

FOUNDATIONS OF
**NIGERIAN
FEDERALISM**

1900 - 1960

Edited by

J. Isawa Elaigwu

and

G. N. Uzoigwe

NC
JQ
3096
F 762

Foundations of Nigerian Federalism Series: Volume 2
Institute of Governance and Social Research (IGSR)
Jos, Plateau State, Nigeria



National Library of Science



National Library of Nigeria

**FOUNDATIONS OF
NIGERIAN FEDERALISM:
1900 - 1960**

**Edited by
J. Isawa Elaigwu
and
G. N. Uzoigwe**

**INSTITUTE OF GOVERNANCE AND SOCIAL RESEARCH
(IGSR) JOS, NIGERIA**

© **Institute of Governance and Social Research (IGSR)**

ALL RIGHTS RESERVED

No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the permission of the Institute of Governance and Social Research (IGSR)

First Published in Nigeria 1996
SECOND EDITION IN NIGERIA. 2001

ISBN 978-30738-4-2

LAG

505.7908

Published By:
Institute of Governance and Social Research (IGSR),
Plot A76 Liberty Boulevard, PMB 2156, Jos, Nigeria

TABLE OF CONTENTS

Table of content	viii
General Editor's Foreword	x
Preface	xii
Acknowledgement	xiv
Notes on Contributors	xvi
Chapters	pages
1. The Evolution of the Nigerian State: 1900-1914 G. N. Uzoigwe	1
2. Unitarism versus Federalism: A British Dilemma I. A. Nwabughuogu	39
3. The British Military Establishments in Nigeria, 1900-1960 S. C. Ukpabi	60
4. The Colonial Civil Service S. O. Jaja	87
5. Local Government Administration U. D. Anyanwu	118
6. Inter-Governmental Fiscal Relations, 1900-1960 Adedotun O. Philips	139
7. Ethnicity, Nationalism and Federalism Fred Omu	170
8. Political Parties and Federalism O. G. Ajene	189
9. Religion and the Colonial State H. O. Danmole	209
10. Law and the Colonial Society M. Y. Mangvwat	234

11.	Colonial Educational Policy Erim O. Erim	2
12.	Conclusion: Independence and the Triumph of Federalism: 1954-1960 S. E. Majuk	2
	Index	3

GENERAL EDITOR'S FOREWORD

The foundations of federalism in Nigeria today derive from the historical experiences of its peoples before the advent of colonialism, the administrative structures established during the colonial period, and the various adjustments made to the country's structure since independence in 1960. These foundations have informed the adoption of Federalism in Nigeria; and these are what we have tried to unearth over the three volumes which are now available to the public.

The first volume in this trilogy looks at the **Pre-Colonial Antecedents of Federalism in Nigeria**. The main thrust of this volume is to investigate the patterns of social and political organisations of selected ethnic groups and the nature of intergroup relations between them in the pre-colonial period, with a view to bringing out those social forces which propelled us towards the adoption of a federal form of government. The list of ethnic nationalities as well as the depth covered is by no means exhaustive, but we hope those we have are generally representative of all the groups which make up modern Nigeria.

The second volume traces the roots of Nigerian federalism by looking at the **Colonial Period: 1900-1960**. This was the period of significant foreign intervention in the affairs of the area that later became Nigeria. The British, who colonised this country, embarked on a far-reaching form of social engineering which has left permanent imprints on all facets of life in Nigeria, including the system of governance. The focus of this volume is on the forces and processes that led to the adoption of federalism as the system by which Nigeria should be governed.

Volume three looks at **Nigeria's experiences as a federation since independence in 1960**. The scope covered by this volume ranges from the structure and operation of the federal system, the centralising tendencies and the countervailing forces, as well as the strains and stresses which have characterised the operation of the Nigerian federal system since 1960.

I hope that this volume will fill some gaps on issues relating to Nigerian federalism, particularly the foundations of Nigerian federalism. It is further hoped that this volume will generate informal debate on federalism in Nigeria, especially how to make it serve the generality of Nigerians. This is a necessary step as we work towards a more harmonious federation.

PROF. J. ISAWA ELAIGWU



PREFACE

The conventional wisdom first articulated by Alan Burns in 1929, sanctified by C. R. Niven in 1937, and much later appropriated by Obafemi Awolowo, namely, that Nigeria is a mere geographical and historical expression, apparently still dies hard inspite of recent professional opinions to the contrary. This book proffers the new wisdom - if it may be so described - that if Nigeria was an accident, then, surely, on the basis of both historical and geographical evidence, it was an accident waiting absent-mindedly, as it were, to happen. In other words, there existed in the geographical environment known today as Nigeria, discernible forces and processes that laid the foundations for the adoption of the federal solution to the Nigerian question in the colonial period.

