MARGINALIZATION AND DISCRIMINATION IN NIGERIA: A LEGAL POINTER TO THE DICTATES OF THE 1999 CONSTITUTION OF NIGERIA[1]

Abstract

Marginalization and discrimination are twin factors that grossly undermine the socio-economic development of Nigeria. The geographical entity called Nigeria has over 250 ethnic groups with cultural, linguistic and religious distinctions, brought together by British colonists, without their consent. This development made marginalization and discrimination against certain persons or groups on the basis of age, sex, ethnicity, religion, political opinions and other social considerations to grow unabated. Our extant Constitution, in section 42 (1), prohibits discrimination based on the above-mentioned considerations. This journal article examined the causes and various dimensions of marginalization and discrimination in our society vis-à-vis the various provisions and gaps in the 1999 Constitution of the Federal Republic of Nigeria in stemming the tide of the monster called marginalization and discrimination. The researchers deployed doctrinal methodology with analytical, descriptive and prescriptive approaches in recommending equal treatment between women and male counterparts, amendment of the provision of the extant Constitution on citizenship that discriminate against women, having a national dialogue that will solve national integration problems, and strengthening of the Federal Character Commission for effective enforcement of Federal Character Principle.

Keywords: Marginalization, Discrimination, Federal Character, Citizenship, National Integration.

Introduction

Marginalization refers to act that subjects a group of people to discrimination and exclusion from society, politics and economy[2]. To marginalize means to make someone less able to do things or access basic services or opportunities[3]. It is the act of placing a person or thing in a position of lesser importance or influence. Marginalized persons are forced to the periphery or the edge of the society[4] which in turn 'robs them of the facilities and opportunities enjoyed by the non-marginalized sections of the society'[5]. Whereas discrimination is an action or a decision that treats a person or a group badly for reasons such as race, age or disability[6]. It refers to different treatment for similarly situated parties, especially when no legitimate reasons appear to exist[7]. Also, discrimination is 'treating one or more members of a specified group unfairly as compared with other people[8]. Discrimination may be illegal on the ground of sex, sexual

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[2] See Definition of Marginalization at https://www.liberties.eu> Accessed on 5th July, 2024

[3] *Ibid*

[4] See further meaning of marginalization at https://www.toppr.com>civics>. Accessed on 7th July, 2024

[5] *Ibid*

[6] Canadian Human Rights Commission on 'what is Discrimination' available at https://www.chrc.ccdp.gc.ca> Accessed on 7th July, 2024.

[7] See Legal Information Institute on Discrimination, available at https://www.law.cornell.edu>wex Accessed on 7th July, 2024.

[8] Oxford Reference on Discrimination, available at https://www.oxfordreference.com> Accessed on 7th July, 2024

orientation, race, religion or nationality[9]. Thus, discrimination is an unequal treatment of persons or group on the basis of age, beliefs, sex, ethnicity, sex by limiting access to social opportunities.
Marginalization has potency of discrimination because a person is made to stand out and made to be different from everyone else[10]. Marginalization which is a form of discrimination exists in many forms such as racism, sexism, ageism, homophobia and xenophobia[11].

Nigeria is a multi-religious and multi-ethnic country with over 250 ethnic groups with distinct customs, tradition and languages, which before the prosperity of colonization in Africa, existed and operated independently of each other. Thus, the modern-day Nigeria was conceived and eventually birthed on the ancient colonial bed of Great Britain vide the amalgamation of then Northern Protectorate and Colony and Southern Protectorate[12].

Thus, the amalgamation brought along the problem of marginalization and discrimination with its attendant negative impacts on development.

It is crucial to recognize that section 42 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) firmly prohibits discrimination of a citizen or group of people on the basis of ethnic group, place of origin, sex, religion or political opinion. Also, Section 14 (3) and (4) provides for a constitutional principle known as the Principle of the Federal Character of Nigeria to stem the tide of marginalization and discrimination against women, persons with disabilities, certain ethnic groups, minority groups, internally displaced persons and others based on who they are, religious beliefs and political leanings.

This paper wants to press the point that despite the above constitutional provisions, marginalization and discrimination have alarmingly risen to a crisis level in Nigeria.

2.0 The Legal and Institutional Framework for Combating Marginalization and Discrimination in Nigeria

2.1Legal Framework

The following are some of the legal instruments in reducing the menace of marginalization and discrimination in Nigeria.

