



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-seventh session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1722nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 August 2005, at 10 a.m.

Chairman: Mr. YUTZIS

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1722/Add.1.

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fourteenth to eighteenth periodic reports of Nigeria (continued) (CERD/C/476/Add.3)

1. At the invitation of the Chairman, the members of the delegation of Nigeria resumed their places at the Committee table.
2. Mr. BIN RIMDAP (Nigeria) thanked the Committee members for their encouraging comments made the previous day, and said that his Government would make every effort to ensure more regular dialogue with the Committee in future. The periodic report had been compiled by a committee composed of representatives from a number of ministries, the National Human Rights Commission and the Federal Character Commission. The recently appointed special adviser on civil society would be involved in the compilation of the forthcoming report, which would be more comprehensive than the one currently under consideration.
3. His Government had been reluctant to disaggregate population statistics on ethnic, tribal, religious or cultural grounds as it feared that such a move would distort the figures and could result in instability. Since the Biafran civil war in the 1960s, the Government had striven to build a nation to which all Nigerians felt they belonged, creating states and local governments that involved all ethnic groups at the federal, state and local levels. Census data on different ethnic groups were therefore discouraged, as they ran counter to that inclusive philosophy.
4. When Britain had amalgamated the northern and southern protectorates in 1914, all the nationalities concerned had become Nigerians. Since they were all indigenous to the State of Nigeria, the issue of discrimination against indigenous people did not arise there. All Nigerians belonged to specific communities, and all had equal rights under the Constitution, which prohibited discrimination on grounds of ethnicity, culture, language, religion or belief.
5. His delegation did not understand the term “environmental racism”. All environmental problems, such as degradation, desertification and erosion, were of concern to the Government. It had established the Niger Delta Development Commission in an attempt to protect that area, and had also set up an ecological fund and made a special allocation of federal revenue for development there. The chairman and members of that Commission were from oil-producing communities, and the President’s current special adviser on poverty alleviation was a member of the Ogoni people. All the communities in the oil-producing areas were self-governing at both the local and state levels. A number of ministers, special advisers, ambassadors and captains of industry were also from that area. Elsewhere in Nigeria, appointments were based on the “federal character” principle, which was strictly monitored by the Federal Character Commission.
6. The Government condemned all acts of lawlessness by members of the police and the armed forces. The cases the Committee had mentioned had not been ethnically based, but had resulted from the Government’s efforts to quell intra-ethnic and inter-ethnic crises. Soldiers had been sent to Benue state to stop the violence between the Jukun and the Tiv peoples who had been feuding over land. When ethnic militias had killed 12 soldiers, other soldiers had initiated

revenge killings, which had been stopped by the Government. Ethnic militias had received an influx of small arms from neighbouring countries and had killed many members of the police force. Similarly, armed militias had taken oil workers hostage in the Niger Delta area. The Government's use of military personnel as a last resort in such crises had never targeted any ethnic group. Recruitment to the armed forces, the police and other security forces was equitably distributed among the states of Nigeria and was not based on ethnic or religious criteria.

7. There was no discrimination against ethnic minorities in socio-economic activity in Nigeria. Each ethnic minority belonged to a state and had a local government. The three tiers of the government system provided opportunities for all people, as enshrined in the Constitution and enforced by the Federal Character Commission. The distribution of federal-level political and bureaucratic posts among the various states, as detailed in two handouts distributed to the Committee, proved that there was no such discrimination.

8. The institutions that had been established to implement the provisions of article 2 of the Convention each had chairmen and commissioners that represented each of Nigeria's states. The staffing of those institutions reflected the "federal character" principle. Their respective functions had been detailed in the 1999 Constitution with a view to ensuring equitable distribution and avoiding discrimination against any ethnic groups. Specific committees within the House of Representatives and the Senate oversaw each of the national commissions established.