Foundations of Nigerian Federalism: The colonial Period, 1900-1960, is the second part of a trilogy of *The Foundations of Nigerian Federalism*, a short-term research project of the defunct National Council on Intergovernmental Relations (NCIR). This book focuses, therefore, on the forces and processes that either facilitated or impeded the evolution of the federalizing tendencies that were emerging in the pre-British period. It also demonstrates how, in the end, federalism triumphed. Britain, of course, was not the first power to attempt to impose its authority over the whole of the future Nigeria. But that it was the first to do so successfully is a historical fact. However, this book suggests that the processes of political, social and economic interactions that were going on in the region with varying degrees of impact, facilitated the imposition of British overrule. It notes particularly that colonialism like military rule, being its nature a dictatorship, is more comfortable with a unitary system of government than with a federal one. And yet because of the vastness of Nigeria, its cultural and other complexities, and its historical experiences, it became clear to the British authorities that a unitary system of government would be unacceptable to Nigerians. To impose such system of government by force was also considered by Whitehall counter-productive and unwise. Moreover, a unified Nigeria would ensure, sooner or later, that Britain's ability to rule country would strengthen anti-colonial forces. That was the British dilemma in Nigeria. Britain's handling of this dilemma and Nigeria's reaction is a major focus of this book. Attention is also paid to Britain's reaction to the initiatives of some significant Nigerian groups.

The contributors to this volume are drawn from the humanities and social sciences. Although their research methodology is essentially historical - inevitably so because of the subject matter - they have a serious effort to consult the contributions of the related disciplines to the understanding of Nigeria's colonial history. In the process they have attempted to embody the fruits of the latest research on the subject as well as utilise the

latest tools of research in Nigerian historical, political, economic, social and constitutional studies.

Finally, this book is offered as a modest contribution to the continuing great debate on the National Question in Nigeria. We hope that Nigerians will derive some benefit from it.

J. ISAWA ELAIGWU
G. N. UZOIGWU
September 2000

ACKNOWLEDGMENT

I Would like to express the appreciation of the Institute of Governance and Social Research to the defunct National Council on Intergovernmental Relations (NCIR), Abuja and to all the contributors who answered our call, and who made possible the successful production of this monumental work. This volume is quite possibly the only document of its kind on the subject which chronicles and analyses the country's experiences in operating the federal system of government since independence.

The original or first edition of these volumes was published by the National Council on Intergovernmental Relations (NCIR) which sponsored and funded the Foundation of Federalism Series. I was then the Director-General/Chief Executive of NCIR. Before the publications hit the market, the Council had been dissolved by the Federal Military Government of General Sani Abacha. The publications, which arrived after the Council had wound-up, never found their way to the market. The Board of Trustees of the Institute of Governance and Social Research felt that the publications were important enough to ensure their availability to the larger Nigerian public. It therefore, authorized the republication after due consultations with Chief Obong Ufot Ekaette, the Secretary to the Government of the Federation (SGF). The institute is grateful to the SGF for his understanding and cooperation.

I wish also to express my appreciation to all those involved in originating and working on what in the defunct Council came to be referred to as 'Project on the Foundation' - Professor Dele Olowu (who was Director of Research when we began work on the idea), Prof. R. A. Akindele, Prof. G. N. Uzoigwe, Prof. Erim O. Erim, Prof. S. G. Tyoden, Mr. Musa Omale, Dr. (Late) P. C. Logams, Dr. I. S. Zabadi, Dr. Tijani Bande, Ms. Julie G. Sanda, Mr. Habu Galadima, Ms. Madeleine Asikaogu, Mr. Ojeyemi Tokunbo and Mr. Omadachi Oklobia. All these persons worked effortlessly one way or the other at various meetings and in our brain-storming sessions and cross-fertilisation of ideas on the project. I wish, also, to thank all staff of the former Council who were involved in the ground work of this volume.

We are grateful to the team of typists and typesetters - Ms. Lade Ojo, Ms. Stella Bello, Ms. Nnennaya Udonsi, Ms. Bose Koretimi, Mr. Francis Achinike, Ms. Helen Ipinmoroti, Mr. Innocent Ofikwu and Ms. Bunmi Popoola, for their untiring efforts in putting the materials together on the Council's/IGSR's Computer Systems. Often, for this team, it meant working longer hours on work days and over the weekends.

This volume, is designed as a source material for researchers and policy-makers. However, we lay no claims to being exhaustive in our coverage. It is, however, our hope that our readers find it useful.