2.1. 1 The Constitution of the Federal Republic of Nigeria 1999 (as amended)

The main lines of division and/ or diversity across the population / peoples of the Federal Republic of Nigeria include religion and ethnicity[13]. From the foregoing diversity, section 42 (1) of the 1999 constitution seeks to protect various persons and groups from any form of discrimination based on their respective religions and ethnic groups among other possible grounds of discrimination such as places of origin, sex and political opinion[14].This section provides as follows:

[9] *Ibid*
[10] O B Oladipo, 'Ethnicity and Marginalization within the Nigeria state: A Case Study of the Nigeria Police Force,' *Research on Humanities and Social Sciences*, vol.3, No.1, 2013
[11] See Marginalization on https://www.cultureally.com,> Accessed on 7th July, 2024
[12] OE Okeke, 'the Indivisibility and Indissolubility of Nigeria vis-a-vis the Right of Self-Determination', IJOCLLEP vol.2(2) (2020)
[13] *Ibid*
[14] *Ibid*

A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:

a) be subject either expressly by, or in the practical application of any law in force in Nigeria or any executive or administrative action of government, to disabilities or restriction to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions are not made subject; or
b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinion[15]

Also, section 15 (2) of the same Constitution provides inter-alia that discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited. Section 42 (1) of the constitution which situates under chapter iv of the said constitution gives clear and sharp teeth for justiceability and enforceability to section 15 (2)[16] cited above.

Furthermore, section 14 (3) of the Constitution provides for a constitutional principle known as the principle of the Federal Character of Nigeria[17] and further declared that national integration shall be actively encouraged. On the constitutional principle of Federal Character of Nigeria, section 318(1) of the constitution defines Federal Character of Nigeria to mean the distinctive desire of the people of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation[18]. The provision of the Federal Character Principle is intended to cure the problem of marginalization and discrimination, and ensure inclusiveness in administration of government business.

2.1.2 The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The Convention on the Elimination of all forms of Discrimination Against Women is a gender specific instrument[19]. The Convention takes the understanding of human rights from being gender neutral or gender blind to being women focused, taking into cognizance the specific and different needs of women on the basis of biology and gender or social construction. It is the most extensive instrument dealing extensively with the rights of women, as it sets out practices regarded as discriminatory and lists actions to be taken to remedy the situation[20]. It recognizes not only the prohibition of discrimination against women, but also places positive obligations on the State for the fulfillment of women's right to equality. Part I (Articles 1-6) focuses on non-discrimination, sex stereotypes, and sex trafficking.

[15] The 1999 Constitution, s.42 (1)
[16] O E Okeke, 'Just a posing the notion of indivisibility of Nigeria with the Right to Self-Determination', A paper presented to the Faculty of Law, Nnamdi Azikiwee University, p.82
[17] The 1999 constitution, s.14(3) & (4)
[18] *Ibid*
[19] S O Ahaneku, 'International Human Rights of Women and Violations of Women's Rights', A seminar paper presented to the Faculty of Law, Nnamdi Azikiwe University, Awka, 2024 p.12
[20] *Ibid*

Part II (Articles 7-9) outlines women's rights in public sphere with emphasis on political life, representation and rights to nationality.
Part III (Articles 10-14) describes the economic and social rights of women particularly focusing on education, employment and health.
Part IV (Articles 15-16) outlines women's right to equality in marriage and family life along with right to equality before the law.
Part V (Articles 17-22) establishes the committee on Elimination of Discrimination Against Women as well as state parties reporting procedure.
Part VI (Articles 23-30) describes the effects of the Convention on other treaties, the commitment of the state and parties and administration of the Convention[21].
It is worthy of note that Nigeria signed and ratified this Convention since 1985, but it is yet to be domesticated in the spirit of section 12 (1) of the 1999 constitution.

2.1.3 The Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR)[22] was adopted by the UN General Assembly on 10th December 1948.
The experience of the second World War led to the birth of Universal Declaration of Human Rights which represents the first global expression of rights to which all human beings are inherently entitled[23].
Article I states that 'all human beings are born free and equal in dignity and rights and they are endowed with reason and conscience and should act towards one another in the spirit of brotherhood.
Article 2 provides that everyone is entitled to all rights and freedom set forth in this Declaration without distinction of any kind such as race, color, sex, language, religion e.t.c.
Articles 3 and 5 read together implies non-discrimination clause. It implies that any form of violence against women (or any other person or group) can be construed as threat to her life, liberty and security of a person or which constitute torture or cruel or degrading treatment is not in keeping with the spirit and purpose of the UDHR and is therefore a violation of the international obligation of member states[24].

