill the requirement (as he or she is not guaranteed) and hence denied acquiring the citizenship.

2.5 Loss of Nationality

Another safeguard that constitutes a risk of statelessness for people that acquired citizen through naturalization is the provision of section 28 of the 1999 constitution (as amended).

"Subject to the other provisions of this section, a person shall forfeit forthwith his Nigerian citizenship if, not being a citizen of Nigeria by birth, he acquires or retains the citizenship or nationality of a country, other than Nigeria, of which he is not a citizen by birth"





Deprivation is a process that requires due process of law (decision by court of law, and right of appeal). Deprivation (that could result in statelessness) is not possible under the 1961 Convention, unless the state has expressly retained the possibility to deprive citizens, and only on the basis of exceptions listed in Article 8.3 of the 1961 convention.

(i) Acted in a manner that is very prejudicial to the essential interest of Nigeria.

(ii) Received emoluments from a foreign state, or rendered service to a foreign state despite expressed prohibition by Nigeria.

On the occasion of Nigeria's accession to the 1961 Convention, it had not made any statement that it will retain the option for deprivation of nationality in its legislation. Still, Nigeria may wish to retain the provision for deprivation of nationality but the criteria listed in the 1991 constitution (as amended) are clearly below the threshold provided by the 1961 Convention.

Section 30 of the 1999 Constitution states that:

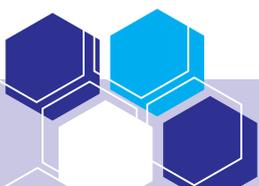
The President may deprive a person, other than a person who is a citizen of Nigeria by birth or by registration, of his citizenship; if he is satisfied that such a person has, within a period of seven years after becoming naturalized, been sentenced to imprisonment for a term of not less than three years.

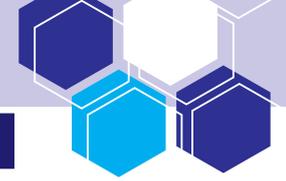
(2) The President shall deprive a person, other than a person who is citizen of Nigeria by birth, of his citizenship, if he is satisfied from the records of proceedings of a court of law or other tribunal or after due inquiry in accordance with regulations made by him, that -

(a) the person has shown himself by act or speech to be disloyal towards the Federal Republic of Nigeria; or

(b) the person has, during any war in which Nigeria was engaged, unlawfully traded with the enemy or been engaged in or associated with any business that was in the opinion of the president carried on in such a manner as to assist the enemy of Nigeria in that war, or unlawfully communicated with such enemy to the detriment of or with intent to cause damage to the interest of Nigeria.

Based on the foregoing, such criteria can lead to statelessness. For instance, being disloyal is a notion that is too vague. Politicians can use sentiments to deprive opponents that acquire citizenship by naturalization their right to nationality. Similarly, deprivation on the basis of ordinary crime punished by at least three years



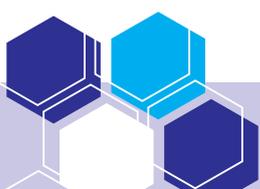


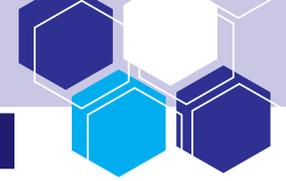
imprisonment provided by the constitution is not in compliance with 1961 Convention standard. The provision contradicts (Article 8.1) of the 1961 Convention which provides that no one shall be deprived of his or her nationality if such deprivation can render him or her stateless. It clearly excluded deprivation on the basis of ordinary crimes.

3.0 Mechanism and rule to prove nationality

Majority of the population in Nigeria remain entirely in the informal sector, hence have not regarded documentation essential. Recognition of individual by the community is paramount in securing an identity.

However, living in a modern State needs a document to prove that a person belongs to a particular community in Nigeria. Competition in securing jobs, contesting election, political blackmails among politicians disputing the nationality of opponents (see case in box 5) and insecurity leading to deporting people on ground of not being nationals necessitate the need for obtaining documents. Documents are also fundamental in putting a child in schools, opening a bank account, and getting a proof of identity. Though these documents cannot confer a nationality to an individual, lack of it can make an individual vulnerable to statelessness.





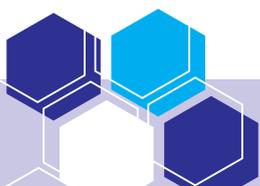
Box 2: A case of deportation due to political blackmail

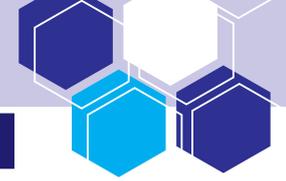
In 1980 Late Shugaba Abdulrahman Darman a then State House of Assembly member in Borno State, was arrested by the agents of the Nigeria Immigration Service on the strength of a "deportation order" on ground of being a non-citizen of Nigeria and deported to Chad. They alleged that he was a Chadian because his father was born in Chad Republic. The President therefore stripped off his Nigerian citizenship. Shugaba Darman was a political thorn in flesh in Borno State where the then ruling NPN was a minority party. The Federal High Court, the Appeal Court and the Supreme Court all ruled in favor of Shugaba Darman and revoked the deportation order.

In Nigeria, there is no single document established by law that can conclusively prove nationality. In practice, the proof of right to be Nigerian is the Local Government certificate/letter of indigene. Other documents with high status as proof of identity are the National Identity Card and the ECOWAS passport (which most people do not have). The documents with lower status as proof of identity are the drivers license and the voter's card. Informal interview with officials of Nigerian Immigration Service conducted during this study, revealed that under certain circumstances, tax payment receipt is used as a proof of identity (more common in identifying the origin of mobile pastoralists). This has implication as citizen of a particular country may be considered as citizen of the country the person had made tax payment.

It is certain that these proofs of identity have nationality of the holder indicated as one information on the documents. Still, some end-users do reject these documents as proof of identity. Perhaps putting some doubts in the process of obtaining such documents. It is worth mentioning that except the National Identity Card, all other documents have no law on the turning down of such documents as means of identification. Even the National Identity Card that has an established law for turn it down, in practice some institution (Access Bank for instance) put doubt in the process of obtaining it and do reject the National Identity Card as proof of identity. One key informant described how his National Identity Card was rejected by a bank, saying,

"I went to bank to cash a cheque paid to me by a customer. The paying cashier asked me to provide a proof of identity. With full strength, I presented my valid National Identity Card. To my dismay, the paying Cashier rejected the card and asked me to provide my office identity card, on the ground that National Identity Cards can be obtained through dubious means and cannot be trusted"





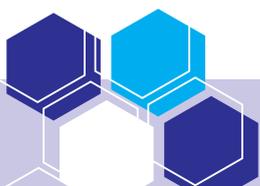
3.1 Local Government Indigene Certificate/Letter

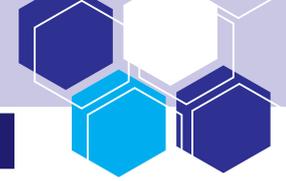
The effective proof of nationality is the indigene certificate/letter issued by the Local Government authorities. Local government indigene certificate is the document that can prove a person belonging to an indigenous community in Nigeria. It is not mentioned in the provision of the law that grants citizenship except for those born before independence but most recognized by state institutions. It is the major document required in obtaining all other proofs of identity except the voter's card and driver's license. Though not specifically mentioned as a requirement for obtaining National Identity Card, an applicant whose nationality is in doubt by the immigration personnel attached to the office responsible for the identity card will be asked to provide local government indigene certificate/letter as a proof of nationality. The practice of obtaining an indigene certificate/letter contradicts section 25 of the 1999 constitution (as amended) that clearly provided citizenship to persons either whose parents are citizen of Nigeria.