Prof. J. Isawa Elaigwu
President,
Institute of Governance and Social Research (IGSR)
Jos

NOTE ON CONTRIBUTORS

- D. G. Ajene,** Senior Lecturer in Political Science, Ahmadu Bello University, Zaria.
- J. D. Anyanwu,** Senior Research Fellow in History and Director, Centre for Igbo Studies, Abia State University, Uturu
- H. O. Danmole,,** Senior Lecturer in History, University of Ilorin, Ilorin.
- Erim O. Erim,** Professor of History and Head, Department of History, University of Calabar, Calabar.
- S. O. Jaja,** Senior Research Fellow, Institute of Public Policy and Administration, University of Calabar, Calabar.
- S. E. Majuk,** Lecturer in History, University of Calabar, Calabar.
- M. Y. Mangvwat,** Senior Lecturer in History, University of Jos, Jos.
- A. I. Nwabughuogu,** Professor of History and Director, Institute of Distance Education, Abia State University, Uturu.
- Fred I. A. Omu,** Professor of History, University of Benin.
- Adedotun O. Philips,** Professor of Economics and Director-General, Nigerian Institute of Social and Economic Research, Ibadan.
- Sam. C. Ukpabi,** Professor of History, formerly of the University of Nigeria, Nsukka; formerly provost, Nigerian Defence Academy, Kaduna.
- En. N. Uzoigwe,** Professor of History and Dean, College of Postgraduate Studies, Abia State University. Uturu



EVOLUTION OF THE NIGERIAN STATE. 1900-1914

G. N. Uzoigwe

Introduction

This chapter deals with the formative years of British colonial administration in Nigeria. These years constitute, without doubt, the most important era of the country's modern history. But it cannot be fully comprehended without a proper grasp of pre-twentieth century historical developments especially the animations that lay behind nineteenth century British imperialism.¹ It is not surprising, therefore, that it is perhaps the most thoroughly researched period by historians of Nigeria.² The works arising from these researches vary in scope, depth and perspectives. But they nevertheless complement one another. Taken together they provide the best balanced account of British governance of Nigeria in the period under discussion.

Our chapter opens when on 1 January, 1900 by Letters Patent and Order-in-Council Britain took formal control of this region of West Africa where for about half a century it had been exercising formal (in the case of the Lagos Colony) and spheres of informal paramountcy directly or indirectly. It is a modest contribution to the existing impressive historical literature. Its indebtedness to the works of earlier authors is clearly manifested in the copious references made to them. Based on original and secondary sources, the chapter seeks primarily to examine to what extent British policy decisions and their execution at this crucially formative stage of colonialism helped to lay the foundation of federalism in Nigeria. For one thing it was during this period that the basic colonial institutions – the genesis of constitutional arrangements, the army, the administrative structures; the pattern of economic relationships and the nature and tone of the new society – evolved. We are today all heirs to the strengths and weaknesses of policy decisions to which our ancestors made no contribution. These decisions were simply imposed on them for their own good and in their own interests by benevolent Westernisers, it was confidently and generally believed. It will also be appreciated that because of the themes covered by this chapter a certain amount of overlap with subsequent chapters is inevitable.

Foundation of the Nigerian State³

Any single document can be said to have laid the foundation for the evolution of the Nigerian state as well as formed the antecedents of Nigerian federalism, it is the *Delborne Report of 1898*.⁴ Following the signing of the Niger Convention of 1898 which settled outstanding territorial differences between Britain and France in West

Africa, the enormous territory that was already being referred to informally as Nigeria, came under the uncontested sphere of British influence.⁵ Except for the Lagos Colony, the Lagos Protectorate, the Niger Coast Protectorate, and the Royal Niger Company's territories, the rest of the country was yet to be effectively occupied. Before its effective occupation, it was decided to consolidate the recently formed West African Frontier Force, to revoke the charter of the Royal Niger Company, and most importantly, to decide what to do with the new colonial acquisition.

While the War Office took care of the first assignment and the Treasury worried about the second, the British Prime Minister as well as Foreign Secretary, the Third Marquess of Salisbury, appointed the Niger Committee of 1898 to deal with the third assignment. He appointed his son-in-law, the Earl of Selborne, the Under Secretary of State for the Colonies, chairman of the Committee. In under four weeks the Committee completed its work and produced what is called the *Selborne Report*. Although hastily prepared and heavily influenced by the views of the men-on-the-spot, namely, H. McCallum, Governor of Lagos; Sir Ralph Moor, High Commissioner for the Niger Coast Protectorate; and Sir George Goldie, the unofficial Governor of the Royal Niger Company's districts who were all members of the Committee, the Report was short, fairly well informed, succinct and to the point. As later events were to show, it is fundamental to any serious discussion of Nigerian federalism that is based on historical antecedents. Below are some of the more relevant of the Committee's commendations.

