

Forced Displacement, Statelessness and Nationality Issues in Nigeria

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ABSTRACT

The paper is anchored on persons of concern and nationality issues in Nigeria. The theory of social exclusion is adopted to explain the extent to which people of concern have been excluded from exercising and accessing their right to nationality in Nigeria. The paper is based on a desk review of secondary sources of information from international organizations, state agencies, and other relevant publications. Findings of the study revealed conflicts involving non-state actors in Nigeria and Cameroon largely account for forced displacement and nationality crises in Nigeria. The study also found that changes in Nigeria's borderlines, undocumented migration and ethnic agitations accounts for nationality crises in Nigeria. The study recommended that the government of Nigeria should ensure the proper registration and management of forced migrants and address the major causes of conflicts. There should be proper border management and clear laws on the acquisition of citizenship by persons of concern in Nigeria.

Keywords: Persons of concern, nationality, Citizenship, Nigeria

INTRODUCTION

The complicated nature of humanitarian crises occasioned by forceful population displacement the world over has attracted global attention over the years. The issue of concern is the size and complex nature of displaced populations and its implications for the rights and privileges of these people of concern, particularly in their places of destination or host communities. It is alarming that globally, there are 89.3 million forcibly displaced persons (out of which 36.5 million, constituting 41% of the 89.3 million displaced people, were children under 18 years old), 53.2 million internally displaced persons, 27.1 million refugees, and 4.6 million asylum seekers at the end of 2021 (United Nations High Commissioner for Refugees [UNHCR], 2022a). It is a source of worry that despite the commitment by states, civil society organisations, and international organisations through a robust Global Plan of Action to End Statelessness (2014-2024), recent records shows that an average of 350,000 and 400,000 children were born yearly in refugee circumstances between 2018 and 2021, while data from 96 countries shows that some 4.3 million people were stateless at the end of 2021 (UNHCR, 2022a). An earlier report on human rights by UNHCR in 2018 estimated that globally, 12 million people were victims of statelessness. The impact of these unfortunate incidence was reported to be immediate and dire (United Nations [UN], 2018). Going by the above statistics, it is a source of concern that if all efforts are not put in place by various stakeholders, the 2024 date might not be achievable unless more efforts by all the stakeholders are made to address violent conflicts and climate change. This is supported by the Migration Data Portal (2021) that globally, 55 million people were displaced due to violent conflict and natural disasters, of which 59 countries accounted for 49 million of those displaced persons.

In West Africa, there have been several attempts by the regional body, the Economic Community of West African States (ECOWAS), to address statelessness, which include the Banjul Plan on Statelessness of 2013 and the Abidjan Declaration of 2015 with an illuminating plan of action in-line with the African Charter on Human and Peoples' Rights and its protocols. Also, the 1961 Convention and the 1954 Convention among others were the global efforts to end statelessness (Citizenship in Africa Initiative [CAI], 2013; 2015). It is a

matter of concern that UNHCR Global Report (2022b) for West and Central Africa, indicated that there were 10.7 million people of concern, with an annual increase of 1.1 million people at the end of 2021. Most of the refugees and asylum seekers in Africa are hosted by neighbouring countries within the region, with South Sudan having the highest number of both originating refugees and asylum seekers with over 2 million, making it the fourth country in the global ranking just after Syria, Venezuela, and Afghanistan (World Migration Report [WMR], 2022). It is a matter of concern that these large number of persons are at risk of statelessness if they are not properly registered, returned or granted citizenship rights by the host countries.

In Nigeria, the lingering issues of violent conflicts occasioned by religious extremism, farmers and herders' conflict, Boko Haram insurgency, Islamic State West Africa Province (ISWAP), banditry and separatist conflicts in Cameroon have exacerbated the issue of statelessness in Nigeria, both as an originating and sending country to neighbouring countries like Niger and Cameroon. These conflicts have displaced many people along the Nigeria-Niger and Cameroon borders, as confirmed by a recent report from the UNHCR Nigeria Fact Sheet (2022c) that there are 86, 268 refugees in Nigeria as a result of the armed conflicts in Cameroon. It is a matter of concern that without proper documentation, identity and other privileges these people are at risk of being stateless in Nigeria.

Despite that there have been global and regional efforts such as the 1948 Universal Declaration of Human Rights, Article 15, the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the 1966 International Covenant on Civil and Political Rights, Article 24, the 1989 Convention on the Rights of the Child, Article 7, and the 1997 European Convention on Nationality are among the international instruments to address statelessness in the world, the issues of statelessness continue to be concerning for development, security, and human rights. Particularly, the 1948 Universal Declaration of Human Rights included Article 15, which stipulates that '*everyone has the right to a nationality*' and should not be unilaterally stripped of it, a concern that followed World War II which led to the restructuring of nation states. Statelessness is a problem that affects every part of the world, yet it continues to be mostly "hidden" and unrecognised by the government.