A certificate/letter of indigeneship is only available to a person whose father is an indigene of a community in the local government. It is rarely obtained by a person whom only the mother is from that local government area. The criteria of obtaining letter/certificate of indigene is having an ancestral root in a community within the local government which must be testified by the local traditional authorities. The implication of indigene letter as a proof of identity is its having no legal basis and with effective process of obtaining the document. In practice, it is obtained at the discretion of the Local Government Chairman, who can be influenced with money, politics. Nowadays, it is a common belief among ordinary Nigerians that the process is faulty and large number of people who are not entitled to obtain it have done so.

3.2 Birth Certificate

Birth registration is the most important proof that can identify the acquisition of nationality by parents who are citizens of Nigeria. As the law granting citizenship clearly attached citizenship to parental affiliation, birth certificate is fundamental to the recognition of nationality. Birth registration has a very poor performance in Nigeria. UNICEF (2007) estimated that 70 per cent of the five million children born annually in Nigeria are not being registered at birth. Lack of birth certificate in legal terms means a child does not exist.



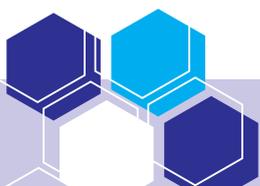


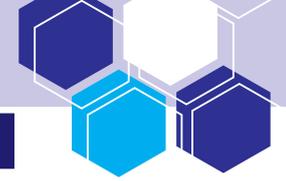
Birth registration in Nigeria is influenced by culture and religion, level of awareness of the parents, educational level as well as the economic status of the parents. It also varies with settlement type, thus high at urban areas and low at rural and remote areas. Birth certificates are used in securing the child's right to a nationality and requirement for other proof of nationality. In getting access to health care and enrolment/admission into school at right age birth certificates are used to prove the age of a child. It is also used as a safeguard against child trafficking, forced marriage for under age, and children (minor) not to be treated as adult. Birth certificates are also used as a proof for attaining appropriate age for eligibility to employment, voting rights and eligibility to be voted in elections and as well as opening of Bank Account for minors and the aged.

Challenges to birth registration in Nigeria includes: non-enforcement of the enabling Act on Birth Registration, inadequate number of registration centres, Poor data collection , analysis, and dissemination, insufficient registration materials, inadequate funding and incentives to ensure effective coverage, lack of awareness on the importance of birth registration especially in the rural areas, socio-cultural constraints and birth out of wedlock brings about confusions between child's patronymic and his/her first and second names. Also, mothers divorced or separated under violence and tense conflict declines identifying a child to her separated father during birth registration. Other obstacles are that abandoned children not taken to rehabilitation centres are not captured for registration, remote nomadic locations are often omitted due to inadequate registrars to cover these areas and lack of cooperation from villagers because they misinterpret the functions of registrars to politicians who move with money and gifts.

3.3 National Identity Card

In an effort to establish "foundation identity" (who you are), the Nigerian government mandated National Identity Card Management Commission as the issuing authority of National Identity Card. The pursuant of section (271) and (2) of NIMC Act, 2007, the services to be accessed with the document include: application for issuance of an International Passport; opening of individual and group bank accounts; all consumer credits; purchase of insurance policies; transfer and registration of land by any individual; National Health Insurance Scheme, such as transactions that have social security implications; registration of voters; payment of taxes and pensions.



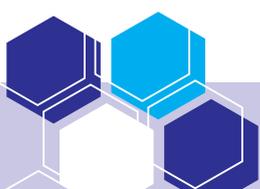


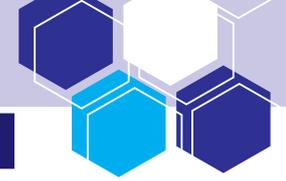
Despite the effort of government in providing "foundation of identity", the coverage of National Identity Card Scheme is not impressive. The registration and issuance of the identity card that started in 2012 in 34 states of Niger and the two other states (Borno and Yobe) later joined in January 2016 was able to register only 9.5 million people as at June 2016. The commission is constraint by limited funding and production capacity, erratic power supply, poor internet connectivity and inadequate personnel. Requirements for obtaining National Identity Card are easier than any other proof of identity except the voter's card that has no requirement in practice. NIMC act in section 16 sets out the criteria for eligibility that includes: any person who is a citizen of Nigeria; any person, whether or not citizen of Nigeria, who is lawfully and permanently resident in Nigeria; and any non-citizen of Nigeria who is lawfully resident in Nigeria for two years or more. Therefore, every eligible person who, at the commencement of the NIMC act must have attained the age of 16 years qualifies.

3.4 International (ECOWAS) Passport

The ECOWAS passport is also a document of high status for the proof of nationality in Nigeria. It is regarded as official identification document for all citizens of Nigeria. ECOWAS passport also known as the e-passport can be obtained by Nigerian citizen by birth, registration and naturalization. However, a non-Nigerian born applicant must provide a copy of Nigerian passport and letter of authority from his Nigerian parents that appear on his/her birth certificate as right of citizenship. The three types of ECOWAS passports issued in Nigeria are the Ordinary Passport, Official/Service Passport and Diplomatic Passport. The Ordinary Passport is the most common found with the majority of Nigerian holding passport.

Despite its high status for proof of nationality, the passport is the document majority of Nigeria do not obtain. The requirements for obtaining an ECOWAS Passport are very difficult and the amount of money being paid as a fee (twenty five thousand naira) is beyond the affordable rate of most Nigerians. Requirements set for obtaining a passport includes; a guarantor's form duly signed by commissioner of oath; photocopy of data page of guarantor's passport and either a photocopy of applicant national identity card or driver's license; a birth certificate or evidence of age declaration; and letter of





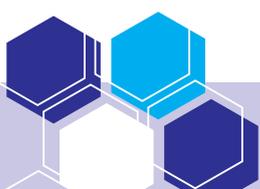
identification from Local Government of origin. Interviews conducted during this study showed that getting a guarantor who has obtained passport is difficult. Similarly, high fees and limited validity period of only five years discourage majority of Nigerians from obtaining an ECOWAS Passport.