First, it was recommended that the Lagos Colony, the Niger Coast Protectorate, the Lagos Protectorate, and the Niger Company's territories should eventually be amalgamated "under one head" to be called a Governor-General who would be resident in Nigeria. But for reasons of climate, health and postal communications, the appointment of Provincial Governors under the superintendence of the Colonial Office in London was recommended.⁶

Second, with respect to the "limits and number of the subordinate administrations" they averred, pandering no doubt to the views of McCallum, Goldie and Moor: "we are of the opinion that the Niger cannot form the dividing line; both banks of the Niger must be under one jurisdiction on account of the international questions which will probably arise in connection with the use of the river; and also because if there are different jurisdictions on opposite banks the administration of the criminal and civil law will be more difficult".⁷ This was the beginning of the great imbalance in the Nigerian federation that has given rise to difficulties. A determination made for reasons of international law in the era of imperialism has become an axiom of the Nigerian politics. The Committee proceeded therefore to recommend the division of Nigeria into "a Maritime Province and a Sudan Province". The Maritime Province, that is, Southern Nigeria was further divided "into a Western Province with its capital at Lagos, and with an area similar to that of the existing Colony of Lagos and the Eastern Province with its capital at Asaba including the rest of the Niger Delta". The implication of this recommendation was that Southern Nigeria west of the Niger (Lagos excluded) and east of the Niger would be under one jurisdiction. The capital of the "Sudan" Province, that is, the present Northern Nigeria, was to be Lokoja. All the provinces were "to be divided into Divisions and Districts".⁸

Third, the Committee supported the establishment of a West African Frontier Force. But with respect to Nigeria, they recommended "that the Military Force should be strictly interchangeable between them." They also recommended that the Hausa language should be the lingua franca of the Sudan Province while the Yoruba Language should be that of "the Maritime Province of Provinces". Each Province was to be "retained under the command of a separate commandant".

Fourth, "a Customs Union for both the provinces or all three provinces of Nigeria" was recommended. It was advised "that in the first instance the existing Lagos tariff should be universally adopted". With respect to "internal ports of entry on the West, North or East", it was recommended "that the only port of entry should be on the coast and that the Customs receipts must be divided according to the budget requirements of the provinces". This was the beginning of the revenue allocations in Nigeria according to need. And since the Sudan Province had no seaport and could not therefore generate any revenue from customs receipts, it was the responsibility of the other province to sustain it. The policy of the South sustaining the North economically has also become a sacred principle of Nigerian federalism. Interestingly enough, direct taxation was discouraged (British officials sobered perhaps by the 'Hut Tax' war in Sierra Leone at the close of the nineteenth century) "but with the exception of Sir George Goldie we think that a village tax in some form or the other may be gradually imposed in the future"

Finally, the Committee recommended, on the advice of Goldie, that Sokoto and the Mahadist State of Borno under Rabah should not be overpowered "by a general coup de main" but they should be conquered "gradually, each emir being taken in turn". And this "may well wait until the new Governor of the Sudan Province can advise them (the British government) as to the time for making an advance".¹⁴

The British government accepted the Report "without reservations". I have painstakingly summarised the recommendations of the Selborne Report because it is crucial to the understanding of the subsequent history of Nigeria. It "contains", as has pointed out, "the root-ideas of the political and economic emergence of Nigeria as a nation-state".¹⁵ According to the author "those who believe that the basis of Nigerian unity does no longer exist may discover as Lord Selborne and his colleagues did, that though there were no strong religious, ethnic, and cultural grounds for a coming together, there were very sound economic and political grounds for doing so". I also made the point "that racial, religious and cultural differences were not the ultimate deciding factors (as far as the Committee was concerned). In other words, it was not intended to hack up the country to fit into such divisions for administrative convenience or imperial aims. What decided the limits of the various administrations seems to have been the interests of McCallum, Goldie and Moor".¹⁶ Finally, he pointed out in this perceptive passage that the administrative

divisions are roughly identical to the divisions in Nigeria at present (August, 1966) - the difference being that Kaduna and not Lokoja is the capital of the "Sudan Province"; Ibadan not Lagos, the capital of the "Western Province"; Enugu, not Asaba, the capital of the "Eastern Province"; Lagos is a separate entity; and the Mid-West,

originally joined to the East and then to the West, is now a separate state with its capital at Benin, instead of at Asaba. Thus, the historical significance of the Niger Committee of 1898 cannot be doubted. True, the Committee did not foresee that their divisions would be permanent. But after various administrative and constitutional changes, there they are! The wheel has gone full circle: and history, indeed, has repeated itself. Why did the Committee not subdivide the "Sudan Province" large as it was? They left us no clue?¹⁷

All that needs to be added is that whatever the strengths and weaknesses of the Report, it remains a remarkable document. It is at once the source of Nigerian unity and its disunity. But it was also based on pre-colonial administrative and colonial antecedents. It is also essentially a federalist document. It is remarkable that after tinkering with it for almost a century, it continues to have a stranglehold on us.

The Army

Just as the British colony of Nigeria resulted from the amalgamation or federation of the existing regions of British control in the nineteenth century, Nigeria's colonial army arose also from the amalgamation or federation of the existing nineteenth century constabularies that had afforded protection to these regions under British control. Thus, the colonial army was, right from the beginning, structured on a regional basis. At this early stage central control in terms of internal operations was rather loose so long as the broad colonial objectives were not disregarded by regional administrators and commanders. The army, too was essentially the result of nearly a century of experimentation. Its haphazard nature especially in terms of administrative and command structure has led to the conclusion that in reality the army was not an army so-called.¹⁸ This may be perhaps why initially it was called a *frontier force*. Nevertheless, by 1914, despite several deficiencies, it had been moulded into an effective fighting force in dealing with small colonial wars.