However, the declaration that every individual is entitled to a nationality, free movement, and access to other basic necessities of life, as report by UNHCR (2021a) titled '*Ending Statelessness*' revealed that millions of people worldwide are denied nationality, access to school, medication, employment, operating a bank account, acquiring property, and even marrying. UNHCR (2021a) report added that stateless people are denied the right to free movement, which without the aforementioned factors, faces a lifetime of obstacles and disappointment. It is a matter of concern that if the issue of statelessness is not addressed, particularly in developing countries (including Nigeria), it might lead to the further exclusion of a large number of people from their normal lives, as corroborated by UNHCR (2019), that the problem of statelessness constitutes a socio-legal gap depriving millions of people from enjoyment of human rights and civic participation.

It is quite unfortunate that there is paucity of literature on statelessness in Nigeria and the available extant literature has focused much on gaps in national laws without properly addressing other factors like the impact of climate change on forced migration and statelessness, undocumented migration, and the creation of new states and indigene-settlers dichotomy. It is against this backdrop that the study examined forceful population displacement, statelessness and citizenship crisis in Nigeria.

DEFINITION OF CONCEPTS

Forced Displacement

The term forced displacement describe the forcibly induced relocation of individuals from one location to

another. It covers a variety of forced movements, such as fleeing from conflict and persecution, being trafficked or smuggled, being forced to return, and being deported if you are an asylum applicant. Involuntary or forceful removal of a person or individuals from their place of residence or community is another definition of forced migration. According to the UNHCR (2019), forced displacement refers to people who are uprooted due to persecution, armed conflict, widespread violence, or human rights violations. It is common to distinguish between displacement caused by conflict and displacement caused by natural disasters human-induced forced migration, often known as forced or involuntary displacement. Conflict-related displacement is frequently referred to as being caused by humans, but disaster-related displacement is frequently attributed to natural causes (Migration Data Portal, 2022).

Statelessness

Stateless people are defined legally by the 1954 Convention as those who are not regarded citizens or nationals by the application of the laws of any country (UNHCR, 2021). The laws of the nation where someone was born or where their parents were born may be used to determine their citizenship and nationality. When a nation ceases to exist or enacts nationality rules that discriminate against specific groups, for example, a person may lose citizenship and nationality.

Nationality

Nationality and citizenship are used interchangeably. It simply means a person and a state are related through their citizenship, and as a result, the citizen is entitled to the protection of the state. Each state chooses the circumstances in which it will recognize people as citizens and the circumstances in which that recognition will be revoked. A state's designation of a person as a citizen typically entails the grant of civil, political, and social rights that are not available to non-citizens. The right to a passport, the freedom to enter and exit the nation or countries of citizenship, the right to reside in and engage in employment inside those countries are generally seen as the fundamental rights that flow from citizenship. While some nations allow residents to hold several citizenships, others require exclusive allegiance. It is the concept used in international law to refer to any person who has a right to protection. Top priority for the fulfilment of other fundamental human rights is the right to one's nationality. Possession of a nationality confers the diplomatic protection of the country of nationality and is frequently a prerequisite for the exercise of fundamental rights under the law or in practice (International Justice Resource Center, [IJRC], 2022).

METHODOLOGY

The research was by desk review using secondary sources on the incidents of population displacement and statelessness with particular reference to Nigeria. The paper specifically focused on Nigeria, one of the countries in West Africa that has been at the receiving and sending of displaced places to and from border countries particularly Niger, Chad, and Cameroon. Information from secondary sources were basically derived from UNHCR refugee statistics database 16 June 2022, UNHCR's survey of national legislation, March 2022, Global Plan of Action to End Statelessness (2014-2024), UNHCR Global Focus on West and Central Africa 16, June, 2022, World Migration Report 2022, and Migration Data Portal on forced migration or displacement 2022. Data was also derived from, IOM Global Crisis Response Platform 2022, UNHCR Nigeria Urban Refugees Dashboard 31, August 2022, UNHCR background note on gender equality, nationality laws and statelessness, March 2022, UNHCR 2021 Report on ending statelessness, US Department of States, 2022, and United Nations 2018 Global Perspectives on Human Stories. Other data sources include Nigeria's National Population Commission 2022, EUI Global Citizenship Observatory, 2021, Global campaign for national human Rights 2022, United Nations, Global Perspective on Human Rights, November 12, 2018, and International Justice Resource Center 2022. Data were also derived from other relevant publications.

Social Exclusion

The theory of social exclusion is adopted in work to explain the extent to which people of concern have been excluded from exercising and accessing their basic rights. In the 1970s and 1980s, the concept “social exclusion” was coined in Europe to describe the exclusion from normative activities and norms found in industrial societies, such as combining the welfare state or the organised labour force (Saith, 2001). It acknowledged the exclusion of the unemployed from taking part in society’s regular activities and that employment was about more than simply money. It also recognised the importance of social networks and self-worth. The idea has been helpful in expanding assessments of poverty beyond a strictly financial approach to encompass a multidimensional collection of circumstances as well as the dynamics and processes leading to poverty or deprivation. Around the same time, ideas that correspond to the social exclusion method in many ways first appeared in emerging nations. These include entitlements, basic needs, capability, and human development (Saith, 2001).

