

## **Final Shur Conference**

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***“Human Rights Implications of Ethno-Religious Conflicts: the Limits of the Italian approach in addressing these Issues: the Case of Nigeria”***

### ***Introduction***

Conflicts based on religion and ethnicity are a plague of Sub-Saharan African States, with Nigeria offering the most brutal example of an ever-increasing escalation of violence generated by ethnic divergences. Having its roots in the events which took place whilst Nigeria was a British colony, and, in particular, in the arbitrary drawing of borders that Colonial States used to adopt in Africa without paying attention to the natural “borders” of local tribes, Nigerian ethno-religious conflicts raise sensitive questions not only on how to deal with cultural pluralism in Africa, but also on the role of the international community vis-à-vis this situation. In this particular regard, it should, in fact, be noted that although there is an official international recognition of the inter-ethnic hostilities afflicting Nigeria, and of the human rights violations they imply, based on a restrictive interpretation of the EU laws on asylum, some EU Member States, among which Italy, reject applications for asylum and humanitarian protection lodged by Nigerians claiming that no repression in the sense provided for by those laws takes place in Nigeria. If such an approach does not convince, it should at the same time be noted that the current massive and increased scale of refugees flows to Europe, far from offering “the response” to the Nigerian problems, may, itself, lead, to an increase in social conflicts in the host countries and expose refugees to racist and xenophobic attacks. In this sense, practical experience demonstrates that refugee protection is not always the best

response to the questions posed by victims of discrimination and violence. Rather, it may itself expose refugees to further intolerance.

Against this background, the aim of this contribution is to discuss the human rights implications of ethno-religious conflicts in Nigeria and the limits of the “Italian Refugee Policy” in addressing these issues.

### **1. Ethno-religious conflicts in Nigeria.**

Any discussion of ethno-religious conflicts in Nigeria cannot escape a preliminary, though brief, analysis of the constitutional order and historical background in which they are situated, and by which they are influenced.

Nigeria is a federal republic of 36 states, with constitutional federalism having been chosen when the first Nigerian republic was proclaimed, as the institutional mechanism to manage ethno-regionalism in a State whose story is permeated by claims of independence of many different religious and ethnic groups. The country counts a population of about 140.000 million with about 350 ethnic groups, the most populous of which are the Yoruba, predominating in the Ogun, Ondo, Oyo, and Osun states; the Ibo (Igbo), predominating in Anambra, Imo, Abia, and Enugu states, and the Hausa and Fulani predominating in Sokoto, Kaduna, Jigawa, Katsina, and Kano states. Other important ethnicities include the Kanuri in Borno and Yobe states; the Edo (Bini) in Edo State; the Ibibio in Akwa Ibam State; the Ijaw (Ijo) in Rivers State; the Tiv in Benue and Plateau states; and the Nupe in Niger State.

As pointed out by Jibrin Ibrahim and Toure Kazah-Toure, respectively Nigeria country director of Global Rights and researcher at the department of history, Ahmadu Bello University in Zaria, Nigeria, in a paper published by the Nord Africa Institute “*Ethno-regional identities in Nigeria have*

*developed along a tri-tangential trajectory. The first is the North/South divide that emerged at the beginning of the colonial period. The second is the tripolar framework related to the three colonial regions and the majority groups that dominated each region. The third and maybe the most important tendency in Nigerian politics is a persistent multi-polarity governed by micro-nationalism of the numerous minority ethnic groups in the country. Ethno-regionalism in Nigeria has always been played out alongside ethno-religious politics and this dimension makes the story more complex.”<sup>1</sup>*

This ethnic fragmentation is further complicated by the religious differentiation between the ethnic groups: the Hausa Fulani are predominantly Muslims, the Igbo predominantly Christians while the Yoruba have an almost equal number of adherents to both religions.

In addition, ethnic identities are fluid, in the sense that they are subject to continuous modification: this is the case, for example, of the Ikwerre in the Rivers state, which were Igbo before the civil war, but have since re-defined.

This ethnic differentiation underpinning the state society, with the feeling of distinctiveness on the basis of common cultural, linguistic, religious, behavioural and biological traits, in contrast to other groups, it implies, was managed, when Nigeria was a British colony, imposing the coexistence of different peoples under the same polity. This forced coexistence, constructed for the administrative convenience of the British (Shively, 1997:39)<sup>2</sup>, favoured the flourishing of mutual suspicion between the

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<sup>1</sup>Jibrin Ibrahim and Toure Kazah-Toure: "*Ethno-religious Conflicts in Northern Nigeria*," in News from the Nordic Africa Institute, May 2004

<sup>2</sup> See Shively, 1997: 39, in Lanre Olu-Adeyemi "*Ethno-Religious Conflicts and the Travails of National Integration in Nigeria's Fourth Republic*"

component units of the State, which, once independence was gained, resulted in the Biafra war of 1966. Sedated by the military dictatorship which guided Nigeria from 1966 up to 1979, since civilian rule was restored, Nigeria has been the theatre of ever increasing ethnic conflicts, fomented by the growth of poverty, unemployment and corruption of the State machinery, unable to meet the needs of its citizens.