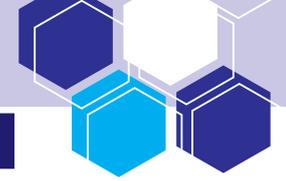
3.5 Driver's License

The driver's license is an official document permitting an individual to drive a vehicle or ride a motor cycle on a major road. It is a document that cannot be officially used as a proof of nationality. Nigeria being among countries with many citizens having no means for proof of identity, circumstances made organizations to consider the driver's license as means of identity. Still, it is among the weak proofs of identity. Requirements for obtaining the driver's license are quite easy, involving proving only two certificates from driving test- a practical driving test and written exam. The driver's license is often used as proof of identity in opening a bank account and obtaining national identity card. The disadvantages of obtaining a driver's license as means of identity by many Nigerians are high charges paid as fee and the short validity period of only five years.

3.6 Voter's Card

The voter's card is another proof of identity used in practice with low status. Ideally, it is a registration card obtained by a voter for the purpose of election. There is no law that established holding a voter's card as a proof of nationality, but as majority of Nigerians are unable to obtain other proofs of identification of higher standard, many organizations do consider the voter's card as a proof of identity. The criteria for obtaining a voter's card are quite simple with no document required. As at 2015 general election, there is a total number of 70,383,427 Nigerians who registered and obtained a voter's card. In practice, a voter's card is used as requirement in opening a bank account and obtaining a National Identity Card (in the absence of other means of identity). Informal interview with officials of Nigeria Immigration Service reveals that voter's cards





are accepted as a proof of nationality for the people who remain entirely in the informal sector with caution. The person holding a voter's card, however, cannot fully claim the right of nationality.

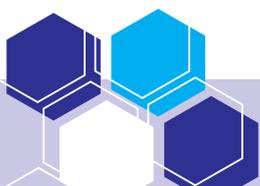
This study found that people at risk of statelessness decline obtaining documents as it might trigger tension between them and their host communities. Some respondents reveals that efforts of obtaining such document may be perceived as taking over the ownership of the community from the autochthons. For instance, interviewees cited circumstances where community leaders used security agents to incarcerate a person born on Nigerian soil by migrants for just trying to obtain a birth certificate.

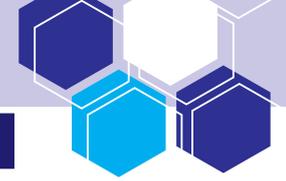
4.0 Profile for the various groups of stateless people

The stateless population and population at risk of statelessness in Nigeria include the migrants, nomads, Almajiris, abandoned children, unaccompanied children, boarder population and population affected by transfer of territory. These categories may be those who have crossed the international boundary and those who have never. A survey conducted by the National Population Commission on internal migration reveals that seven states of the federation had population made up of at least 40 percent of internal migrants.

The stateless people and people at risk of statelessness came from a variety of economic, religious and ethnic backgrounds. Majority of the identified in northern Nigeria are of Fulani and Hausa stocks. Not surprising, Hausa and Fulani are the dominant ethnic groups in the northern Nigeria. Pastoralism, hiring labor and trading are the major means of livelihood among the identified. Clear patterns exist with regards to the level of education and type. Majority are uneducated, some with the secular system and the few educated have low education level. Similarly, most identified were living on the margins of society and are not appreciated by the community where they do reside.

⁶ Almajiri is a student of traditional Islamic school in which the children often stay with the teacher (*mallam*), numbering about nine million in Nigeria. See 2010 Ministerial Committee on Madrasah





4.1 Migrants

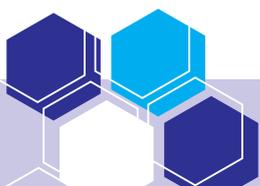
Nigerian communities know migrants who are both from within and outside the country. Majority of migrants are Islamic scholars, unskilled workers and traders. However, Islamic scholars as migrants are restricted to the Northern Nigeria where Islam is the dominant religion. The migrants also include the population who became stranded or attracted by economic opportunities of various communities after trying but failing to reach Saudi Arabia for pilgrimage.

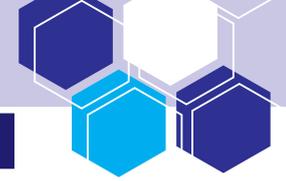
Though majority of the migration is from within, people from other countries mostly from Africa also migrate into the country. Migration both within (internal migration) and from another country poses high risk of statelessness.

Migrants of whatever kind are regarded as non-indigenes of the communities where they reside. It is not a mistake to regard them as stateless or at risk of statelessness as neither their grandparents nor their parents obtained documents as nationals of any state or a community within Nigeria. Similarly important, their ancestral link was lost. The children of migrants are more at risk as the provision of the Nigeria 1999 constitution (as amended) provided citizenship only by descent belonging to an indigenous community. This makes it impossible for the descendants of those who have migrated from other countries or other communities within Nigeria to acquire the right to nationality.

It is real that both the internal migrants and those who migrated from other countries rupture their link with their places of origin. Many of these migrants reside for many years in various communities either as stateless or at risk of statelessness on the account of not fulfilling the criteria of being a citizen. That is not having evidence that either of their parent or grandparents belong to an indigenous community in Nigeria. Their status as stateless persons or at risk of statelessness may not be noticed until they try to obtain a proof of belonging to the community or stand election. For pastoralists, their status of statelessness is exposed when they have conflicts with the indigenous people, where they are declared foreigners and at times humiliated, incarcerated and threatened with deportation. Pastoralists deported from Jos plateau Nigeria to other states in the

⁷ See Internal Migration Survey in Nigeria 2010, National Population Commission.





Northern Nigeria became stranded as they lack any evidence that can link them with any community in Nigeria or other countries. This ran through stories of the mobile pastoralists interviewed at Tilden Fulani and Toro in Bauchi State.

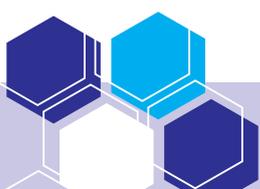
Similar to those who migrated in search of Islamic knowledge and labor migration, many of their children lost the origin of their parents. They are either stateless or at risk of statelessness by the virtue of the Nigeria law that provides citizenship by descent.