In a similar vein, Silver (2019) pointed out that the Anglo-Saxon liberal emphasis on poverty was replaced in France with the discourse on social exclusion. Nevertheless, there is still a connection between the two concepts, particularly in European Union policies. The term ‘*les exclus*’ is commonly credited to Rene Lenoir (1974), who defined them as unprotected special-needs and deviant communities. Unrest in the multi-ethnic French *banlieue* in the 1980s led to an increase in the term’s usage. French sociologists focused on the processes of social disaffiliation (Castel 1991, as quoted in Silver 2019) or social disqualification (Paugam 1991) in response to increased structural unemployment, resulting in a continuum of exclusion with intermediate stages of vulnerability or precariousness. The concept of social exclusion was formalized during the socialist François Mitterrand’s administration (Silver, 2019). Exclusion was formally characterized as a breach in the social contract, a breakdown of the social fabric, and a lack of solidarity by the French Commissariat General du Plan in 1992. When the European Union Poverty Programme, established in the 1970s, was up for renewal in the late 1980s, Jacques Delors, the socialist French president of the EU Commission, revived the concept in a fresh way by injecting the vocabulary of exclusion. From that point on, poverty and exclusion were loosely linked by the European “social dimension.” A commitment to fight social exclusion was made in 1989 by the council of ministers, and it was incorporated into the Amsterdam Treaty of 1997 (Silver, 2019).

According to Happier Way Foundation (HWP, 2022), addressing exclusion in terms of access to fundamental resources, networks, communities, etc., has become a reality in everyday life and is no longer only a theoretical political concept. It has a close relationship to the quest for social justice and group togetherness. When individuals are unable to fully participate in all facets of economic, social, and cultural life, social exclusion occurs. This is related to many types of disadvantages that prevents people from participating fully in social life. These drawbacks include things like facing poverty, squalor, difficulty, and more and other factors that prevent people from fully participating to their deserved and expected capacity in the society (Happier Way Foundation, 2022).

It is debatable whether the concept of social exclusion, as developed originally in Europe, can be applied in developing countries given the differences in patterns of social integration between industrialized and developing nations; people identified as socially excluded on the basis of exclusion from social security measures would be the majority of the population, social security in developing nations (Saith, 2001).

However, Orr (2008) argued social exclusion is not limited to poverty, racial discrimination and or belonging to an ethnic minority group, lack of education unemployment political participation or access to healthcare. Orr (2008) therefore proposed a normative approach to argue whether voluntary exclusion and social isolation should be concern of social policy. This means that social welfare policy should not override

any person who chooses not to be part of society. This has called for the question of paternalism, that is justifying social exclusion as a normative concern. Social exclusion therefore is combination of many interconnected social problems such poor housing, high crime, discrimination and low incomes which are linked and mutually reinforcing (Orr, 2008). Social exclusion is linked to the mental health problems of individuals in the society as a result of the vicious cycle of social disadvantages which can further lead to exclusion such as loss of sense of belonging and inability to participate in other activities in the society. This will be addressed by giving people the opportunity to meaningfully contribute to society a measure that is believe for be a therapy for mental health.

Social Exclusion and Statelessness in Nigeria

In reference to the Nigerian situation, the assumptions of the social inclusion theory that when individuals are unable to fully participate in all facets of economic, social, and cultural life, social exclusion occurs are applicable to Nigerians who are forced to flee crises to Niger and Chad as refugees without proper identity or registration and are denied access to basic needs or services in foreign countries. According to UNHCR (2023), millions of individuals today are denied a nationality around the world (Nigeria inclusive). They thus frequently aren't permitted to attend school, consult a doctor, obtain employment, open a bank account, purchase a home, or even get married.

Children born in IDP camps in Nigeria without birth certificates are excluded from their basic rights and are at the risk of statelessness in their own country. Findings from an IDP camp in Durimi FCT Abuja show that many of the kids were born without birth certificates. Some of them with birth certificates prior to their displacement lost them (Adeyemo, 2021).

Statelessness may make it harder for people to exercise fundamental freedoms including the right to an education, healthcare, work, and movement. Without these, individuals might have to deal with setbacks and disappointment all their lives. These people of concern cannot call these places home as they are often discriminated against by host communities and thus excluded from full participation in their social and economic life, which makes them stateless. Also, in-line with the assumptions of the social exclusion theory, it is evident that displaced populations are excluded from having access to the basic necessities of life, which includes access to healthcare, employment, education, and legal financial institutions. This goes a long way to affect their fundamental human rights and nationality or citizenship status, which makes them stateless.