The nature of the evolution of this army is *germane* to our theme. The remote history of the colonial army of Nigeria may be traced to the British anti-slave trade naval squadron which operated on the West African Coast from about 1808 to the late 1860s. The formation of the Lagos Constabulary Force in 1862 by the administrator of the Lagos Colony, Captain John Glover, marked however the first attempt by Britain to raise a military force for inland and hinterland duty. The force was an essentially Hausa-speaking militia—the so-called "Glover's Hausa's" composed initially of freed "Hausa" slaves. This force played a major role in the conquest of Yorubaland. The dominance of Hausa's, generically understood, in the modern Nigeria army may also be traced to this period. The consequences of the domination as the post-colonial history of Nigeria attests is that the rest of the country is held hostage by the Hausa-speaking Northerner through their control of the Nigerian army. After 1895, the Lagos Constabulary Force was divided into a civil police unit (the origin of the Nigerian Police Force) and a military unit. The territories controlled by the Royal Niger Company (RNC) were policed by the Company's own

Evolution of the Nigerian State: 1900-1914

Constabulary Force. Formed in 1886 this force was disbanded in 1899 following the revocation of the Company's charter. A Niger Coast Protectorate Constabulary Force was also formed in 1893 to defend the Oil Rivers. It had its headquarters in Calabar. The men of this force were the so-called "Oil Rivers Irregulars" who became notorious as a predatory outfit during the consularship of Annesley that Major Clau McDonald nicknamed them the "forty thieves". In 1897 the West African Frontier Force (WAFF but pronounced "WOLF") was formed in the first place to check what the British government considered as the French menace to its sphere of influence in West Africa; and in the second place to effectively occupy those areas of this sphere of influence where British control was nominal as well as to keep colonial peace. The WAFF was, as we saw, an amalgamation of the existing constabulary forces in West Africa. Its formation marks therefore the beginning of the modern history of the armies of British colonial West Africa. Colonel F. D. Lugard was its first commandant. He moulded the force to suit his purpose and put the stamp of his authority on it. We are concerned here, however, with the development of this force in Nigeria.

It was with this new army that British Nigeria was won and policed. The victory was achieved by force or the threat of it. The regions of great military activity were the North and the East. By 1900 not much resistance came from Western Nigeria. The nascent colony was maintained by force because the physical resistance to colonial domination by the new Nigerians was quite intensive in the North and East up to 1906. By this date most of the major areas of resistance had been crushed and their leaders were either killed or forced to submit and swear allegiance to the British Crown. After this date the northern emirates became quiet and their leaders became staunch colonial collaborators. This dramatic change of attitude endeared them to the occupying power. The much discussed favouritism which the British administration showed towards the northern Muslims arose, in part, from this remarkable turn about on their part. Among the recalcitrant Igbo and some groups in the Middle Belt sporadic resistance continued until the 1920s by which period the entire country may be said to have come under complete British colonial control.²⁰ Thus, Nigeria's early colonial society was essentially militaristic. The outbreak of World War I in 1914 which Nigerians were forced to participate helped to worsen the militaristic character of the society.

The character and tradition of this army as well as its composition may be of interest to us because the army played a crucial role in moulding the country into what it was to become. The way it perceived its functions and the manner in which it performed them are not totally unconnected with the problems Nigeria is experiencing today. The pedigree of this army from which it derived its basic tradition is "Queen Victoria's army" which, as has been pointed out, "seemed to foreigners a magnificent military anachronism".²¹ But despite Lugard's penchant for drill, pomp and pageantry, his WAFF could hardly be described as magnificent considering the quality of its recruits; certainly it was anachronistic by modern European standards. The soldiers were indeed a motley lot. The army lacked discipline largely because of the indifferent quality of most of the officers. Many of them were poorly educated