Against this background, despite its theorisation as a standard-bearer for a general value of peace, entailing a commitment to pluralistic participation, in the Nigerian context, federalism has proved inadequate to mitigate the feeling of distrust between the component units of the republic.

If this is true, it seems, however, not correct to impute the persistence and exacerbation of ethno-religious crises in Nigeria to the failure of federalism in offering the institutional response to a problem which is part of the country's story.

Rather, it seems correct to assert that a key role in fuelling the persistent distrust between the different ethnicities of the State is played by the radicating political instability and corruption which torment the Nigerian State, with a military dictatorship, massive fraud, political violence and irregularities in the election process recorded since independence.

If the roots of this destabilising situation may be found in the obstacles impeding African States to gain "real" emancipation from the influence of colonialism and neocolonialism, it is a fact that political instability offers political leaders the opportunity to manipulate ethnic competition for the purposes of advancing their own agenda. This, in particular, in those regions like the Niger Delta where the fight for self-determination has more to do

with the control of oil resources than with claims of ethnic- emancipation and where territorial inhabitation offers the pretext for ethnic conflicts.

The said story of these territories is known. Before the discovering of crude oil, agriculture was the dominant occupation of the people in the area.

This situation suddenly changed after the Delta Niger revealed its oil patrimony: since then, driven by the foreign multinational oil companies' interests, Nigeria has become the sixth-largest oil-producing country in the world with its population, nonetheless, struggling to survive with less than \$1 per day in a context of pollution and soil degradation. The reasons for this paradox are known: in connivance with the corrupt state politicians, transnational oil companies have installed their exploitation machineries in the oil producer zones with no involvement of the local population, and no attention for the environment. The result is an increased condition of poverty of lands that are now affected by toxic pollutants in the lack of basic amenities such as hospitals, schools or roads.

In this context, divisions along ethno-religious lines have deepened in a region in which ethnic and religious diversity overlap with poverty and distribution of resources as conditions favoring insurgency of conflicts. The situation is even worth in the Middle-Belt and borderline State of Northern Nigeria where, since independence, Muslims and Christians have often held conflicting views on educational policies and laws culminated in riots which left churches burnt and mosques desecrated<sup>3</sup>.

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<sup>3</sup> *Refworld Nigeria: Information on the treatment of the Fulani tribe by the Christian Tarek tribe in the Bashar-Wase area and information dealing generally with religious conflict in this area, 01.08.1990.*

Beyond that, here again, there are conflicts over land and political power. The same dynamics underpin the ethno-religious crises and human rights violations daily consumed in the south-west of Nigeria, where an increase in the activities of ethnic and regional militia and other armed groups has been registered in the last few years. The most famous of these is the O’Odua People’s Congress (OPC) which campaigns to protect the interests of the Yoruba ethnic group and seeks autonomy for the Yoruba people *“One of several Yoruba self- determination groups, it was established in 1994 with the aim of overcoming what it alleged was the political marginalisation of the Yoruba. It has since evolved in several different directions. Its activities have ranged from political agitation for Yoruba autonomy and promotion of Yoruba culture to violent confrontation with members of other ethnic groups, and, more recently, vigilantism and crime-fighting. In its two main spheres of activity – ethnic militancy and vigilantism – the OPC has been responsible for numerous human rights abuses and acts of violence, and its members have killed or injured hundreds of unarmed civilians. However, OPC members have been victims as well as perpetrators of human rights abuses. Hundreds of real or suspected OPC members have been killed by the police; many others have been arbitrarily arrested, tortured, and detained without trial for extended periods.”*<sup>4</sup>

The same happens in the Niger Delta region where, as reported by Amnesty International, evidence shows that the peoples continue to face death and devastation at the hands of the security forces. More crucially, the report reveals that poverty-stricken communities, which protest against the actions

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<sup>4</sup> See, HRW February 2003, pp. 20, 22)

of oil companies or are suspected of obstructing oil production, risk collective punishment<sup>5</sup>.

Also, in all the territories tormented by ethno-religious conflicts, human rights violation continue to be perpetrated in the absence of the State, whose police is famous for being the country's most corrupted institution<sup>6</sup>.

It is from the above depicted context of daily violations of human rights that thousands of Nigerians escape in search of a better life. Nonetheless, the decisions by the Italian territorial commissions show that in most cases Nigerians' asylum applications are rejected as inadmissible or 'manifestly unfounded' on the ground that they are lodged by individuals coming from a 'safe country of origin'.