Given the paucity of studies and literature on statelessness, the theory of social exclusion will serve as a basis for theorization and the study of statelessness and citizenship in Nigeria, especially as it relates to the exclusion of forcefully displaced populations from having access to social services as other citizens in their host communities or countries. This theory also explains the need to engage authorities in Nigeria, especially the National Identity Management Agency, humanitarian affairs agencies, and the National Population Commission, to make appropriate policies for the proper registration of returnees from Cameroon and other persons of concern. The study will provide knowledge for research in the area of statelessness and citizenship in Nigeria. It will also serve as a basis for further research on the nexus between displacement and statelessness in Nigeria, especially in the areas of climate change and mental health as the effects and causes of statelessness as it relates to forced migration.

LITERATURE REVIEW

Several studies and reports have stated that without nationality, stateless persons rarely do not have basic rights enjoyed by citizens. This was affirmed by a report and campaign to end statelessness by 2024 by

Arnold/UNHCR (2021) in a publication with the hash tag *#Ibelong*. Arnold/UNHCR (2021) added that statelessness affects the socio-economic rights such as healthcare, housing, education, social welfare civil and political participation, freedom from detention, and freedom of movement. Additionally, when statelessness leads to alienation and marginalisation which in worst scenarios leads to conflict and displacement.

A study conducted by Mental Health Coordinating Council (2018) shows that people who suffer from poor mental health, actively connect to the community through sharing interests, occupying space can boost mental health and improve a sense of belonging and inclusion. This emphasizes the need of being kind, empathic and inclusive to people which will enable them to contribute to society and participate in social activities that could build cohesion and a sense of involvement. (Happier Way Foundation, 2022). Similar studies in Nigeria have also confirmed that displaced populations were prone to be affected psychologically to issues relating to social inclusiveness. This is because these categories of people lack access to basic services of life in seen and treated as ‘refugees’ or ‘foreigners’ in their host communities, which put them at risk of statelessness. For instance, a study by Aliyu, Liberty and Daksiri (2019) in a few IDP camps in Borno State, Nigeria, discovered that sexual violence, extreme poverty, and total dependency, among other things, were to blame for psychological trauma among the state’s IDPs.

Climate change has also contributed to violent conflicts thereby displacing people who are vulnerable to being stateless. For instance, UNHCR Global Focus on West and Central Africa (2022b) reported that on 5 December 2021, violent conflicts erupted in Ouloumsa, far North Cameroon over scarce water resources due to climate crisis and in Logone and Chari division, similar conflicts were also recorded on 8 December 2021. These crises resulted to the death of 44 people and has accounted for 23,000 displaced persons across Cameroon and Chad. However, the repatriation of 8,500 refugees is still on course between Cameroon and Chad is still on course. The reports also show that far north Cameroon region at the time was not conducive for safe and voluntary return of refugees (UNHCR 2022b). The implication is that as long as it takes to resettle these persons of concern in their home countries, they will continue to be stateless in their host countries. There is also a tendency that some of them might integrate into their host communities without necessarily have the proper documentations and identity as citizens, a situation which put them at risk of being stateless. A similar report in Nigeria indicates that the forced migration crises in north-central and north-west Nigeria are basically caused by tension and violence between farmers and herders due to competition over natural resources, increasing population and expanding human settlement, environmental degradation, and climate change, resulting to forced displacement of people from their homes thereby putting the people of concern who are at risk of statelessness in their host countries or communities due to lack of proper documentation and access to the basic necessities of life (IOM Global Crisis Response Platform, 2022).

The general lack of knowledge on statelessness by governments and other stakeholders have not really help the situation in addressing statelessness as was highlighted by the Banjul Appeal on Stateless 2017 that a large number of countries were yet to accede to the statelessness conventions and conform to international human rights instruments. These states have also failed to ensure universal birth registration, as a result many stateless persons do not enjoy the protection of their fundamental human rights. Women and children are the most at risk of statelessness (Citizenship in Africa Initiative CAI, 2013). The Abidjan Declaration of 2015, stressed that priority should be given to obtain concrete information on the causes of statelessness and the number and profile, source of statelessness, and obstacles to acquisition of citizenship of such persons in ECOWAS member states with the aim of finding the appropriate measures in addressing the menace in the sub-region (CAI, 2022b).

Children that are born in foreign countries are at risk of becoming stateless if the country of birth does not allow nationality based on birth alone and if the country of origin does not permit the transfer of nationality

through family lines. The complicated issue is that the rules specifying who and who cannot transfer nationality are in many cases discriminatory (UNHCR, 2021b). In 27 countries, the laws do not permit the women to pass on their nationality while it is based on race and ethnicity in some countries (UNHCR, 2021b). Gender inequality in national laws where children cannot acquire nationality from their fathers where the father is stateless; the laws of the father's country do not allow the transfer of nationality in some circumstance; father is unknown or not married to the mother at the time of birth; father is unable to fulfil the administrative conditions to confer or acquire proof of nationality for his children (before death) (UNHCR, 2022). To end statelessness the UNHCR (2022b) suggested that there should be equality in granting nationality to men and women by states irrespective of the the nationality of children and not with respect to acquisition, change or retention of nationality upon change in civil status.