Some like Hugh Montague Trenchard who later became a Viscount only managed to pass their army entrance examinations. Trenchard was nevertheless an exceptional individual. Unable to be admitted to any of the usually coveted colonial armies of British officers or aspiring officers, the fluid situation in Nigeria suited him admirably. He did not have much formal education. He had no money of his own and had no prospects of inheriting any because his businessman father had gone bankrupt. He was placed in command of the Southern Nigeria Regiment of the WAFF because he had previous military experience. "Boom" Trenchard as he was nicknamed was thus launched into a distinguished military career. The vast majority of his fellow officers were not so lucky. They came to Nigeria because they needed employment. Some were particularly attracted by the good pay which was much higher than their counterparts received in the British army as well as by the prospects of quick promotion. As Gann and Duignan have put it: "service with the West African Frontier Force was regarded as a likely step to promotions in the army as a whole, and also as a way for impecunious officers to earn enough to pay off their debts". Sometimes they deliberately provoked little expeditionary wars or wars of pacification as they described them in their reports to the Colonial Office in London. The extent of the resistance they encountered and the gallantry displayed by some of the officers were also often exaggerated in these reports. The army they *officered* was essentially an army of occupation. Its allegiance was not to the Nigerian state but to the British Crown and the British government. Their commitment to the unity of Nigeria was doubtful. Not even Lugard who was said to have amalgamated Nigeria was imbued with any desire to work towards Nigerian unity. Throughout his Nigerian career he spent only six months on the average in the year in the country and the rest in England. And even while resident in England he still governed Nigeria by remote control. His long absences from the country gave the regional commanders of the WAFF much latitude for independent initiatives. Nevertheless, since they owed their positions to him as well as needed his recommendations for promotion, they became his disciples in terms of his vision for the administration of Nigeria. Certainly they were influenced by his partisanship in dealing with Nigerian peoples. This partisanship was displayed particularly in recruiting soldiers to the colonial army. The imbalance in regional representation in the army that started in this period has been a major problem of Nigerian federalism.

The bulk of this army consisted of Nigerians and a few other blacks. The composition of the men of this army is equally interesting. During our period, they were mostly Muslim backwoodsmen from the north of the country. They were largely Hausa-speakers. They were preferred for the military, we are told, because they belonged to a "martial race". As far as Lugard was concerned, the Northern Muslims were martial while the Southerners were "non-martial" although within the South, the Yoruba were considered to be more martial than the others. How such a determination was arrived at, we were not told, however. Members of the so-called "martial races" were also supposed to be more easily conditioned to obey orders and therefore to be more easily controlled and disciplined. It is interesting to note that the Nupe who were thought to be martial and recruited on that score were later eliminated because they apparently did not satisfy the fantasies of British officers.

Some Igbo were also recruited into this army but mostly as signaliers, artisans and technicians. By the time of the amalgamation of Nigeria in 1914 the sub-national or ethnic composition of the army had gradually changed to narrow down somewhat the preponderance of the Hausa-speakers and Yoruba-speakers. Even so, these two groups composed about fifty percent of the Northern Nigeria Regiment. For the army as a whole the battalions were so balanced that no ethnic group clearly predominated. This balancing act was an early recognition that Nigeria was not one country. One thing that did not change significantly in this period was the essential Muslim character of the army. The preferential treatment given to Northern Muslims was also very apparent. The Hausa language was the official language of the army, for example. This parochialism introduced by British officers was also to manifest itself in the political sphere. The notion that the Nigerian army was the most Nigerian of all Nigerian institutions prior to the Chukwuma Nzeogwu *coup d'etat* of 1966 is clearly a fabrication. The colonial army in this period had no national consciousness. The men received little or no education because as Nicolson has noted, the British rulers of Nigeria were "in no great hurry to 'spoil' their (apparently referring to the Hausa and Yoruba-speakers) sturdy, military virtues and simple loyalty to their officers by too much education".²³ With respect to the civilian resisters of British rule, Lugard's policy of "Thrash them first, conciliate them afterwards" was accepted as the best way of dealing with barbarians.

This, then, was the type of army that was used for the purpose of evolving the Nigerian state. Its main function, however, was to consolidate, police British interests in Nigeria, and ensure that the colonial will was obeyed. It was divided in 1901 into three battalions, the first and second of which comprised the Northern Nigeria Regiment; the third battalion comprised the Southern Nigeria Regiment. This was clearly a reflection of the political division of the country at the time.

Administrative Structures

It could not have been otherwise. The conquest of Nigeria in our period went hand in hand with the establishment of administrative structures that would be ideal for governing the vast and varied colony. After the revocation of the charter of the Royal Niger Company on 31 December, 1898, an imperial order-in-council of the same date, following closely the recommendations of the Niger Committee, instituted the following administrations: The Niger Coast Protectorate and the area under the control of the RNC as far north as Idah were amalgamated and became known as the *Protectorate of Southern Nigeria*. It included the present Edo and Delta States, the whole of Eastern Nigeria and the Owo area of Yorubland. Its headquarters was at Asaba. Sir Ralph Moor was appointed its first High Commissioner. Strictly speaking, there was no serious innovation in this sort of arrangement except that for the first time a single political authority had assumed control of the entire area. But its authority did not go uncontested as we have already pointed out. In the pre-British period the region was under the sphere of influence at different times of the Bini Kingdom, the Igala Kingdom, the Kwara and the Aro confederacies. Lagos remained, as it had been since 1862, a *Crown Colony*. Sir Henry McCallum was its