2.1.4 The African Charter on Human and Peoples Rights

The African Charter on Human and Peoples Rights (ACHPR)[25] also known as the Banjul Charter was adopted at the 18th Conference of Heads of State, and Governments of Organization of African Unity (now African Union) in Banjul on 27th June, 1981. It has been domesticated, and it forms part of Nigeria law[26]. It was incorporated as African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, cap 10 laws of the Federation of Nigeria 2004. Article 2 of the ACHPR provides for freedom from discrimination. Article 3 stipulates that everyone is equal before the law and entitled to equal protection of law, and article 28 further provides that every individual shall have the duty to respect and consider his fellow beings without discrimination.

[21] *Ibid*
[22] Universal Declaration of Human Rights, 1948
[23] *Ibid*
[24] I Nnadi, 'Legal Instruments Against Gender Discrimination and Violence Against Women in Nigeria; How Adequate? (2016) *LFRP vol.1* Zubic Infinity Concept, Owerri, p.74
[25] Africa Charter on Human and Peoples Right, 1981.
[26] See Gani Farehinmi V Abacha (1996) 9 NWLR (pt.45) 710

2.14, Discrimination Against Persons with Disabilities (Prohibition) Act, 2018

Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 provides for full integration of persons with disabilities into the society and establishes the National Commission for Persons with Disabilities with the responsibilities for their education, health-care, social and civil rights, and for related matters.

Part I (section 1 (1) firmly states that 'a person with disability shall not be discriminated against on the ground of his disability by person or institution in any manner or circumstance[27]. The Act makes it criminal for offenders of the provision[28]. For corporate offenders, the fine of one million (1,000,000) naira only is imposed on conviction while individual offenders are liable to the fine of one hundred (100,000) naira or six months imprisonment or both[29].

Quite interestingly, the provision that the person against whom the crime or wrong is committed may maintain a civil action against the person committing the offence or causing the injury, without prejudice to any conviction or acquittal[30].
Part II (ss. 3-8) provide for the right to access the physical environment and buildings on an equal basis with others.
Part III (sections 9-12) stipulates that a person who provides goods and services or facilities shall not discriminate against another with disability. This provision goes with section to serve as deterrence.
Part IV (sections 13-15) provides for access to Seaports, Railways and Airports facilities to persons with disabilities without discrimination.
Part V (sections 6-27) prohibits the use of persons with disabilities in soliciting for alms; have an unfettered right to education without discrimination.
Part VI (sections 28-30) provides employment opportunities and participation in politics and public life for persons with disabilities without discrimination.
All these aforementioned provisions have one form of sanction or the other attached to their violation.

2.2. Institutional Framework against Marginalization and Discrimination

2.2.1 The Federal Character Commission

The federal character commission was established and its basic functions specified by the extant Constitution of Nigeria[31]. In order to give effect to the constitutional principle of Federal Character of Nigeria, the Federal Character Commission of Nigeria is vested with power to[32]:

a) work out an equitable formula subject to the approval of the National Assembly for the distribution of all cadres of posts in public service of the Federation and of the state, the armed forces of the Federation, the Nigeria Police Force, and other government security agencies, government owned companies and parastatals of the state;
b) promote, monitor and enforce compliance with the principles of proportional sharing of all bureaucratic, economic, media and political posts at all levels of government.

[27] Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, section 1 (1)
[28] *Ibid*, section 1 (2)
[29] *Ibid*
[30] *Ibid, s. 1 (3)*
[31] 1999 Constitution of Nigeria, s 153 (1) (C) & (2)
[32] Paragraph 8 of part 1 of the 3rd schedule to the Constitution of the Federal Republic of Nigeria 1999

c) take such legal measures, including the prosecution of the head or staff of any Ministry or government body or agency who fails to comply with any federal character principle or formula prescribed or adopted by the commission; and
d) carry out such other functions as may be conferred upon it by an Act of the National Assembly. These other functions conferred upon it by the Federal Character Commission Act include: (i) working out an equitable formula, subject to the approval of the President, for distribution of socio-economic services, amenities and infrastructural facilities; (ii) working out modalities and schemes, subject to the approval of the President, for redressing the problems of imbalances and reducing the fear of relative deprivation and marginalization in Nigeria system of federalism as it obtains in the public and private sectors[33].