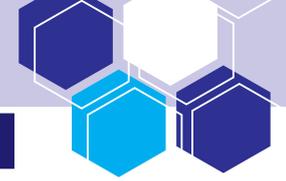
It is certain that migrants that were not reorganized by the community they resided in for years can get their way of obtaining indigene certificate/letter from other local government that they share same culture and religion with on ground of sympathy. The indigene certificate/letter cannot guarantee them wide range of the rights of citizens provided by the constitution, such as the right to stand election. It would not be correct to consider all these categories of migrants as stateless just for not being recognized by the communities they resided in for years. Nevertheless, all migrants that have lost linkage with their communities of origin and with no hope of tracing their family link are either stateless or at risk of statelessness.

Drought and desertification in Africa south of the Sahara has displaced people and reduced them to migrant and stateless. As drought sweeps away pasture lands, many pastoralists abandon herding to switch to part time wage laboring. The clan of Fulani "wodabee" popularly called Hanagamba are among the ones rendered stateless by drought and desertification. Though it is assumed that they have a family link, this study found that not all among them are in touch with their family members. Several respondents stated that during the shock of the drought, members of families dispersed, moving from one town to another for part time wage laboring and can hardly reunite.

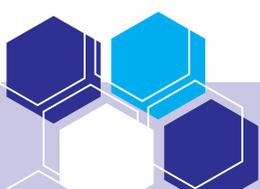
4.2 Pastoralists

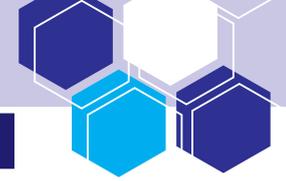
A greater part of Nigeria is noted for pastoralism majority by the Fulanis and Arabic speaking Shuwa Arabs from which they derive their livelihood. The presence of Arabs that engaged in rearing camels is nowadays noticed in different parts of the north eastern Nigeria. Due to time constraints, this study could not be able to assess the





nationality status among this mobile class of people. It is indeed an area for future research. The majority of the mobile pastoralists in Nigeria are herders moving yearly from Niger and Chad to the north, central and southern Nigeria (IRIN, 2008). Majority have no fixed place that can be used to identify as their origin and they are not claiming a nationality of any of these states they move across. This mobile population moves toward the south and north in dry and wet season respectively, following the availability of water and pasture (Jajere, 2014). This study found that nearly all of this population do not have identity documents and do take the advantage of barely existence of state institutions in the remote areas they follow to cross boarder at will. Their refusal for documentation is sustained by their need to achieve livelihood that depends on moving herds in search of water and pasture and with no respect for or recognition of international boundaries. Some pastoralists have a popular belief that having documentation and hence identifying themselves to a particular nation may limit their cross boarder movement. Another obvious reason is the corruption of the border guards of Niger, Nigeria, Cameroon and Chad. Crossing the international boundaries of these countries needed no any document as much as bribe will be given to the border guards (see box 3). Pastoralists interviewed in this study clearly stated that border guards ask for cash not documents at boarder points. Securities at the border points do take the advantage of their ignorance of law subjecting them to extortion even with valid papers. In many events, a person who identifies himself to a particular state is more extorted and incarcerated than a person without identity.

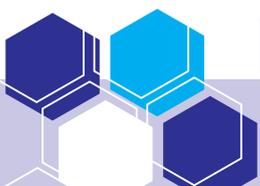


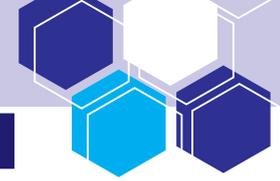


Box 3: Extortion by border guards

I was born in Nigeria in 1977 and my father is a mobile pastoralist that grazes in Central African Republic, Niger, Chad, Cameroon, Nigeria and Ghana. We have never settled at a particular place for even a month except there is crisis or sickness. I do not have any identity document for any country. I belong to the country with abundant pasture (laugh). I have never encountered any problem of documentation while crossing international boundaries. We do give money to Nigerian, Cameroonian and Chadian border guards to cross the borders with our animals. This is the easiest and common practice among pastoralists. Even with documents, they will still request money on the ground that our documents are incomplete. They know we are illiterates and cannot read and write.

The stateless pastoralists and pastoralists at risk of statelessness also include those moving within the country. Like those who are crossing international boundaries, they also move toward the south and north direction following the season. Majority do not have a community to identify themselves with as Nigerians. Also involved in this category, are the mobile pastoralists who adopted a sedentary life after independence perhaps due to loss of livelihood. Getting a proof of identity is a critical problem of the mobile pastoralists that abandoned pastoralism and adopted a sedentary life, even though they have been resident of their communities many years and sometimes generations. Fear of domination is mentioned several times by the community leaders as a reason of not accepting the settled pastoralists as part of their communities. A community leader in Taraba State says "if we allow them to obtain our indigene letter, they will take over our land". Denial of identity that guarantee right to land often increases radicalization among the pastoral groups (see box 4). It is obvious fact that pastoralists are regarded as stateless by the sedentary communities all over the country and therefore landless.





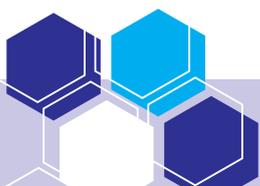
Box 4: Denial of identity proof and Radicalization among pastoralists

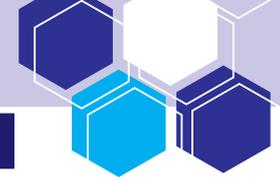
We have been grazing in Kaduna and Plateau states for over 50 years. We were paying for grazing on the land that should have been ours, if not because of our mobile nature. Still our animals are being killed every day. We are not allowed ownership of land our grandparents were grazing for centuries and we are considered non-indigenes. They denied our children that attended school an identity. To be honest, many are now taking the law into their hands as the government is not willing to help the matter.

4.3 Almajiris

Almajiri system started in northern Nigeria during the pre-colonial days as Quranic system of education. In its former setting, the pupils live in their communities to learn the reading and writing of Quran. However, the system now involves recruiting children many of three to five years from far communities, some even outside the country. The condition attached to the system is that a child cannot return home until he learns how to memorize the complete Quran. The students "Almajiris" mostly end up without tracing or identifying their parental origins. This usually occurs when their teacher relocates to another place other than the one known to the parents of the Almajiri or when the teacher "Mallam" who only knows or has information of the Almajiri's parent has suddenly die. There are also situations where parents sacrifice a child for the sake of religion, giving him to a migrating Islamic scholar, to learn the Quran and spread the religion elsewhere in the world.

Almajiris are the itinerant Islamic school pupils who left their parents at their early stage of life. Majorities do not know their parents and cannot identify their origin. No matter their age, they are responsible for their own feeding and health. They are at risk of statelessness as the communities they do reside in never recognize them as indigenes and authorities do denied them an indigene letter that can prove their right to nationality. This study found that Almajiris were not registered at birth. This makes it difficult for them to establish their identity at the time they realized the importance of having a proof of nationality (see box 5).