FINDINGS AND DISCUSSION

Causes of Statelessness in Nigeria

Specifically, causes of statelessness in Nigeria are identified by as follows;

Incessant Armed Conflicts

Armed conflicts by non-state actors such as the Islamic State West Africa Province (ISWAP), Boko Haram insurgency, Tuareg Armed Group in Mali, herders-farmers' crisis, banditry, separatists, and other local tribal militias in Nigeria and other neighbouring countries have forced many people to flee their homes as refugees and asylum seekers in other countries or as internally displaced persons (IDPs) in their own countries. Conflicts in Nigeria also contributes in sending many people of concern to border countries such as Niger and Chad. According to UNHCR spokesperson, Raouf Mazou, Nigerian refugees in Niger Republic and Chad has risen to 170,000 and 16,000 respectively (Orjiude, 2021). It is unfortunate that these persons of concern lack access to education, proper health care, means of identification and thus find it difficult to have access to the basic social services in their host countries thereby making them stateless. It was also reported that the conflicts in north western Nigeria have accounted for the worsening humanitarian crisis in the country. In 2019 alone, 40,000 Nigerians were forced to migrate to Niger republic due to killings, and kidnapping and extortion of ransom. As at April 2019, UNHCR's Babar Baloch stated that 25% of these refugees fled from relentless attacks by armed groups from the Nigeria States of Sokoto, Zamfara, and Katsina (Sanni, 2020). These conflicts are largely attributed to livestock theft, crop damage, increased competition over land use and other multifaceted dimensions of poverty and kidnapping which have worsened human security in the north-central and north-west regions of Nigeria. Weak systems of conflict resolution and perceived bias and inaction from authorities have made the conflict linger on (IOM Global Crisis Response Platform, 2022).

Undocumented Migration

Perennial civil unrest and porous borderlines necessitated undocumented migration of people from north, central and other West African countries into Nigeria without proper documentation. These categories of people do not submit themselves to authorities for proper registration and thus cannot have access to public services or participate in civic activities thereby living in Nigeria as stateless people. For instance, over 120 undocumented immigrants who crossed into Nigeria through porous borders were arrested in Kwara State in 2015, including one Musa-Isa from Niger Republic who confessed to live in Nigeria for over ten years (Nwogu 2015). Since such migrant do not have proper identity, they find it difficult to access public services and, in most cases, do not want to be noticed by government authorities. Reports have shown that the Nigerian border communities along the Chad Basin have no or little government presence which serve as a channel for criminal elements to easily cross the border without being detected by security agents. The report added that the porous borders in the savannah especially the Sahel area have limited supervision and a

high population and unemployment rates, which creates instability with links to other African countries (International Crisis Group [ICG], 2020). For instance, The Nigeria Immigration Service (NIS) stated that Nigeria's borders share a 7,73 km and 87 km long border with Benin and Chad respectively, as well as 1,497 km and 1,690 km long with Niger and Cameroon, respectively. Only 853 km of Nigeria's borders are coastal, mostly in the Atlantic Ocean with Sao Tome and Principe, Ghana, and Equatorial Guinea (Abdulzeez, 2021). It is a matter of concern that the NIS admitted that the nation had only 84 official borders, but there are more than 1,490 illegal routes into Nigeria, which are mostly unmanned and serve as illegal entry points for people (who may otherwise become stateless) into Nigeria (Olaifa, 2022).

Gaps in National Law

One of the major causes of statelessness in Nigeria is gap in national laws especially where there is no clear distinction on indigeneship and so-called settlers, a situation that has led to many ethnic conflict and internal displacement in Nigeria. Lapses in these laws may leave some people excluded or stateless. For example, a situation of statelessness can be applicable to children of unknown while nationality laws stipulate that citizenship or nationality should be acquired by descent from a national. Although most national laws acknowledge such category of people as nationals (UNHCR, 2021). The National Action Plan to End Statelessness in Nigeria and other pertinent Nigerian legal and policy instruments relevant for the identification and prevention/reduction of statelessness, such as the Child Rights Act and Nigeria Immigration Act, which, coupled with the absence of (SDP), expose many in Nigerians to the risk of statelessness (Momoh, 2021). The right to nationality under the Nigerian Constitution is supported by Chapter III on Citizenship and other relevant Nigerian legal and policy instruments. These flaws include the absence of protection for children whose nationality is unclear in Chapter III of the Constitution and the 2003 Child Rights Act for foundlings and children adopted in Nigeria. As it is applied to other countries, gender discrimination particularly the inability of women to transmit nationality on equal basis with men with specific effects on foreign husbands as well as ethnic discrimination (Momoh *as cited in* EUI Global Citizenship Observatory, 2021).

