

**THE 1999 CONSTITUTION AND THE MANAGEMENT OF
INDIGENE-SETTLER CRISIS IN JOS, PLATEAU STATE, NIGERIA**

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CERTIFICATION

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DEDICATION

I dedicate this work to:

The Almighty God from whom all blessings flow, the ever present help in times of need. All thanks to the Lord, for He is Good and His mercies endures forever. He who remembers me in my lowly estate and effect the lyrics of this hymn in my life:

1. Sweet is the promise “I will not forget thee,”
Nothing can molest or turn my soul away;
E’en though the night be dark within the valley,
Just beyond is shining an eternal day.
 - Refrain:
I will not forget thee or leave thee;
In My hands I’ll hold thee, in My arms I’ll fold thee;
I will not forget thee or leave thee;
I am thy Redeemer, I will care for thee.
2. Trusting the promise “I will not forget thee,”
Onward I will go with songs of joy and love,
Though earth despise me, though my friends forsake me,
I shall be remembered in my home above.
3. When at the golden portals I am standing,
All my tribulations, all my sorrows past;
How sweet to hear the blessed proclamation,
“Enter, faithful servant, welcome home at last.”

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Great is Thy faithfulness, O God my Father;
There is no shadow of turning with Thee,
Thou changest not, Thy compassions they fail not,
As Thou hast been, Thou forever wilt be.

Refrain:

Great is Thy faithfulness!

Great is Thy faithfulness!

Morning by morning new mercies I see

All I have needed Thy hand hath provided

Great is Thy faithfulness, Lord unto me!

Summer and winter and springtime and harvest,

Sun, moon, and stars in their courses above;

Join with all nature in manifold witness,

To Thy great faithfulness, mercy, and love.

Pardon for sin and a peace that endureth,

Thine own great presence to cheer and to guide;

Strength for today, and bright hope for tomorrow

Blessings all mine, with ten thousand beside.

-Thomas O. Chisholm

It is of the Lord's mercies that we are not consumed,
because His compassions fail not. They are new every
morning: great is Thy faithfulness.

- Lamentations 3:22-23

In accordance with the above quoted timeless hymns and scriptural passage, I can state without any equivocation that this is my testimony; that the never failing and ever faithful arms of God carried me through this academic voyage. He remains faithful, even when I am unfaithful and he keeps His promises to me, even when I overtly break mines to Him. This is all to your Glory Lord. I have neither part nor portion in the realization and fulfillment of this project. He is the essence and substance of my being who generously

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unalloyed dedication to any cause of greatness inspired me a lot in my academic pursuit. I also thank my mum – Eunice Folasade Babatunde for resolutely complimenting my dad on me and my siblings. She stood like the rock of Gibraltar all through my academic pursuit, even when she should have been earning returns for her labour on me, she remain supportive and pray for this to come to pass. Her prayers and supplications have been ceaseless for me with respect to my career and successful completion of this study.

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I guess what they say about your home being your castle is really true because whenever I have to think of a home with her, everything outside the door seems no longer of any concern. Truly, one's castle is only one home if one has his best friend waiting for him and she becomes one's wife. This is no vain or empty euphemism, she is a complete human being under God and as she always says, 'I am work in progress under God watchful care.' She is truly. I have been with female gender as daughters, friends, colleagues, admirers and even lately lover, but I sure know better now that she stands out. For a decade and half that I have known her, she has remain consistent in her ways and her love, passion and faith in the things she believed had never dwindled till now. I have asked her if she can cope with my eccentric behavior of always being out there making life go round for others to my own detriment and now, to hers' and may be the kids God will give us.. Her response shocked me, when she said; this has been you for about fifteen years I have known you. I am not hoping that marriage to you will change that. If it does, I may no longer find you interesting. This is you that I love and your world that I want. I hope one day, you will yield to God's call and show this unhindered and unrestrained, no – strings attached passion and love for others. I know God will keep you. Let me just reluctantly use the word again by saying a big THANK YOU to my;

Golden goddess from above

Moonbeam skin

Piscean love

Sapphire eyes

Lips of fire

Soothing coo of the dove

My feline femme

Passion raging like the sea

Holy heart

Mystic mind

Allure from which I cannot flee

Thank you Mademoiselle O.O.

I can only wait in hope that this blossoms.

Finally, I am grossly indebted to all sources of scholarly works cited in this study. I sincerely regret and tender apology in respect of any omission. Once again, I thank you all.