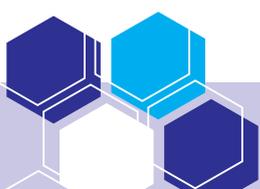


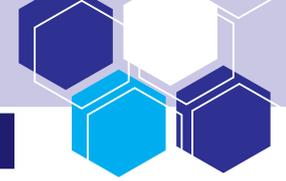
Box 5 Lack of nationality proof among Almajiris

Saleh is Almajiri who loss link with his parents and grew up under the care of a migrant from Chad. He attended school and obtained secondary school certificate. He contested election and won as a councilor. His political opponents questioned his nationality. The matter was taken to Immigration Office and Saleh was asked to prove his nationality. Saleh cannot present his caregiver that is known to be a Chadian as his father, efforts to trace his parents were abortive. Saleh was declared non-citizen and forced to resign his position.

4.4 Abandoned Children

Abandoned children of unknown parent are common in Nigeria due to the social prejudice of giving birth to a child out of wedlock. Both the dominant religions, Islam and Christianity strongly forbid giving birth out of wedlock and so does the culture. In most communities, a woman who gives birth to a child out of wedlock can hardly get a suitor. This permanent stigmatization led women who deliver babies out of wedlock to abandon them on the day or few days after delivery. In essence, neither the father nor the mother of the baby will accept and claim the baby and bear the social prejudice. The stigmatization can also affect families of the persons responsible. Such children end up with no parents, exposing them to the risk of statelessness. There is no accurate figure of abandoned children in many states of Nigeria. Scanty data on abandoned children are found in some state zonal offices of the Ministry of Social Development. The figure covered only the cases of abandoned children under the custody of the state governments. Though not legally permitted, in remote areas abandoned children are being taken care of by the village head and religion organizations. State Ministries of Social Development are responsible for abandoned children. They take care of them and give them out to foster parents in need. People willing to take care of the abandoned children do apply for fostering not adoption. The abandoned children who have no foster parent and those who have been withdrawn from the foster parents due to improper care giving, are being taken care of at the government orphanage houses. The abandoned child can bear the name of the fostering parents but cannot be among the legal heirs. Obtaining an indigene certificate by an abandoned child is not guaranteed. Some communities do give while others do not. The possibility of getting the indigene by an abandoned child also depends on the influence of the fostering parents in the community. This study found an instance where a foster parent influenced the rejection





of an abandoned child by the community for being disloyal what subsequently affected the indigene letter the child obtained bearing his name.

4.5 Unaccompanied children

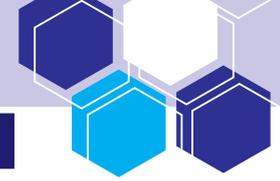
Insurgency in Nigeria started in 2003 by a group named “Taliban” in Kannamma village of Yobe State but its rises to prominence around 2009 as Boko Haram. The insurgency by Boko Haram claimed the lives of nearly 17,000 people, displaced about 2.2 million people and devastated thousands of communities in the north eastern Nigeria separating children with their parents. This insurgency in Nigeria has posed a serious risk to statelessness among the unaccompanied children. Unaccompanied child may mean different thing to different organizations working on social welfare. In every sense, it refers to the separation of children with their parents or caregivers due to displacement by war. The unaccompanied are either orphans or with parents alive elsewhere. They may also be in their own country or might have crossed international borders in search of safety. It is not possible to consider them stateless unless all family tracing efforts have been exhausted and proved abortive.

Nevertheless, unaccompanied children are at greater risk of statelessness. The finding of this study reveals that almost all the unaccompanied associated to Boko Haram insurgency cannot give an identity of their parents, neither information about their home of origin. They are mostly between the ages of three to five. Even the aged among them who are expected to communicate, could not because trauma due to unimaginable horror affected their memories. For instance, a 13 year unaccompanied girl interviewed pointed any strange person as the killer of her parents.

4.6 Population affected by the transfer of territory

Boarder dispute between Nigeria and Cameroon and Nigeria and Chad is a silent factor of statelessness. International Court of Justice (ICJ) final judgment in 2002 granted sovereignty of the disputed territory to Cameroon. The communities affected by the transfer of territory at shore of Chad are Darrak, GiriyaChanji, DoronLiman, Chikka, Nagaya, GarinWanzam, GoriyaGutul, Kamunna, Kafuram, Murdas, Hello kachu, GarinMallam Musa and Kattikime.





Often, communities at the shore of Lake Chad affected by such boarder shift were having no contact with either the Nigerian or Cameroonian government. While it is presumed that the nationality of the people affected will be based on habitual residence, the Nigeria-Cameroon mixed commission for negotiation on ICJ judgment concluded based on bilateral agreement that Nigerians living in the affected areas will not be forced by Cameroon to change their nationality. This agreement is based on the further negotiations facilitated by UN Secretary General Kofi Annan on the outcome of the final judgment by ICJ. However after the five year transitional period, the affected people could become Cameroonian with the right to Cameroonians identity documents and if they so wish, they could remain Nigerians with resident alien status in Cameroon or return to resettle within the Nigeria territory. People who returned to Nigeria territory were resettled at Kirfa and Sagir.

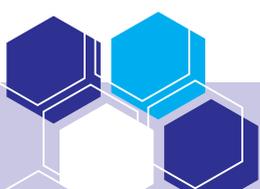
Finding of the study reveals that some people who choose to remain in Cameroon were denied to obtain Cameroonian identity documents. A period was given by the Cameroonian authorities within which they can register, many could not and remain with neither Nigerian nor Cameroonian identity documents. The interviewees associated the suspension of giving the documents to insurgency as both countries are avoiding registering terrorists.

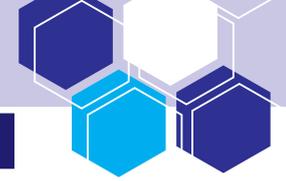
5.0 Access to right and protection of stateless persons

The 1954 Convention which Nigeria acceded implicit that States must identify stateless persons within their jurisdiction in order to provide them appropriate treatment, ensuring that they are accorded fundamental rights and freedom without discrimination. As Nigeria is yet to establish a mechanism to identify stateless persons, they have no stake and were denied employment opportunity in the public sector, right to livelihood assets, political participation, facing social discrimination and suffering security abuse.