The Emergence of New States and Changes in Borders

Specific groups of people in most cases are forced to migrate and are left stateless due to the emergence of new states especially on the basis of ethnic, racial and religious minorities which make them difficult to link with their country (UNHCR, 2021). Statelessness will also be passed to the next generation in countries where nationality is acquired through descent. In Nigeria, state formations have divided people along ethnic groups as evident in the Tiv people of Benue State-North Central Nigeria who are also in Cameroon, the Batinus and Bakubaro in Nigeria and Benin Republic and the Hausa/Fulani in Nigeria and Niger republic, this is also applicable to the Yoruba in Nigeria and Benin Republic among others (Targba, 2018). In spite of the fact that the regional umbrella body-the Economic Community of West African States (ECOWAS) Protocol in its article 27 allows free movement and residence of people within the community does not permit automatically translates to citizenship rights of the host country. Irrespective of the fact that migrants are supposed to register to their country of destination in a period of ninety days, most people violate this opportunity. The concern for free movement of people within West Africa prompted member states to establish the ECOWAS passport in 2000. It is unfortunate that only the entrance without a visa has been actualized by member states while the application of permanent residence and establishment has not been fully implemented probably due to the nature and manner to which citizens cross borders to other member nations (National Migration Policy, 2015 as cited in Targba, 2018). Article 10(1) of the 1961 Convention emphasized that a treaty should be contracted between states relating to the transfer of territory specifically with the aim of addressing nationality and citizenship issues and in some cases a state is required to confer citizenship of residents of transferred territory if they will otherwise become stateless (IJRC, 2022). A future issue of concern as raised by McAdam (2010) is that the international community should pay attention to the

status of *'sinking states'* which refers to states that are physically going into extinction due to climate change.

Lapses in Administrative Practices

It is crucial to make sure that those who are eligible for Nigerian citizenship but lack the necessary documentation can verify their citizenship, as well as those who are legally not Nigerian citizens but have lived there for a long time, are protected and given avenues to apply for Nigerian citizenship or to confirm their citizenship in another nation. In Nigeria, not registering births is a significant factor that may result in statelessness, particularly for children born in remote areas with few government services and healthcare facilities. According to Article 7 of the UN Convention on the Rights of the Child, every child has a legal right to nationality and to have their birth immediately documented (UNHCR, 2021b). Many Nigerians also lack national identity cards and other acceptable forms of identification, making it impossible for them to even exercise their civil rights. Regrettably, Nigeria continues to attempt to build a data base through national identity management and the issuance of national identity numbers (NIN) for at-risk groups and refugees. The International Court of Justice (ICJ) judgement from 2002, which ceded some of Nigeria to Cameroon, had an impact on the border adjustment for the Nigerian returnees from Cameroon from the Bakassi Peninsula, and they are still having trouble getting official civil documentation from the Nigerian authorities. Concerns about them being stateless exist (UNHCR, 2021b).

Discrimination against Minority Groups

Every state and local government in Nigeria leads to ethnic conflicts, internal displacement and divides its residents into two groups: those who are native to the area and those who are not. Those who can trace their ancestry to the group of people who first settled a location are considered to be its indigenous people. Everyone else is always going to be a non-indigene, regardless of how long they or their relatives have lived in the place they currently call home (Human Rights Watch, 2006).

It is rather unfortunate that even state and local policies that exclude and exclude non-indigenous people in ways that have nothing to do with the preservation of cultural identity and autonomy have twisted this justification beyond recognition, frequently without the backing of any legislation or other kind of legal basis. Government policy prohibits several states from hiring non-indigenous people for state civil service jobs, and the majority, if not all, of Nigeria's 36 states forbid non-indigenous people from applying for academic scholarships. State institutions typically discriminate against non-indigenous applicants and impose higher tuition rates on non-indigenous students who are accepted. The government does nothing to halt or even discourage a variety of less overtly discriminatory behaviour that non-indigenes must deal with, such as obstacles to political participation and discrimination in the supply of essential services and infrastructure to their areas. The prevalence of chronic poverty across Nigeria has made all of these traditions more destructive and divisive.

When considered collectively, these discriminatory laws and practices effectively reduce many non-natives to the status of second-class citizens, a situation they can only escape by relocating to the region of Nigeria they are thought to belong in. However, many Nigerians feel that they should have some way of obtaining full citizenship in the places they call home even though they have no real ties to the areas they are said to have come from. Even worse, there are towns in Nigeria where people are treated unfairly because they are not natives, despite the fact that their families have lived there for at least a century and have no notion from where they originally came. A Nigerian is treated unfairly in every state of the federation and is excluded from many chances at the federal level if he cannot demonstrate his indigeneity by providing a "certificate of indigeneity."

Furthermore, because of the current economic atmosphere of scarcity, many indigenous people view their

unique enjoyment of full citizenship rights as a privilege whose removal will drive their communities even farther into poverty. Such conflicts have recently erupted into violent inter-communal violence in the states of Kaduna, Delta, and Plateau. For instance, the Jarawa of Yelwa in Plateau State, religious persecution, certificates of indigeneity in the city of Kaduna, and ownership of the city of Warri in Delta State are all addressed in the case of “Stateless Citizens” (Human Rights Watch, 2006)

Despite making a mockery of the Nigerian Constitution’s guarantee of freedom from discrimination, the federal government of Nigeria has done little to stop this state and municipal discrimination against non-indigenes. Instead, its actions have worked to support and justify its effects (Human Rights Watch, 2006).