2.2.2, The Courts in Nigeria

Judicial powers entail judicial interpretation and application of relevant laws in appropriate cases. The legal basis for the exercise of judicial powers in Nigeria finds its original source under the Constitution of the Federal Republic of Nigeria, 1999[34]. In Nigeria, judicial powers are vested in courts[35]. Section 6 of the Constitution creates the superior courts of record and clothes them with judicial powers which they have, as directly enumerated in the Constitution and on the other hand, as donated and determined by an Act of the National Assembly or by a Law of the State Houses of Assembly[36].

It is worthy to note that it is Courts in Nigeria that interpret and apply those constitutional and statutory provisions discussed under the legal framework against marginalization and discrimination in Nigeria.

3.0 Dimensions of Marginalization and Discrimination in Nigeria

Marginalization and discrimination are main barriers to national cohesion and development. It undermines competence and development. If human must flourish, we must do away with marginalization and discrimination. People in Nigeria suffer marginalization and discrimination based on sex, religion, race and political opinion virtually in all spheres of life. The various dimensions are as follows:

3.1Caste System

Discrimination and caste system are rife in every society[37]. In Igbo land, the Osu caste system is a form of discrimination practice where the igbo society is divided into the Diala and Osu[38]. The problem is that this divide comes with human rights restrictions and violation on the part of the Osu which go unreported and unaddressed at both national and international discourse. Literature on the Osu Caste System has majorly focused on various aspects with little attention paid to the human rights dimension of the Osu Caste System[39].

[33] Section 4 of the Federal Character Commission (Establishment, ETC) Act, CAP. F7,LFN, 2004.
[34] O E Okeke, 'Juxta posing the Notion of Indivisibility of Nigeria with the Right to Self-Determination', A paper presented to the Faculty of Law, Nnamdi Azikiwe University, Awka, 2022, p.132.
[35]Constitution of the Federal Republic of Nigeria 1999, s.6
[36] *Ibid*
[37] O T Abia, N S Amalu and CK Ariche, 'Osu Caste System and Human Rights in Igbo land', *Global Journal of Social* Scrences, vol. 20, 2021. Accessed at www.Globajournalseries.com
[38] *Ibid*
[39] *Ibid*

In every society, social stratification, discrimination, prejudice and injustices exist and may differ from one society to the other[40]. It can take several forms, be it economic, social, religious and even political. The caste system is one of such problems made by man and is the second system of social stratification in which status is determined by birth, marriage is restricted to members of one's own caste and is lifelong[41]. It is important to note that caste system negates the provisions of section 42(1) of the constitution and other international instrument like the United Nations Declaration of Human Rights and African Charter on Human and Peoples' Rights.

3.2 Internal Displacement

The internal displacement, as a result of armed conflicts, imposes untold social, economic, political hardship on victims of displacement. The social organization of the displaced communities is not only damaged or destroyed by the act of physical displacement, but the victims of displacement are marginalized and discriminated within and outside the IDP camps. The host communities often resent the internally displaced persons because of the huge social and economic burden placed on them by the presence of IDPs. Section 34 (1) of the extant Constitution entitles every citizen, irrespective of his condition, respect for the dignity of his person and accordingly paragraph (a) says that no person shall be subjected to torture or to inhuman or degrading treatment.

Politically, IDPs lack outlets for the peaceful expressions of their voices and exclusion from political processes,[42] which is a dimension of discrimination, which in turn, negates the spirit of section 42(1) of the Constitution.

3.3 Women's Rights

It is obvious that the women are often marginalized and discriminated against in a typical African society. Women are discriminated through some cultural and widowhood practices. In addition to the grief occasioned by the loss of their husbands, women are meant to put up with the challenges brought by harmful cultural practices[43]. The woman's hair is scraped with razor blade or even broken bottle and in the process, different infections are transferred to the women, who after mourning her husband, end up going from hospital to hospital trying to cure the infections[44]. These practices expose women to degradation, dispossession, physical and psychological harm and ultimately undermine their fundamental human rights[45]. In Mojekwu v. Mojekwu[46], The court of Appeal stated that 'Oliekpe custom which permits the son of a deceased brother of a deceased person to inherit his property to the exclusion of his female child is discriminatory and therefore in consistent with the doctrine of equity'.