#### **Nigerians' asylum applications and recognition rates: the Italian case**

Before examining the Italian data on asylum applications and recognition rates of Nigerian refugees, let me mention that, as far as my experience is concerned, in Italy asylum applications are processed on the basis of fair, transparent and efficient procedures in accordance with the provisions of legislative decree n. 251/07, which transposes into national law Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted which, in turn, meets the States obligations under the 1951 Geneva Convention relating to the Status of Refugees.

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<sup>5</sup> See Amnesty International, "*Nigeria: New evidence of human rights violations in oil-rich Niger Delta*," doc. 44/025/2005 of 3 November 2005.

<sup>6</sup> On the diffused corruption of the Nigerian state machinery see, inter alia, Jordan Smith, "*A Culture of Corruption: every-day deception and popular discontent in Nigeria*" (Princeton: Princeton University Press, 2007)

More particularly, asylum seekers are granted basic standards in asylum procedures, such as automatic access to procedures for examining requests for refugee status or other forms of protection; the right to a fair hearing; the right to appeal against a negative decision; the respect for the principle of non-refoulement. Specific commissions have been established with the responsibility for examining requests for refugee status on a territorial basis. Before their cases is examined by these authorities, refugees are granted accommodation in dedicated centers providing for any form of assistance to their hosts, including linguistic, legal, medical or psychological support. These premises are important as to clarify that the applications for international protection referred to in the reports that follow have been examined by competent institutions in the respect for all the guarantees provided by the law.

That said, according to report by UNHCR “Asylum Levels and Trends in Industrialised Countries, 2008” in 2008, the number of individuals requesting refugee or asylum status in Europe increased by 12 per cent compared to 2007, with the largest number being recorded in Italy (31,200 claims). The 2008 numbers made Italy “the fourth most important destination in the industrialised world” with Nigeria as the main country of origin of applicants (+ 300%), followed by Somalia, Eritrea and Afghanistan. Italy’s share in the total number of applications received reveals a changing pattern over time. In particular, the share of Italy went up sharply from 2 per cent in 2004 to 8 per cent in 2008.

So, summarising, the above data attest: a) an increase in the number of asylum claims submitted to Italy in the last year: b) that Nigeria was the

main country of origin of applicants in Italy with 5300 new claims; c) a generous recognition of the refugee status by Italian competent authorities. Nonetheless, if we look at the data emerging from the judgments by the territorial commissions<sup>7</sup>, refugee status or humanitarian protection are granted essentially to Eritreans, Somalis, or Ethiopians. Rather, with regard to Nigerians the government approach is to deny them asylum and humanitarian protection claiming that they are not at risk in their home country. As far as my experience is concerned, in all the cases of Nigerians having been denied protection I examined, the State position was that Nigeria is a country it is safe to return people to according to the safe country of origin policy. But such a formalistic interpretation collide with the persecutions and human rights abuses daily consumed in Nigeria in the context of ethno-religious conflicts tormenting the country. Nor may the victims of these abuses confide in the help of the Nigerian police and institutions, whose corruption is a common and acknowledged problem. Against this background, denying international protection to the Nigerian victims of ethno-religious conflicts exposes them to further suffering if returned in their home country. If this is true, it should however be noted that behind the restrictive interpretation of the laws on asylum and humanitarian protection there is the objective difficulty to manage the ever increasing flows of illegal immigrants, with no documents and unable to offer evidence of the persecutions of which they allege to have been victims in the home country. This while, the EU receiving states are in a sense legally obliged to grant protection to refugees, like Somali, whose provenience from territories in which armed conflicts are in place is certain.

Furthermore, the difficulty to manage immigration flows overlaps with the State burden of dealing with the needs and problems of its own citizens, which feel invaded by third country nationals. Hence the growing intolerance of the host communities towards refugees, perceived as a threat to national prosperity and equilibrium. As pointed out in report *“The State of World’s Refugees 2006 – Chapter 3 Addressing Refugee Security: Box 3.4 Xenophobia and Refugees difficulty”* published by UNHCR *“even where the local population welcome refugees, their compassion can falter if refugees increase pressure on housing, social services and the environment, or if they stay longer than anticipated.”* These conditions create fertile ground for intolerance, with all the risks xenophobia implies for persons having already been victims of persecution. Against this background, I think that the ever increasing number of individuals requesting asylum in Italy can only deteriorate the feeling of distrust with which host communities tend to view refugees. And as the very Nigerian history suggests, imposing the coexistence of culturally and ethnically different persons under the same polity without taking into consideration the exigencies of all the subjects involved, may lead to further destabilisation. That said, I am not here to propose ‘the solution’ on how to balance the refugees’ constitutional rights with the interests of the citizens of the host countries. What this paper is finalised to do, is, rather, to provoke a debate on the issues discussed with a view to addressing problems that raise sensitive questions on how to deal with universal rights of different peoples in different societies. In doing so, I think that particular emphasis should be put on what is needed rather than

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<sup>7</sup> Official data available at <http://www.cir-onlus.org/Statisticheitalia.htm>

on what is available, given the contradictions to which current policies may give rise.