DISCUSSION

Nigeria is the most populous country in Africa with an estimated population of 217,865,236 million people (National Population Commission, 2022). The country is located in the West Africa sub-region, bordering the Gulf of Guinea and Benin Republic on its western part, to the east with Cameroon; to the north with Chad; and to the south with Niger. Nigeria is a significant oil producer. The situation of stateless in Nigeria demand for urgent concern from all stakeholders not just in Nigeria but the entire West African Sub-region. For instance, UNHCR, 2020 estimated that about 1 million people in West African sub region are stateless of which Nigeria accounts for 750,000, with the conflict in the lake Chad region accounted for an estimated number of 2 million displaced persons (Eitokpah, 2020).

In Nigeria, National Commission for Refugees, Migrants and Internally Displace Persons (NCFRMI) was established with a mandate to coordinate the national action for the protection and assistance of refugees, asylum seekers, returnees, stateless persons, internally displaced persons (IDPs) and migrants (Persons of Concern). The agency has resolved to integrate the best solutions through the effective utilization of data, research and planning for the return, resettlement and rehabilitation, and re-integration of persons of concern. Yet UNHCR’s report shows that Nigeria is host to over 73,000 refugees and asylum seekers fleeing violent conflicts in Cameroon out of which 67,000 are women while the others are women and children (Osadolor 2022). These people are at risk of statelessness if there are no frantic efforts for their return or proper registration and conferment of citizenship on them by the Nigerian authorities.

An earlier report by UNHCR 2020 discovered that 300,84 Nigerian refugees resides in Niger, Chad and Cameroon. Borno State in North-east Nigeria accounted for over 200,000 of these refugees. The data as at 30 November, 2020 shows a breakdown of Nigerian refugees as follows: 168,081 in Niger Republic, 116,960 in Cameroon, and 15, 843 in Chad. On the other hand, Nigeria within the same period recorded 66,031 registered refugees across the globe in which 63,603 were from Cameroon, 710 from Central African Republic, 652 from Democratic Republic of Congo, 308 from Syria Arab Republic; 145 from Mali, 136 from Cote d’Ivoire, 87 from Chad, 47 from Sudan and 342 from other countries (Aidoghie, 2020). Kapaya, UNHCR Representative admitted that Nigeria is faced with complex humanitarian challenges yet play host to refugees and asylum seekers for decades particularly in the states of Cross River State, Benue, and Taraba. Most of Nigerian refugees in Cameroon are escapees of political tensions in South West and Northwest Nigeria since 2017. Nigeria is also host to 4,300 urban refugees and asylum seekers living in different urban centres which are mostly from DRC, CAR, Syria, Mali and others (Aidoghie, 2020). It is worrisome that these persons of concern may become stateless if they are not properly registered and recognized as citizens in Nigeria. However, UNHCR through its representative in Nigeria, Roger Holio at the launch of the *‘I Belong campaign’* to end statelessness in 2024, that the ECOWAS region need to put in place measures to address statelessness such as data bank to generate causes of statelessness, persons at risk of statelessness and the measures to address it. The Chair of the ECOWAS Ambassadors to end Statelessness in the region Alan Mogaskia attributed the major causes of statelessness in the region as conflicts in the form of ethnic tensions, political instability, rivalries, poverty and underdevelopment

(Falaju, 2019).

Additionally, Sub-Saharan African countries has been identified as a region with flaws in nationality laws especially as it relates to gender discrimination and includes roughly a third of countries that do not give women the equal rights to confer nationality on their children. Though, a little progress has been made as some of the countries including Burundi, Togo, Liberia and Sudan have included gender equality in their constitutions but are to make the necessary reforms to ensure compliance to the provisions in their constitutions (Global Campaign for National Human Rights [GCNHR], 2022).Nigeria's failure to domesticate rules promoting gender equality into its constitution leaves its citizens vulnerable to discrimination and raises questions about nationality(GCNHR 2022).

According to Momoh's report (2021), statelessness cases in Nigeria are actually handled by the current asylum system, which is designed exclusively for asylum claims. It is difficult for stateless people to present a claim before the authorities to be recognized as stateless in Nigeria because there is no Statelessness Determination Procedure (SDP) or nationality verification mechanism. The National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI) is saddled with the responsibility to examine a stateless person's asylum application in Nigeria and grant them refugee status after evaluating it in accordance with its Refugee Status Determination (RSD) procedures. The 1951 Refugee Convention outlines the reasons for these asylum requests. (i.e. a well-founded fear on ground of race, religion, nationality, membership of a particular social group, and political opinion) and the OAU Refugee Convention (i.e. external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of their country of origin or nationality). While these grounds may offer some protection to those who have applied for asylum, those who are at risk of becoming stateless, but do not have an effective application for protection against statelessness. of enshrined in Nigerian domestic law's provision.