[40] *Ibid*
[41] *Ibid*
[42] A Itumo and NH Nwefuru, 'Nigeria State and Responses to Plights of Persons Internally Displaced by Boko Haram Insurgents: Implications for Socio- Economic and Political Development,' *Research on Humanities and Social Sciences*, Vol.6, No.15 2016. P.27
[43] E Duruojaye, ' Women But not Human: Widowhood Practices and Human Rights Violations in Nigeria', *International Journal of law and Policy and Family* , 2013, 27 (2), available at https://academic.oup.com/Lawfam. Accessed 10th July, 2024
[44] *Ibid*
[45] UC Kalu and O Umunna, 'An Appraisal of Women's Rights in Nigeria and Some other Jurisdiction,' *International Journal of Comparative law and Legal Philosophy* (IJOCLLP) 4 (2)
[46] (1997) 7 NWLR (pt .512) 226 at 288-289

Also, section 43 bequeaths every citizen, including women, right to own immovable property anywhere in Nigeria. Any attempt to dispossess women of this inalienable right negates the constitution. Furthermore, it is apt at this point to state the discriminatory nature of section 26 (2) (a) which does not accord citizenship right to foreign spouses of Nigeria women. Discrimination is the only word to describe this absurdity.

3.4 Male Preference

This is another form of discrimination against the girl child. Male preference dates back to the pre-historic times and it is tied to inheritance and the desire to carry on the family name and guarantee the family lineage[47]. Consequently, in most cultures in Nigeria, the birth of a male child is often heralded with great joy as compared with a female child. Son preference offends the provisions of section 42 (1) of the Constitution. This inflicts on the psychology of girls, a perpetual internalization of inferior status and low premium accorded them by the society, and may affect their behavior and mannerism in the society[48].

3.5 Domination of Minority Groups in Nigeria

In every multi-ethnic society, the fear of domination, marginalization and denial of rights, particularly, those of the minorities has often led to agitation against obnoxious powers of the majority groups among others, have its common place, but pervasive in the case of Nigeria federalism[49]. Successive Nigeria Government have tried to practice federalism that will promote equity and minorities rights, but they have failed to practice this doctrine as stipulated in the Constitution, thereby raising the question of minority marginalization in Nigeria[50]. However, marginalization of the minority groups has been the cause of agitations through violent militancy in recent time[51].

The minority agitations and marginalization question is engendered mainly by the non-adherence of the constitutional provisions for the practice of federalism and sometimes domination or under-representation of the minority groups in public affairs and institutions[52]. Reversing such discrimination, bearing in mind the role that can be played, in national development, by both components of the groups to wit; the minority and the majority.

The South-South Region, in spite of its natural resource's endowment, in oil and gas, is still very poor and deprived of some basic necessities of life, and marginalized in certain political offices compared to other regions with little or no resource contribution to the wealth of the country. The people in this region are vastly neglected and oppressed, not only, by the activities of oil exploration by multinational corporations, but by the insincerity of the government to adequately compensate them for loss of their farmlands, sea, water system, displacement, diseases suffered from oil spillage and gas flaring[53]. Lack of inclusiveness which is a form of marginalization underpins the violent agitation in the Niger Delta region of Nigeria.

[47] I Nnadi, ' Son Preference – A violation of women's Human Rights: A Case Study of Igbo Custom in Nigeria', *Journal of politics and law*, vol.6 (1), 2003.
[48] *Ibid*
[49] SC Agunyai, TI Odeyemi and KW Olawonyin, 'Federalism and Minority Agitations in Nigeria: The South- South Marginalization Question,' Research gate
[50] *Ibid*
[51] *Ibid*
[52] *Ibid*
[53] *Ibid*

3.6. Marginalization of People from South- East of Nigeria

Since its conception as a multinational state, Nigeria has been plunged into a miasma of marginalization and the consequent clamour for the restructuring[54] and self-determination. This derives largely from lopsided structure of the country both in terms of resources, endowment and human capital development[55]. Since the end of civil war in 1970, the marginalization and discrimination have become dynastic in the Igbo dominated area of the south east in particular and the southern part of the country in general[56]. The marginalization trend manifests in lopsided appointment, promotion and admission into Federal establishment and institutions of learning through the instrumentality of quota system and federal character that favour mediocrity at expense of merit[57]. More so, in the area of geopolitical boundary, South-east is made up of only five states while their counterparts are composed of six states and seven states respectively[58]. This unarguably, is a clear demonstration of marginalization through obnoxious legalities which have triggered the restiveness of the youths from the area to agitate for separate state for the igbo under the aegis of indigenous peoples of Biafra[59]. Marginalization of the igbo in the geographical entity called Nigeria has created unprecedented security problems through the activities of Biafra agitators. The monday-sit-at-home comes to mind when we talk about the marginalization of the south-eastern part of Nigeria with its attendant catastrophic consequences on the economy and psychology of the people of Southeast.