9. Mr. AIGHEWI (Nigeria) said that the "federal character" principle was derived from an anti-discrimination law, similar to equal opportunity or minority rights legislation in other countries. Federal character was defined in the Constitution, which also stipulated that the composition of the government at federal, state and local levels, and government agencies and business should reflect the federal character of Nigeria. In particular, it required that one minister should be appointed from each state, and that each appointee should be indigenous to his or her state. The Federal Character Commission, established in 1996, was responsible for ensuring the equitable distribution of posts in the public service, promoting, monitoring and enforcing compliance, and taking legal measures against any person or agency that did not comply with that policy. Each state had a full-time representative on the board of the Commission. While the policy had begun to have an impact on bureaucratic appointments, some groups were still underrepresented. It was, however, noteworthy that the situation was more positive in the Niger Delta area than in other parts of the country. The policy had been successful in ensuring the most equitable distribution of political appointments in Nigeria's history.

10. Mr. AYALOGU (Nigeria) said that the Osu people had been dedicated to the service of a traditional deity before the advent of Christianity and Western civilization in Nigeria. The Osu had held a privileged position in society and had never been ostracized. While they had not married into other groups, they had never been denied access to services or facilities. The so-called caste system had never been institutionalized and, after generations of intermarriage, had now died out.

11. Mr. BIN RIMDAP (Nigeria) said that his Government was considering incorporating the Convention in domestic legislation under the Anti-Discrimination Bill currently before the National Assembly. Nigeria was a party to the Vienna Convention on the Law of Treaties, and

the Government was taking measures to harmonize inconsistencies between international instruments and the Constitution. Nigeria had enshrined the African Charter on Human and Peoples' Rights in domestic legislation.

12. The Oputa panel had been set up in 1999 to investigate alleged violations of human rights by the armed forces. A number of people indicted in the report had refused to appear before the panel and had claimed before the Supreme Court that the panel had not been legally instituted. The Court had ruled in their favour.

13. Mobile schools had been set up to meet the needs of vulnerable groups such as the cattle-rearing and fishing communities. Quota systems and catchment area policies in universities and colleges gave preference to students from local areas.

14. The Government had taken steps to resettle internally displaced persons (IDPs) and to guarantee their enjoyment of the right to education, health and other facilities. A presidential committee established to examine the situation of IDPs had made several recommendations to the Government, and had also called on the international community to accord IDPs the same recognition as refugees. The rights of non-citizens were protected under the Constitution, which stipulated that all persons in Nigeria had the right to dignity. There had been no cases in which a foreigner had claimed violation of his or her rights in Nigeria.

15. At the national level, television and radio programmes were broadcast in English. The print media, which were mostly privately owned, were also in English. However, at the regional level programmes were broadcast in the languages spoken in particular regions. In general, information could be disseminated in any language.

16. His Government attached great importance to the issue of trafficking in human beings. Nigeria was a party to the United Nations Convention against Transnational Organized Crime, and had set up a national agency for the prevention of trafficking in persons.

17. Three types of courts were in place in Nigeria, namely, common-law courts, customary-law courts and sharia courts. Judgements of all those courts could be appealed to the Supreme Court. Individuals could choose the court which they wished to consider their case.

18. Under the Constitution, free primary and secondary education was provided to all persons living in Nigeria without discrimination. The 74 so-called Unity Schools had been set up to emphasize the need for national unity. In general, schools were established by the federal, state and local governments. Missionaries and various groups of individuals also provided educational facilities at all levels. Adult education was available.

19. With a view to preventing excessive use of force, extortion and impunity, the Government was taking steps to reform the police and, in particular, to provide proper training for the security forces. As part of the reform process, human rights desks would be set up in all police units. A judicial commission of inquiry was investigating the recent killing of six unarmed civilians at a police checkpoint in Abuja. The Government promised that the results of the investigation would be publicized and the perpetrators punished in accordance with the law. Although the persons killed had belonged to a particular ethnic group, the incident could not be considered as an indication that the group was being targeted on a systematic basis.

20. A number of factors, including a lack of facilities and inadequate technical skills and advisory services, influenced the quality of Nigeria's reports to various human rights treaty bodies. OHCHR representatives had visited Nigeria and identified various areas which required assistance. However, owing to inadequate resources, the Office was unable to provide that assistance.