governor and Lagos Island was its capital. The status of Crown Colony meant that unlike a protectorate which "is essentially a foreign country in which Her Majesty exercises jurisdiction (in the case of Nigeria) but not necessarily always everywhere complete jurisdiction".²⁴ Lagos was "a part of British Dominions".²⁵ It may be recalled that Lagos had its nucleus in the Lagos Island but was extended gradually to include the Mainland. The Lagos Colony was much smaller than the present Lagos State. Between 1866 and 1874, it was administered by the Governor of Sierra Leone; and between 1874 and 1886 it was administered as a composite colony by the governor of the Gold Coast. It gained its independence in 1886, so to speak, as a separate colony when it got its own governor. Here again, the new government of Nigeria simply inherited the existing pre-colonial administrative arrangement. An Order-in-Council of 1887 created the *Protectorate of Lagos* under the jurisdiction of the Governor of Lagos. This protectorate comprised the remainder of Yorubaland of the present Western Nigeria. It was thus administered separately and was not included in the Protectorate of Southern Nigeria. In the pre-colonial era this was the area that the old Oyo kingdom and its successors had exercised imperial hegemony. But the Protectorate of Lagos was smaller than the Oyo empire. Here, too, except in terms of the reduction of political scale, the British colonial government merely inherited and institutionalised the existing *status quo*. The rest of the country comprising about two-thirds of its landmass was administered as the *Protectorate of Northern Nigeria*. This was the first official actualisation of the geographical and political concept of Northern Nigeria as it exists today. Sir Frederick Dealtry Lugard was appointed its first High Commissioner. His headquarters was at Lokoja. The Protectorate comprised the remainder of the areas actually controlled by the RNC, the Sokoto Caliphate and what was left of the Borno empire. Unlike in the other protectorate and colony British control in the vast area simply did not exist. It was Lugard who made British control of the nominal Protectorate a reality by initially establishing direct administration. The process through which he accomplished such a Herculean task is well known and should not detain us.²⁶ As in the Lagos Colony and the Southern Protectorate the British government merely inherited existing structures but imposed a common government on them.

As the twentieth century dawned, Nigeria found itself run as four countries within one country. This was largely, as has already been pointed out, because of the interests of McCallum, Moor, and Lugard—two of whom (McCallum and Moor) were members of the Niger Committee. The other member, Goldie, protected the interests of Lugard who was his protégé. They ensured that the rivers Niger and Benue did not provide the dividing lines which they naturally do. Instead, they opted for an imaginary line dividing Nigeria into North and South—a division which the creation of states in recent times has not really been able to discredit. The three Protectorates—Southern, Lagos and Northern—were transferred from the Jurisdiction of the Foreign Office in London to that of the Colonial Office. They were thus, for the first time, placed under the same jurisdiction as Lagos. And yet the fine legal fiction that Lagos was a colony while the others were not continued until the 1950s.

In 1900, therefore, Nigeria consisted in reality of four countries with a common name. It may perhaps not be much of an exaggeration to say that

situation has not really changed except that instead of three Protectorates plus Lagos we have thirty states plus Abuja. Nevertheless, and this is important, what all these administrations seemed to have had in common was a central head in London to whom they communicated directly. For all intents and purposes, Nigeria was governed as a lopsided federation (without the name) just as today it is governed as a unitary government that is called a federation which shared, as we shall see, certain institutions in common. It was not, as Afigbo has pointed out, "a federation of natural, geographic, economic regions".²⁷ This was in line with the recommendations of the *Selborne Report*. That principle has also persisted to the present day. Try as it might, Nigeria it seems, cannot escape from its past.

Did the British government have any long term political programme for Nigeria? Did it develop any political theory with which to govern the new territory? There was no long term political programme. The Niger Committee may have had some idea that with time Nigeria might evolve into one nation-state with a Governor-General but that was something that might happen in the distant future. With respect to political theory, except for the general concepts of Crown Colony government, protectorates and how to deal with "barbarous" races, no effort was made to deal with such ideals as democracy, federalism, con-federalism or unitarism. In this period, therefore, the men-on-the-spot, that is, the colonial administrators, whose views carried much weight with London had a free hand to evolve their different administrative structures. "In the absence of an overall policy," it has been written, "such fundamental issues were determined in succeeding years by impersonal forces scarcely understood by the men-on-the spot".²⁸ This sort of situation suited the independent minded and rather bumptious Lugard. He struck out on his own believing firmly that the best way of governing a "barbarous" people composed of numerous "tribes" into "civilization" was to impose British rule as Margery Perham has put it, "like a great steel grid",²⁹ and use the army to maintain law and order. He hoped to create internal peace by this imposition of a strong common government. "The present unity of Nigeria as well as its disunity," Coleman has written, "is kin part a reflection of the form and character of the common government the British superstructure and the changes it has undergone since 1900".³⁰