4.0 Marginalization, Discrimination and World Development

Marginalization is a practice that affects millions of people worldwide. People who are marginalized have relatively little control over their lives and the resources available to the State[60]. They are equally hampered on investigating their contributions to the society. A vicious circle is formed in which their lack of positive and supportive relationships prevents them from participating effectively in the national life, which leads to further segregation[61]. This has a significant impact on human progress and development. It is crucial to address the issue of marginalization and discrimination since development aims to create a supportive environment for people to live a healthy, successful and creative lives. In recent times, the development is frequently represented as a process involving the engagement of both the minority, majority and other groups in the society[62].Treatment of a person, group or ideas as significant or peripheral is known as marginalization. It is typically applied to political, socio-economic and cultural contexts where disadvantaged individuals fight for the right to access resources and full participation in social life[63]. Education reduces marginalization, and one of its main objectives is to bring the marginalized groups into the mainstream and equalize empowering and enabling opportunities between the marginalized and the privileged. This, in turn, leads to security and prosperous global environment.

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[54] DA Omemma, 'Marginalization and Restructuring in Nigeria: An Exploration', *South East Political Review (SEPSR)* vol.4, No.1, 2019, P.15

[55] *Ibid*

[56] *Ibid*

[57] *Ibid*

[58] *Ibid*

[59] *Ibid*

[60] See marginalization at https//egyankosh.ac. Accessed on 15th July, 2024

[61] *Ibid*

[62] *Ibid*

[63] *Ibid*

Factors Responsible for Marginalization and Discrimination

5.1Bias and Hate

Social sources, like racism, sexism and religious hatred can lead policy-makers or community members to create structures that keep certain groups from participating fully in the society[64].

5.2 Poverty

Poverty is a key cause of marginalization. Poor individuals frequently lack the time and resources to advocate for their own interest, either because they live in disadvantaged neighborhood, and lack access to required resources or because they spend an inordinate amount of time and energy attempting to provide for themselves and their families[65].

5.3 **Structural Disadvantage**

Sometimes society marginalizes people by denying them the space or accommodation they need to advocate for their rights[66].

5.4 Globalization

Globalization has amplified openness which has supported development at the cost of equity. It is observed that globalization has widened the gap between the 'haves' and the 'have nots', and thus boosting marginalization[67].

5.5 Disasters

Disasters can be natural like earthquake, flooding, or man-made like armed conflict, government development projects e.t.c. Disasters cause displacement which forces people to flee their houses suddenly and unexpectedly to safer areas. The host communities and government officials often discriminate against internally displaced persons through systematic antagonism by the host communities and through government policies on the management of the IDP crisis. Disasters are a worldwide phenomenon and a serious challenge to the progress of any society.

4.2 Who Are the Marginalized Groups in International Plane

4.2.1 Women

Marginalization is one form of gender inequality under various economic situations, and the effect of certain historical, cultural, legal and religious variables. To put it in another way, women are often barred from certain vocations and occupations, integrated into others and marginalized in others. In every society, women are marginalized in comparison with the males. It is worthy to note that women do not represent a homogeneous group with shared interests, talents and behavior. Women from lower social groups, poorer castes, illiteracy and poorest region face greater marginalization than their better placed peers[68].

4.2.2 People with Disabilities

People with disabilities have had to fight decades of prejudiced preconceptions, negative stereotypes and unreasonable fears. The stigmatization of disabilities has resulted in the social and economic

[64] *Ibid*
[65] *Ibid*
[66] *Ibid*
[67] *Ibid*
[68] *Ibid*

marginalization of generations of disabled people, who like many other persecuted minorities, have been impoverished for ages[69].
When it comes to health and health services, the disabled encounter a variety of challenges. Women, children and the elderly are especially vulnerable and require special attention among the disabled.

4.2.3 Stratification on Basis of Class
Movement from a class to another has no obstruction. Class is based on achievements. There is no inheritance of parental status. The import of stratification, due to class, causes many problems, as it divides society into the 'haves' and the 'have-nots'. When certain people are relegated, it leads to crimes, illiteracy, poor health, class struggle and low gross domestic product (GDP)[70].