Children born to foreign parents within Nigerian territory who would otherwise be stateless, foundlings, and children adopted there whose nationality is unknown or unclear, foreigners married to Nigerian women, people residing in Nigeria who do not have a nationality or citizenship of another country, border populations, such as those in Bakassi who were impacted by the 2002 ICJ decision that ceded Bakassi to Cameroon, Almajiris, nomads, and other nomadic people are those most at risk. Statelessness presents a number of difficulties, including being denied access to banking, healthcare, banking services, voting rights, travel documents, and birth certificates. Another gap is the absence of separate citizenship legislation to clarify the citizenship application process. As a result, the Minister of Interior has unrestricted authority under the 2015 Immigration Act to determine the nationality of anyone in Nigeria, including designating someone as a "prohibited immigrant" for deportation without going through the legal system. Nigeria has not had citizenship implementation law since the Constitution (Amendment) Decree of 1974 repealed the 1960 and 1961 Nigerian Citizenship Acts, therefore only Chapter III of the Constitution governs entry to Nigerian citizenship. (Momoh 2021).

According to the August 31, 2022 UNHCR report on urban refugees and asylum seekers, there were 6829 people overall, of which 5320 were urban refugees and 1509 were seeking asylum (UNHCR, 2022d). Urban refugees are hosted in Nigeria, majority of whom have received individual refugee status determinations from the Nigerian government. Cities like Lagos, Ijebu, Abuja, Kano, and urban regions in other States are where they reside. They are from 41 different nations, with the majority being from the Democratic Republic of the Congo, followed by Niger, the Central African Republic, Cameroon, Syria, Turkey, Mali, and 34 other nations.

Recently efforts were made to reduce stateless in Nigeria as President Muhammadu Buhari has granted Nigerian citizenship to 286 nationals, asking them to uphold the country's values in order to benefit from the rights and benefits granted to them. He clarified that of the 286 foreign nationals who had received

certificates of Nigerian citizenship, 208 had done so through naturalization and 78 had done so through registration. President Buhari recalled that the National Action Plan to End Statelessness was adopted by the Federal Government in 2020, inaugurated the High-Level Steering Committee to End Statelessness in Nigeria by 2024 (Elumoye 2022). Given the most current UNHCR report, which was released on August 31, 2022, on urban refugees and asylum seekers in Nigeria as mentioned above, more efforts are expected by the Nigerian government and all the stakeholders to reduce statelessness and citizenship issues by 2024.

CONCLUSION

Based on the findings of the study, there are many persons of concern in Nigeria particularly refugees and asylum seekers who are stateless. The incidence of armed conflicts by non-state actors such as Boko Haram insurgency, Islamic state West Africa Province (ISWAP) and banditry has contributed in creating a situation of statelessness in Nigeria and neighbouring countries of Niger, Chad and Cameroon. On the other hand, conflicts in the lake Chad region and conflicts in Cameroon has contributed in sending refugees, asylum seekers and of course stateless persons to Nigeria. Other issues include boundary adjustments especially between Nigeria and Cameroon and other issues arising has also contributed to the incidence of statelessness in Nigeria. The national laws in Nigeria are not explicit enough to address citizenship issues especially as it relates to gender and transmission of citizenship on children. Given the number of urban refugees who are not necessarily recognized by authorities, the Federal Government Nigeria has recently granted citizenship to few of such populations of concern with the plight of other numerous stateless persons is still unknown.

RECOMMENDATIONS

Based on the findings of the study, the following recommendations are made:

1. The Nigerian government on one hand should properly look into the major causes of forced displacement in Nigeria such as poverty, religious extremism, and banditry. On the other hand, the authorities in Niger and Cameroon should address the violent conflicts particularly the separatist agitations in the Ambazonian region of the country.
2. The National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI) should strengthen its cooperation with UN agencies such UNHCR and IOM to ensure that a near accurate data of stateless persons is available to guide effective planning on how to end statelessness in Nigeria by 2024 (as rectified by the Federal Government of Nigeria) especially in granting citizenship to the deserving persons.
3. Nigerian federal agencies such as National Identify Management Agency, National Population Commission and Nigerian Boundary Commission should make lasting efforts to properly register and resettle Nigeria citizens that were affected by the boundary adjustment based on the 2002 ICJ judgement between Nigeria and Cameroon.
4. With very porous borderlines between Nigeria, Cameroon, Benin, and Niger Republic, there is need by the Nigerian Immigration Service (NIS) and other security agencies to intensify border security to curtail undocumented immigrants in the country.
5. The government of Nigeria should make genuine efforts to resolve the indigene-settler problems to avoid a the unnecessary discrimination of Nigerians who are living in other places within Nigeria where they do not have a common history, kinship, and ethnic affinity with the so called indigenes.

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