21. Mr. AMIR regretted that the delegation had not put sufficient emphasis on the importance of building a nation-state and achieving the unity of the Nigerian people. Only once that unity had been achieved could the Government deal efficiently with the inherent problems of the 250 ethnic groups which lived in the country and ensure the right of each individual to prosperity, well-being, education, work and health. That was the only way of avoiding civil wars, which weakened and fragmented States, and prevented governments from addressing vital economic and social issues. Neither civil nor common law contained the elements required to manage African society. In that regard, he recalled the idea, proposed by African lawyers, of developing regional African law within the framework of international law.

22. Mr. LINDGREN ALVES asked the delegation to confirm that even in states where the majority of the population were Muslim, individuals could choose which court would consider their case.

23. Mr. de GOUTTES asked whether an individual who had been accused by another individual, for example, before a sharia court, could request that his or her case be transferred to a common-law or customary-law court.

24. Mr. BOYD said that having ethnically diverse military, security and police forces helped to promote a better understanding of various communities and thus greatly contributed to efficient policing. That was particularly true in the case of Nigeria because reports of violent conflicts between the Nigerian military and certain groups of civilians persisted. He asked the delegation to provide data on the ethnic composition of the military and the federal police and security forces.

25. He asked whether investigations had been conducted into the alleged killing of some 200 unarmed Tiv civilians by members of the security forces in 2001. If so, he wished to know whether any criminal proceedings had been instituted against alleged perpetrators and whether any sentences had been handed down in connection with the incident.

26. Contrary to claims by the State party that the caste system no longer existed, information transmitted to the Committee pointed to the persistence of caste-based discrimination in certain parts of the country. While he was unfamiliar with the specific circumstances of Nigeria, experience in other countries had certainly shown that such practices did not disappear on their own; the State party should take concrete measures to eradicate their vestiges.

27. Mr. SHAHI said the Committee was conscious that the elimination of racial discrimination and the establishment of equality in a country that was home to 250 different ethnic groups was an enormous task. He requested detailed information on measures to eradicate caste-based discrimination and on the State party's efforts to unite the various ethnic groups and build a nation. How effective had such measures been to date? In that connection, he noted with satisfaction the ethnic diversity among the members of the delegation.

28. The term “environmental racism” had been used with reference to multinational oil companies’ failure to take responsibility for the environmental degradation caused by oil extraction activities in Nigeria, in particular in Ogoni territory, and the harmful effects on the local population. While the term “environmental racism” might be somewhat inappropriate, the issue certainly needed addressing. The Committee would welcome a more rigorous application of the principle of non-discrimination, including in the allocation of resources to the different states of the federation. The delegation should describe the measures taken to remedy the problems and indicate to what extent transnational corporations were held accountable for their actions.

29. Mr. PILLAI asked whether the Nigerian Constitution guaranteed the right of non-citizens to legal remedy against human rights violations and whether the proposed Anti-Discrimination Bill contained relevant provisions. The issue was particularly important given the large number of refugees present on Nigerian territory.

30. He commended the State party for its affirmative action policy and asked which population groups benefited from the relevant measures and how the Government intended to develop that policy further.

31. Mr. BIN RIMDAP (Nigeria), reviewing the various stages of Nigeria’s path to nationhood, said that the fragmentation of African societies in general, and his country’s great ethnic diversity in particular, made the fostering of social cohesion and national unity a trying task. However, the Government had made the attainment of that objective a priority.

32. The caste system had officially been outlawed a long time before. While certain deeply entrenched prejudices against members of other ethnic groups might persist in rural areas, with the process of integration caste-based discrimination had been virtually eliminated.

33. Sharia law applied exclusively to members of the Muslim community and, in the past, had mainly been invoked to settle family disputes. In recent years, certain states had taken to bringing criminal cases before sharia courts, mainly to curry favour with the electorate. Every citizen was free to choose whether to bring a case before a sharia court, a common-law court or a customary-law court; there was no binding obligation to abide by a specific legal regime. All rulings based on sharia law could be appealed before the Federal High Court.

34. The right to legal recourse against human rights violations applied to all Nigerian residents, regardless of their citizenship. Specific legislation regulated the rights of foreign workers in Nigeria. His Government was a party to the Convention relating to the Status of Refugees and respected the rights of refugees guaranteed under that instrument. Thus far, no complaints of human rights violations had been received from non-citizens.