4.2.4. Scheduled Class
The caste system is hierarchical social organization founded on the concept of purity and contaminations[71]. Marginalization based on caste system affects all aspects of the lives of victims thereby infringing on their fundamental human rights such as civil, political, economic and cultural rights[72].
Physical, psychological, emotional and cultural abuses are used to justify structural discrimination against certain groups in social structure and social system. In the villages, physical segregation of their communities is prevalent, forcing them to live in the most unsanitary and unhabitable circumstances[73].

4.2.5 Religion (Minority Religious Groups)
Religion is not considered a private matter that can be eclipsed in the public arena. Religion has an occurrence in all the countries of the world with its attendant impact on their political and social life. There is always a religious group that is in majority and others who are marginalized[74].

4.2.6 People of Color
Racial inequality is rooted in long standing behaviours, beliefs, and public and private policies that resulted in the appropriation of the physical, financial, labour and other resources of non-white people[75]. In the United States, racial inequality is often focused on economic inequality. Racial inequality manifests itself in a multitude of ways like racial disparities in wealth, education, employment, housing, mobility, health, rates of incarceration and more[76].

While the most targeted racist laws and policies have been abandoned, subsequent policies, uneven enforcement of equal protection and failure to invest in individuals, harmed by discrimination has resulted in vastly limited opportunities and stark inequalities between white and non-white Americans that have continued to this day. These disparities are evident in the persistent over-representation of Black and

[69] *Ibid*
[70] *Ibid*
[71] *Ibid*
[72] *Ibid*
[73] *Op.cit (n-59)*
[74] *Ibid*
[75] Racial Inequality in the United States, available at www.hometreasury.gov. Accessed on 15th July, 2024.
[76] *Ibid*

Hispanic Americans among the population in poverty in the United States and in the widening of the racial wealth gap in recent decades[77].

5. Comparative Analysis of Marginalization and Discrimination in Nigeria and Republic of South Africa

Since its conception as a multinational State, Nigeria has been plunged into miasma of marginalization and the consequent clamor for restructuring[78] and self-determination. This derives largely from the lopsided structure of the country both in terms of resource endowment and human capital development[79]. Since the end of civil war in 1970, the marginalization has become dynastic in the Igbo dominated area of the southeast in particular and southern part of the country in general[80].

The marginalization and discrimination trend 'manifests in lopsided appointment, promotion, admission into federal establishments and institutions of learning through the instrumentality of Quota System and federal character that favour mediocrity at the expense of merit[81]. More so, in the area of geopolitical boundary, southeast is made up of only five states while their counterparts are composed of six states and seven states respectively[82].

This, unarguably, is clear demonstration of marginalization through obnoxious legalities, which have expectedly triggered the restiveness of the youths from the area to agitate for the separate state for the Igbo under the aegis of indigenous people of Biafra[83] despite the constitutional provisions that prohibit discrimination based on race, sex, religion and political opinion[84]. Also, in Nigeria, women are marginalized and discriminated against because of who they are and certainly not what they can offer for overall development of Nigeria. Some offices and positions are mainly reserved for the male folk such as president of the Federal Republic of Nigeria, the post of the Inspector General of Police (IGP), Minister for Defense, Senate President, the Speaker of the House of Representatives and like. Furthermore, widows are subjected to harmful widowhood practices that are discriminatory in Nigeria, such as the widow having to drink the birth water from the deceased husband just to prove that she was not responsible for his death. Widows are equally forced to shave their hairs as part of ritual in mourning the late husband and wear mourning clothes for the deceased husband for, in most cases, three to six months. Thus, the inequality gap between the male and the female folks continues to widen in Nigeria. These obnoxious practices negate the provisions of section 34 of the Constitution. Persons with disabilities continue to suffer discrimination in Nigeria despite the statutory provision that supports full integration of persons with disabilities[85]. They are marginalized and discriminated against in public places, in employment opportunities and access to health services. Internally Displaced Persons (IDPs) suffer untold

[77] *Ibid*
[78] DA Omemma, 'Marginalization and Restructuring in Nigeria : An Exploration,' *South East Political Review* (SEPSR) vol. 4, No.1,2019, p. 15
[79] *Ibid*
[80] *Ibid*
[81] *Ibid*
[82] *Ibid*
[83] *Ibid*
[84] Constitution of Federal Republic of Nigeria 1999. Section 42 (1)
[85] Discrimination Against Persons with Disabilities (prohibition) Act, 2018

hardship imposed on them during armed conflicts in Nigeria. There are about 3.4 million[86] internally displaced persons as at December 2023. Internally Displaced Persons (IDPs) who were forced to leave their homes suddenly and unexpectedly to safer areas, become victims of discrimination by the host communities and government officials meant to provide succor and relief to them.
Marginalization and discrimination continue to grow stronger each day in Nigeria without hope of abating. The Nigerian government often appears helpless in the face of factors underpinning marginalization and discrimination.