5.1 Legal Employment

Stateless person are denied the opportunity to be employed as Nigerians in both private and public sectors as they cannot prove their nationality with any link with an indigenous community in Nigeria. Indigene letter is the document that can effectively prove your right to be employed as a Nigerian. This document cannot be obtained by any person



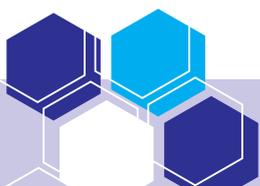


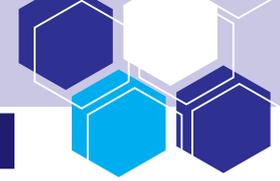
Box 6: Denial of employment to a stateless Almajiri

Mallam Sidi grew up in Damaturu town as Almajiri from unknown parents. His parents took him to a migrating Islamic teacher who later settled at Damaturu after state creation but died two years later. Sidi who worked as a house help to a woman developed interest in western education and joined primary school at late age and later secondary school. With the little savings he got from skilled labor, he applied for a diploma course and was admitted. Indigene letter was requested during his registration which Sidi could not obtain as his parents were not indigene of Damaturu but a lecturer sympathized with him and influenced for his registration without the document. After graduation, Sidi applied for a different job but could not get for lack of an indigene letter and lack of recognition by the community as a member.

5.2 Right to livelihood assets

Interview conducted with stateless person and those at risk of statelessness revealed that getting access to common resources is limited. Stateless pastoralists for instance, clearly disclosed their lack of security rights over land and water despite many years of their residence. They were regarded as stateless and with right to what belongs to citizens. They rather enjoyed conditional land and water rights. Conditions attached to usage rights include payments of money by migrating pastoralists to traditional leaders for grazing in their domain. Some testify of making such payments for over forty years. In case of not seeking permission through payment for grazing right, a traditional leader can deprive pastoralist access to grazing. Failure of the pastoralists to pay homage and seek permission from traditional ruler who also serve as land chief may lead to his arrest. Water rights are closely linked to land use rights. Customary land use rights that exist in most communities prevent stateless pastoralists and in some instances the Almajiris access to boreholes and wells. It is assumed to be for the indigenes and restricted to local





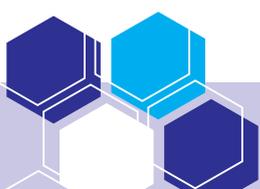
communities. Boreholes though public property have no open access. In communities where the migrants share different culture and religion, they were intimidated that “it belongs to Nigerians and you can go back to where you came from and have access”. They were called foreigners, while in reality they are Nigerians but who could not have a settlement they could identified themselves with as indigenes.

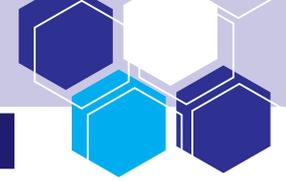
5.3 Political participation

Contrary to the trend in other nations, a stateless person can be allowed by ambitious politicians to vote but not to stand for election. Section 2(1) of the electoral Act 2002 clearly provides that a person shall be qualified to register and vote if he/she is a citizen of Nigeria. Right to vote for a stateless person does accord him basic civic rights. Politicians do take the advantage of the lack of established mechanisms of identifying a stateless person in Nigeria to register them for voting. They are considered stateless when it comes to obtaining indigene certificate/letter but non- stateless in voting! During the election times, stateless persons are registered but the choice of candidates is determined by politicians who influenced their registration. Stateless persons who indicate voting against their wishes can be declared non- citizen and be denied voting (see box 7).

Box 7: Stateless person and right to vote in Nigeria

MallamGana and his friend both Almajiris have no other place than Gombe. In 2014, they were registered as voters by the influence of a politician. As campaign goes top, Gana developed interest of a party different from the party of the politician who influenced his registration. His opposition is open and has been noticed by others. On the election day, Gana was prevented from voting on the basis of not being a citizen while his friend was allowed.





5.4 Social exclusion

Stateless persons and persons at risk of statelessness face social discrimination often no matter how long they resided in a community. Social exclusion among the stateless and those at risk of statelessness includes denial to worshipping place. In most communities migrants were not allowed to either buy or rent a worshipping place, especially when they happens to be of different religion with the host communities. The stateless pastoralists interviewed at Tilden Fulani and Toro share the narrative of being prevented from having a mosque and to own land by some communities in Jos, Plateau.

Another form of social exclusion to stateless persons and persons at risk of statelessness is the social prejudice attached to abandoned children. Abandoned children are stigmatized ending up having no suitor for marriage. They remained marginalized and cannot raise their voice!

5.5 Insecurity

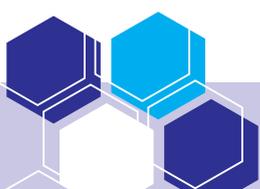
Security abuse is common among stateless persons and people at risk of statelessness. Stateless persons are unlawfully arrested whenever conflicts erupt in their communities. Informal interviews conducted during this study reveals that some community leaders had known of stateless persons and persons at risk of statelessness (especially Almajiris) who had been unlawfully arrested and abused. In case of misunderstanding between a stateless person (migrant or pastoralist) and an indigene, judgment is given at the favor of an indigene. Security agents take the advantage of the vulnerability of stateless persons and exploit them.

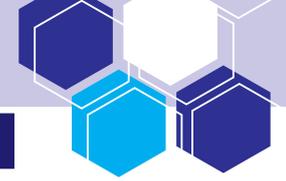
Tax payment receipt obtained by pastoralists during their movement for pastoralism is being used to declare them nationals of that country and were treated as foreigners. Stateless persons are often most targeted during political and religious crises. At the peak of insurgency in Nigeria, stateless persons were assumed to be violently predisposed and arrested.

6.0 Recommendations

This study was conducted in the six states of the North East Nigeria, considering the problems raised by the study, recommendations are made country wide.

1. Constitution amendment





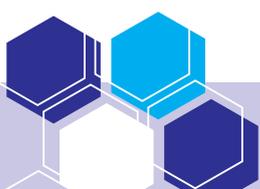
Amendment of section 25 to 32 of the 1999 constitution of the Federal Republic of Nigeria (as amended) to ensure that no child is born stateless; elimination of all existing and possible grounds of discrimination that can lead to denial, loss or deprivation of citizenship; and enacting provisions in the constitution that grant protection status to stateless and facilitates their naturalization. Safe guard should be provided for children born in Nigeria who do not have citizenship of any other state. Provision should also be made to grant Nigerians citizenship to children who are found on Nigerian territory, without knowledge of their nationality and parentage, and who could otherwise be stateless. Section 26 (2) which discriminate granting citizenship on the basis of gender should be replaced with a provision that can grant men and women equal rights in acquiring nationality through marriage. Safeguard should be provided in the constitution for renunciation of citizenship. The provision should condition withholding of such registration of declaration of renunciation on the possession or acquisition of another nationality. Nigeria may wish to retain provision for deprivation of nationality but the criteria provided in the 1999 constitution should be reviewed to meet the international standard for deprivation of citizenship provided in Article 8.3 of the 1961 convention which Nigeria acceded.