35. Mr. AIGHEWI (Nigeria) said that the equitable representation of ethnic groups in the armed forces, the police and the security forces, as well as all other governmental institutions, was guaranteed in the Constitution. The original quota system had been replaced by the Federal Character Commission, which was entrusted with overseeing the implementation of the relevant provisions. While the equitable representation of ethnic groups had still not been fully achieved in the civil service, the principle was strictly observed with regard to the armed forces, the police and the security forces.

36. Mr. BIN RIMDAP (Nigeria) said that his Government fully supported the notion of corporate responsibility for the environmental degradation caused by extraction activities, and all companies involved in oil extraction in Nigeria were required to respect environmental safeguards. It should be noted that oil extraction was not exclusive to Ogoni territory.

37. Affirmative action policies had been introduced to enhance women's role in public life. There were no ethnicity-based barriers to participation in public life, and thus no affirmative action programmes for specific ethnic groups. A series of measures had been taken to ensure equal access to education for the members of all ethnic groups.

38. Ms. JANUARY-BARDILL (Country Rapporteur) said that the Committee welcomed the State party's commitment to enhance the quality of its periodic reports, submit reports more frequently, and facilitate greater involvement of NGOs in the reporting process. The definition of indigenes in the State party appeared to be linked to a particular state, region or even municipality, rather than the country as a whole, and it would be useful to examine the implications of that concept more closely.

39. The term "environmental racism" was used in connection with multinational companies' failure to comply with environmental standards when operating abroad, often with the connivance of the Governments of the countries concerned. The Committee took exception to such practices and would welcome further information on environmental programmes in the Niger Delta region and on measures taken to protect the rights of the Ogoni people.

40. The Committee would appreciate more information on human rights violations in Nigeria resulting from heavy-handedness on the part of law enforcement officials. While it was true that such violations occurred in many parts of the world, States parties to the Convention had subscribed to standards of international law that entailed an obligation to deal with them.

41. National unity was a challenge faced by many countries, particularly those whose societies had been subject to fragmentation over the course of their history. Nigeria's efforts to create national unity through the establishment of new states and through mechanisms to move people from one territory to another had undoubtedly involved some risks. It would be interesting to know what had worked and what had not worked. Specifically, the Committee would like to know to what extent newly created states relied upon federal funding, how decisions regarding such funding were made and whether state governments were accountable for such funds. It would also welcome information on the extent to which majority groups in Nigeria dominated minority groups and whether persons who moved to new parts of the country faced discrimination in terms of access to social services such as health and education.

42. The Committee welcomed the information the Government had provided on the Federal Character Commission and looked forward to receiving future reports about the impact it had had. Other countries might benefit from Nigeria's experience in that regard. Legislative measures, such as outlawing the caste system in Nigeria, could be implemented relatively quickly, but it often took some time before corresponding changes were brought about in people's day-to-day existence. For that reason, the Committee would continue to monitor the situation of the caste system in Nigeria. Although the Constitution provided guarantees to all Nigerian citizens, more specific legislation needed to be enacted in order to give effect to the Constitution.

43. The resumption of dialogue between the Government of Nigeria and the Committee had paved the way for continued dialogue in the future. The Government could count on the support of the Committee in the challenges of nation-building that it faced. In its next report, it should strive to furnish more information on the real difficulties it had experienced, which would serve to enhance the effectiveness of its dialogue with the Committee. She thanked the delegation for its participation.

44. Mr. BIN RIMDAP (Nigeria) said that he was unable to provide any additional information concerning the reprisals referred to earlier; however, his Government took violations of human rights very seriously. He would therefore look into the matter and send a response to the Committee in due course.

45. Persons who moved from one region of the country to another did not encounter discrimination in terms of access to social services. Access to most health facilities was on a fee-paying basis and did not involve checks of a patient's identity. Special dispensaries in poverty-stricken areas were accessible to anyone who needed them. No one was denied access to education. A person's state of origin was taken into account in the area of employment since pensions were based on a worker's contributions to a state pension fund.

46. He thanked the Committee for its concerns and comments, which he would refer to his Government. Nation-building was no easy task; the process undertaken since Nigeria's independence was an ongoing challenge that the Government would continue to do its best to meet.

The public part of the meeting rose at 12.35 p.m.