6.Marginalization and Discrimination in South Africa

South Africa is chosen for this comparative analysis because it was the seat of Apartheid for decades, and even though the issue is officially solved, politically, it rears its ugly head from time to time. On 15th July, 2022, United Nations experts condemned reports of escalating violence against foreign nationals in South Africa[87]. The experts called for accountability against xenophobia, racism and hate speech that were harming migrants, refugees, asylum seekers and even citizens perceived as foreigners throughout the country[88].

Recent reports indicate that xenophobic violence and discrimination have increased, including under the banner of 'Operation Dudula,' originally a social media campaign that has become an umbrella for mobilization of violent protests, vigilante violence, arson targeting migrant owned homes and businesses, and even the murder of foreign nationals. The report further noted that 'discrimination against foreign nationals in South African has been institutionalized both in government policy and broader South African society[89].

Also, the discrimination of women in the labour market persists in South Africa. There is also a disparity between access to reproductive care by black women in South Africa. Lower rates of access to black women can be attributed to the fact that the lower resourced and underfunded public health care system largely carters for the poorer Black Female majority[90] while the lower minority of white women are catered by the better- funded and well-resourced private health care system[91].

In summation, although the South African government is no longer run on basis of racial segregation, the racial hierarchy established by the apartheid system continues to have a very real impact on the lived reality of Black women who are very much situated at the bottom of the financial and social hierarchy of an unequal society[92].

[86] International Centre for Investigative Reporting (ICIR), Nigeria Had 3.4 million Internally Displaced Persons as of 2023, available at htpp://www.ICIRNigeri.org. Accessed on 15th July, 2024.
[87] United Nations Human Rights 'South Africa: UN Experts Condemn Xenophobic Violence and Racial Discrimination Against Foreign Nationals,' Available at http://www.ohchr.org. Accessed on 15th July, 2024.
[88] *Ibid*
[89] *Ibid*
[90] Women Legal Centre 'The Continued Discrimination of Black Women in Accessing Sexual Reproductive Health,' available at <http://www.ohchr.org> Accessed on 15th July, 2024
[91] *Ibid*
[92] *Ibid*

7. Conclusion and Recommendations

Despite the robust constitutional and statutory provisions in combating the menace of marginalization and discrimination, with its attendant disastrous effects, operators of government and institutions whose duty it is to mainstream all groups into the life of the nation, have not shown good faith in carrying out the task of national integration. This underwhelming performance underpinned the various agitations both for restructuring of Nigeria and self-determination by various entities in Nigeria. For true national healing and integration to take place in Nigeria, the following recommendations must be seriously considered by policy makers.

1. A new constitution that has its origin in the people should be drawn by all ethnic groups, labour unions, civil society groups, as the autochthony of the 1999 Constitution of the Federal Republic of Nigeria is seriously contested.
2. Where the above is not feasible, section 26 (2) (a) of the extant Constitution should be amended to accord Nigeria women equal right in relation to citizenship of foreign spouses.
3. The operators of the Federal Character Commission, which ensures national integration through equitable access to establishments, employment opportunities and admission to government educational institution should be rejigged and equipped to carry their functions dutifully, with threat of severe sanctions for the violators of the Act.
4. The great inequality between women and men in access to certain employment opportunities and positions which are readily made available to men in Nigeria must be reversed urgently to ensure that women are in the mainstream of scheme of things in Nigeria.
5. Every cultural practice must be subjected to repugnancy test to ensure that it does not violate the fundamental rights of women.
6. There must be massive advocacy for the protection of women, persons with disabilities and Internally Displaced Persons rights in Nigeria.
7. Specifically, Internally Displaced Persons (IDPs) should be empowered by law to bring legal action, as individuals, against discrimination suffered within or outside the camps as it is done in Colombia.
8. There must be national dialogue where all aggrieved entities that make up Nigeria would have opportunity, not only to ventilate grievances, but play role in solving their national integration questions.