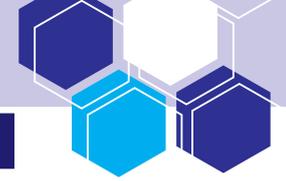
2. Ensure birth registration for prevention of statelessness

To ensure that every child is registered at birth, enabling act on birth registration should be enforced. Existing number of birth registration centers should be increased to cover difficult to reach rural areas and mobile birth registration teams should be deployed to remote areas. Funding of birth registration exercise need to be improved to address the problem of insufficient registration materials. Socio-cultural and religious constraints to birth registration exercise should be addressed with the help of community and religious leaders. Government, traditional institutions, religious leaders and Civil Society Organizations should complement the efforts of UNICEF, UN, UNFPA, WHO, UNDP and World Bank on enlightenment campaigns on the importance of birth registration especially in rural areas.

3. Issuance of nationality document to those entitled

The legal position of indigene certificate/letter as an effective proof of nationality need to be define in the national legislation. The legal interpretation of " belonging to an indigenous community" should also be clearly defined and the practice " belonging" to an indigenous community as a proof of nation that prevails for even the people born





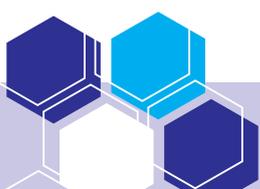
after independence should be addressed. The funding for the National Identity Card Management Commission should be improved and adequate personnel should be employed to cover many areas and the lengthy queue in obtaining the document. Difficult to meet criteria and requirements for obtaining international passport should be avoided and the huge fee paid for obtaining the document that is beyond the reach of average Nigerian should be reduced. The status of driver's license and voter's card which are easier to obtain and have no requirements for issuance respectively should be upgraded and the law supporting the documents as proof of identity should be enacted.

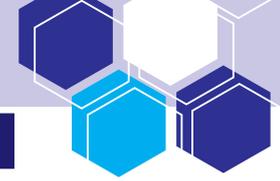
4. Establish data on stateless population

Qualitative and quantitative research should be conducted to assess the scale of the situations in terms of magnitude and geographical spread; profile of the affected population; analysis of the causes and impact of statelessness in other parts of Nigeria. Data of stateless population should be included in the conduct of population census.

5. Advocacy and sensitization of general public on the importance of proof of nationality and the risk of statelessness

Government and other stakeholders including Civil Society Organizations with support from UNHCR should focus on advocacy and sensitization of general public on the importance of reducing the risk of statelessness. Media, academia, traditional and religious leaders will use in achieving this target.



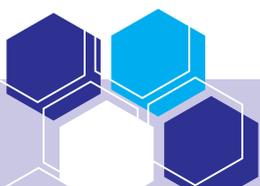


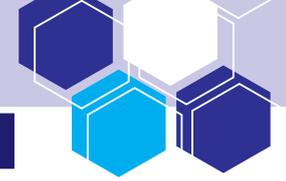
6.0 Conclusion

In Nigeria, it is obvious that acquiring a local government indigene, not to mention the birth certificate, the driver's license, the national identity card, the voters card and the international passport cannot determine that a person has a nationality right; acceptance by an indigenous community within a local government is paramount.

Nigeria constitution establishes no document or process that conclusively proves nationality but provision of section 25 (a) attaching nationality to a membership of an "indigenous community" places strong legal issue on the emphasis of individual acceptance by a community as its member and form the basis under which communal authorities hide to render thousands of people stateless. The inability of communities to accept people who thought to have nationality right was responsible to many conflicts in Nigeria. There is no doubt that conflict between the Hausa/Fulani community and the indigenous tribe of Jos Plateau, and other conflicts between Fulani nomads and indigenous communities in the various parts of the country is related to the issue of nationality status. While indigenous communities refused to recognize migrants no matter how long they resided in the community, the migrants could not identify themselves to the communities of their grandparents because they lost a family link that will identify them to the communities. This deepening sense of disenfranchisement among the affected is responsible to the conflicts in Nigeria now tilting toward tribal and even religion.

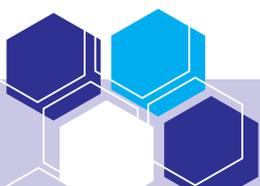
As States work together to address the problem associated with deprivation of nationality, Nigeria still keep avoiding from addressing the issue, often because of its sensitivity.

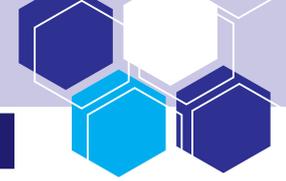




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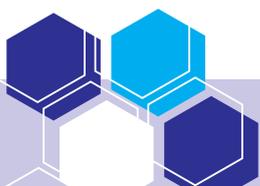
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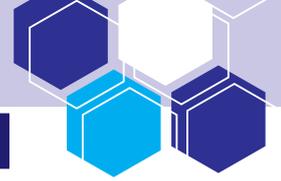
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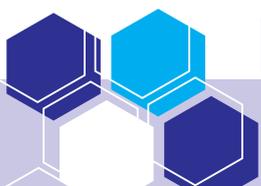


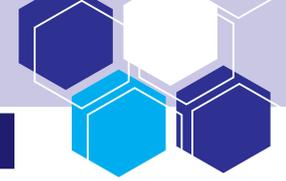


Partners About the WACSO

About the UNHCR

The UN General Assembly has entrusted the Office of the United Nations High Commissioner for Refugees (UNHCR) with a mandate relating to the identification, prevention, and reduction of statelessness and protection of stateless persons. Since its creation, UNHCR has worked to provide international protection and to seek durable solutions for stateless refugees who are covered by its Statute and by the 1951 Convention. UNHCR also actively participated in the drafting of the two global statelessness instruments – the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. In 1974 the UN General Assembly designated UNHCR as the organization to which persons claiming the benefit of the 1961 Convention may apply for examination of their claims and for assistance in presenting those claims to state authorities.





ABOUT WACSOF

The West African Civil Society Forum (WACSOF) is a platform for the aggregation of civil society agency, interests, and interventions across the 15 states of West Africa. It was founded with the sole purpose of channeling civil society energies towards complimenting the regional integration and development agenda of the ECOWAS 'System' Institutions. The organization has passed through different stages of developments in its internal organizational processes and programmatic experiences. This section will describe WACSOF's establishment and development over the years since its founding in 2013.

WACSOF HISTORY

The West African Civil Society Forum (WACSOF) is an umbrella network of civil society organizations (CSOs) from the fifteen member states of the Economic Community of West African States (ECOWAS).