My story is best concluded thus: ‘

I will sing of the mercies of the Lord for ever: with my mouth will I make known Thy faithfulness to all generations. (Psalm 89:1)

UNIVERSITY OF IBADAN

ABSTRACT

In Nigeria, relevant sections of the 1999 Constitution prescribe ways to manage inter-group relationships and contentious issues among constituent parts within the realm. However, the constitution is not definitive in specifying statuses of indigenes and/or settlers, thereby opening those sections on 'indigeneity' to misrepresentation and abuse, occasioning communal crisis in Jos since 2001. Drawing heavily on sociological and political perspectives, extant literature on indigene-settler has focused on the causes and management of the Jos crisis neglecting the dysfunctional structural template embedded in the Constitution. This study, therefore, assessed the contradictory nature of the provisions of the 1999 Constitution regarding indigene-settler relationship, how it has exacerbated the crisis in Jos and the effectiveness of constitutional provisions in quelling the crisis.

The study adopted Strauss and Corbin's grounded approach and the qualitative research design. Data were collected from primary and secondary sources. Key informants interviews were conducted with seven members of the Constitution Review Committee drawn from the National Assembly, five members representing Plateau State at the National Assembly, four constitutional lawyers and 12 leaders from the major ethnic group associations resident in Jos. Furthermore, two respondents drawn from Civil Society Organisations (CSOs) and two naturalised citizens resident in the city were also interviewed. Other primary sources include the 1999 Constitution and key judicial decisions. Secondary sources were newspapers and newsmagazines. Data obtained were content analysed.

The gaps in, and contradictory nature of sections 14 (3), 25 (1), 45-46 and 147 (3) on the status of indigene-settler in the 1999 Constitution is the base of the myriads of crises plaguing Jos since 2001. Specifically, the provisions of sections 14 (3) and 147 (3) neither envisaged the gravity and complexity of the crisis elicited by a convoluted indigene-settler relationship in Jos nor the far-reaching implications for safeguarding citizenship and fundamental human rights in Nigeria. The cases of Festus Okoye & ors v. FGN & ors, (2004) and Anizaku & ors v. Nasarawa State Governor & ors (2010) failed to get judicial definition for indigeneship and deterred governments from using the indigene-settler dichotomy as basis for assessing socio-economic and political opportunities like

education and employment. These stoked renewed crises in Jos in 2004 and 2010 respectively. Contradictory administrative, political and military responses further exacerbated the crisis. The inability of successive governments to implement the recommendations of the various judicial commissions of inquiry continues to fan discord between and amongst groups in the city. Interviews revealed that the deployment of these constitutional provisions such as the issuance of letter of indigeneship to certain categories of Jos residents aggravated the crisis. Interviewees also clamoured for amendment to Chapters 2, 3 and 4 of the 1999 Constitution in order to eradicate ambiguities, make relevant provisions justiciable, and enhance the overall quality of citizenship.

The 1999 Constitution is inadequate for the effective management of indigene-settler crisis in Jos. It should, therefore, be amended to remedy the legal and constitutional limitations militating the search for a lasting solution to the vexed indigene-settler issue in Nigeria.

Key words: 1999 Constitution, Conflict management, Indigene-settler crisis in Jos

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LIST OF ABBREVIATIONS

ALL N.L.R	-	All Nigerian Law Report
C.F.R.N	-	Constitution of the Federal Republic of Nigeria
Ibid	-	Same Citation with the one fully cited above
	-	Discussed elsewhere after this
L.F.R	-	Laws of the Federation of Nigeria
N.L.R	-	Nigerian Law Report
	-	New Weekly Law Report
N.M.L.R	-	New Monthly Law Report
N.S.C.C	-	Nigerian Supreme Court Cases
N.S.C.J	-	Nigeria Supreme Court Judgement
Op. cit.-	-	Opposite Cited
S.C.N.J	-	Supreme Court of Nigeria Judgement
Supra	-	Cited elsewhere before this
WACA	-	West African Court of Appeal
W.L.R	-	Weekly Law Report
W.R.N.L.R	-	Western Region of Nigeria Law Report
BAA	-	Berom/Anaguta/Afizere
LGAs	-	Local Government Areas
IDIs	-	In-Depth Interviews
GTM	-	Grounded Theory Method
GRA	-	Government Reserved Area
IMF	-	International Monetary Form
NPC	-	Northern People's Congress
UMBC	-	United Middle Belt Congress
PDP	-	People's Democratic Party
ANPP	-	All Nigerian Peoples Party
CSOs	-	Civil Society Organisations
NBS	-	National Bureau of Statistics
BBC	-	British Broadcasting Corporation
CSO	-	Civil Society Organisation
OHCHR	-	Office of the High Commissioner for Human Rights
JDA	-	JASSAWA Development Association

- BECO - Berom Educational and Cultural Organisation
NPP - Nigerian Peoples Party
NPN - National Party of Nigeria
INEC - Independent National Electoral Commission
NESCO - Nigeria Electricity Supply Company
HYPADEC - Hydro-Power Development Commission

Constitution Review Committee (CRC)

Armed Forces Ruling Council's (AFRC)

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