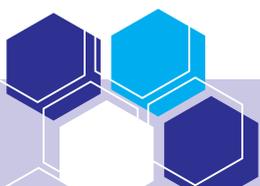
The idea of creating the West African Civil Society Forum was based on the need to create an institutionalized dialogue between sub-regional CSOs and ECOWAS.

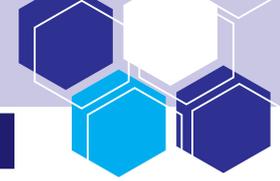
In an effort to formalize entry points for this interaction, a two-day consultation was organized in May 2003 at the ECOWAS Secretariat in Abuja. The consultation brought together over 45 participants, including members of CSOs, ECOWAS Zonal Officers, government representatives, donors and experts from the sub region to discuss and strategize on issues of regional human security. The consultation concluded with the adoption of a communiqué encouraging ECOWAS and CSOs to institutionalize their relationship and to pursue a coordinated human security agenda. To consolidate this process, the consultation formed an ad hoc committee of ECOWAS and civil society members, and the concept of the West African Civil Society Forum was born.

The WACSOF Secretariat, located in Abuja, Nigeria, is responsible for the day-to-day administration management of the Forum's activities and properties.

THE NATURE AND FUNCTIONS OF WACSOF

The overall aim of WACSOF is to provide a CSO compliment for ECOWAS' efforts towards deepening regional integration and fostering stability and development in West Africa. Since its endorsement by the Authority of ECOWAS Heads of State and Government in 2003, WACSOF has served as an umbrella for CSOs seeking to partner with the ECOWAS, promoting a system of dialogue and discussion, encouraging the sharing of ideas and perspectives and facilitating the building of collaborative relationships and linkages to ensure quality inputs of the civil society in to the agenda of ECOWAS. WACSOF has served as the pivot for networking between and among CSOs on the one hand, and between CSOs and the ECOWAS on the other hand. To clarify the nature and structure of WACSOF, below is a presentation of the Vision, Mission, Objective and the Organizational Structure of WACSOF.





OBJECTIVES OF WACSOF

The objectives of WACSOF can be outlined as follows:

1. To strengthen and institutionalize a relationship between West Africa's Civil Society constituency and the ECOWAS System institutions;
2. To facilitate consultations and interactions between and among civil society, most notably through the WACSOF Periodic Peoples' Forum, for the purpose of developing and submitting recommendations to the ECOWAS Authority of Heads of State and Government;
3. To audit the implementation and legislative domestication of ECOWAS treaties, protocols and decisions relating to human security, development and regional integration issues in West Africa;
4. To establish regional, national (and sub-national) mechanisms to monitor and ascertain the status of human security, development and regional integration in West Africa;
5. To popularize ECOWAS in the consciousness of West Africans, particularly the youths, through appropriate media; and
6. To actively promote a sense of community citizenship between ECOWAS Member States and CSOs.

ORGANIZATIONAL STRUCTURE OF WACSOF

Right from foundation, WACSOF's organizational structures were carefully designed to provide a pivot for all civil society activities within the West African Region, especially those that relate directly with human security, development and regional integration. The organizational structures of WACSOF include: the Peoples' Forum, the Executive Committee, the Executive Secretariat, the Thematic/ Working groups and The National Platforms. Below are a description of all the organizational components and structures of WACSOF.

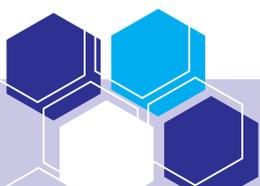
• THE PEOPLES' FORUM

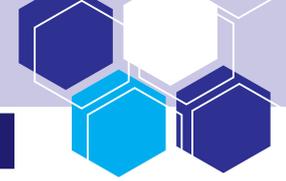
The Peoples' Forum is the supreme organ of WACSOF which is composed of all representatives of CSOs registered with WACSOF, mostly through delegation. The Forum meets annually, prior to the statutory meetings of the ECOWAS Authority of Heads of State and Government to review the activities of the Regional Secretariat, induct new members, appoint new leadership, review the activities of ECOWAS Member States, and make recommendations to the annual ECOWAS Heads of State meetings.

• THE EXECUTIVE COMMITTEE

The Executive Committee is elected by the Peoples' Forum and is composed of representatives from all the three (3) language groups of the region, as well as representative to cater for the special interests of the Youths, the Women and the West African Diaspora. The Executive

Committee is composed of four (4) Anglophone representatives, four (4) Francophone representatives, (2) Lusophone representatives and one (1) representative each for Women, Youths and Diaspora interests, making thirteen (13) members in all. The Executive Committee supervises the implementation of the organization's activities by the secretariat in between the people's forum.





- **THEMATIC GROUPS**

The work of the Regional Secretariat is supported by specialized thematic/ working groups, which are organized along different themes, sub-themes and specific processes and programs. Among other areas, the following thematic groups are deemed as relevant areas of engagement for WACSOF/ ECOWAS and CSOs relationship: Agriculture and Food Security; Environment and Climate Change; Women and Gender; Democracy and Governance; Human and Peoples' Rights; Peace and Security; Health and HIV/ AIDS; Migration and Free Movement; Economic Development; Trade and Investment.

- **NATIONAL PLATFORMS**

National Platforms are the transpository structures of WACSOF at the national levels and are to be constituted in each West African State. The National chapters are comprised of groups or coalitions of the different civil society actors within Member States that are members of WACSOF, and are in place mainly to facilitate the implementation of WACSOF's activities within their specific national spheres. WACSOF's National platform are established in view of identifying areas of collaboration between civil society as diverse as it is, the private sector, National Authorities in member States and West African regional organizations such as ECOWAS and UEMOA.

The Secretariat

The Secretariat of WACSOF is located in Abuja, Nigeria. It is composed of a General Secretary and all other members of staff responsible for the day-to-day activities of the Forum. It provides secretarial services to all working committees, prepares, and presents reports and advisory opinions as necessary to the various structures of WACSOF.

VISION OF WACSOF

The vision of WACSOF reads thus: "WACSOF envisions a well organized and vibrant civil society in West Africa, which contributes to the attainment of a stable and prosperous West African region characterized by democracy; human rights; good governance; the rule of law; constitutionalism; economic prosperity; and social justice". This vision is with the ultimate aim of facilitating the building of dense associational networks, promotion of solidarity, trust and reciprocity among CSOs such that they can better enhance the efforts of the ECOWAS towards fostering regional integration and development in West Africa.

MISSION OF WACSOF

WACSOF's mission is to serve as a receptacle for civil society organizations feeding in to the ECOWAS System processes, and to empower them to exploit the public space at the National and Regional levels, in order for them to contribute to an integrated, stable and developed West Africa. WACSOF's mission is therefore to create the avenues through which CSOs can more constructively engage with the authorities at the national levels as well as the Institutions of the ECOWAS System.