This common government would operate on the principle of what Lugard called '*Indirect Rule*', that is, to put it simplistically, government of colonial peoples through their existing local administrative institutions and traditional rulership modified in such a way that they would operate on the principle of natural justice and would not be repugnant to the norms of a civilised society. As Lugard put it in his Report to the Secretary of State for the Colonies in 1901: "Government utilises and works through the native chiefs, and avails itself of the intelligence and powers of governing of the Fulani caste in particular, but insists upon their observance of the fundamental laws of humanity and justice".³¹

At first, as has been stated, this principle of governance applied only to the Muslim areas of the Northern Nigeria. Later Lugard was to impose it on the whole of Nigeria with disastrous consequences. In doing so, Lugard could not dispense with the existing pre-colonial federal formations and traditional rulership in many of the Nigerian societies without negating the system. It is therefore puzzling, at least to

me, how Afigbo could write: "The primordial federal features of indigenous Nigerian society had no part to play in this pattern of territorial acquisition".³²

Lugard embraced "Indirect Rule" because the vastness of his protectorate made direct rule practically impossible especially when he had little money and was working with insufficient staff. That was why he dispensed with the administrative structure he inherited from Goldie's RNC. He considered that structure rudimentary for his purpose. As a matter of fact Goldie was not unaware of the weakness of his chartered company administration. He had, before Lugard, recommended indirect rule as a suitable administrative system for the whole of Nigeria. But because he did not articulate the principle properly and religiously, many people took notice of the idea. Indirect rule was, of course, not a new system of governance. The British were operating such a system in India and Fiji. The African empires and kingdoms especially those described by Vansina as "Incorporative" operated it successfully for centuries.³³ It was to Lugard's credit that having adopted indirect rule, so to speak, he propounded it with such vigour and clarity as it had never been done before that contemporaries as well as some later scholars saw him as a kind of administrative genius. For his lieutenants the theory became an opinion, even a dogma. Today the adoration heaped on Lugard and the adulation of his theories seem somewhat odd because it is now generally believed among Nigerian scholars that considered dispassionately Lugard's stewardship in Nigeria did the country more harm than good. He was clearly a racist. He was a "tribalist" who admired the Fulani rulers in a condescending sort of way; the "tribalism" which he invented has been a bane of Nigerian politics. His economic, political, educational, religious, and judicial policies have been a millstone around our neck. His anti-intellectual turn of mind enabled him to work with insufficient data and at the same time be able to pronounce with oracular finality on almost every aspect of Nigerian life.³⁴

Lugard's ideas on the administration of Nigeria in this period were compiled and published in 1906 as his *Political Memoranda*.³⁵ It comprises a series of instructions and circulars he issued to his residents regarding the proper administration of Northern Nigeria between 1902 and 1904. The concern of this chapter will not benefit from a detailed analysis of the *Memoranda* because it covers every aspect of life. In terms of political relationships which concern us most, it can be said that it did not envisage a unitary Nigeria although it believed naively that the indirect rule system could be applied with profit throughout the country. Nevertheless, the real significance of Lugard, administratively speaking, is that unlike his contemporaries who seemed satisfied to muddle along without bothering to articulate a theory of colonial administration, he embraced an existing theory as he saw, elaborated on it, refined it, and vigorously elevated it to the status of a dogma. The incredibly credulous Colonial Office in London lapped up his half-baked and racist ideas and gave him a blank cheque, as it were, on which he could write what he willed with no higher authority to call him to order. His senior officials such as Charles Temple and Richmond Palmer, perhaps equally racist but less gifted than he, became the uncritical apostles of a theory of administration which they, along with some other officials, regarded as infallible. To them the *Political Memoranda* was a masterpiece with a touch of divine inspiration. To some of them it was "our bible" ■

since it would have been blasphemous to regard Lugard as Jesus, he was "our Moses". And yet a few years later when the deficiencies of the so-called bible became evident and the so-called Moses was out of office, Sir Hugh Clifford who had succeeded Lugard as the Governor-General of Nigeria wrote with appropriate propriety, the *Political Memoranda*, while containing a lot of useful materials, "dealt with a great many points, theories and questions of a highly contentious character in a somewhat dogmatic fashion"³⁶ throughout Clifford's stewardship in Nigeria the *Political Memoranda* lost its position as official policy.

Back to our period each of the four administrative entities went about evolving their separate administrative traditions until Lugard's second coming to Nigeria. We have already seen how Lugard accomplished his. Lagos was governed according to the well-known principle of Crown Colony administration. The Lagos Protectorate was ruled by fairly powerful Obas and a modified form of the Lugardian system was operated with a limited degree of success. The problem arose in the Protectorate of Southern Nigeria and the non-Muslim areas of Northern Nigeria which contained a bewildering number of non-centralised states. Lugard lost no time in extending his system to the non-Muslim areas of the north where he could. Where he could not do so, he left them well alone. In the Protectorate of Southern Nigeria, Moor, Lugard's counterpart, apart from fighting practically for every inch of territory, knew that after victory he could only rule in some sort of partnership with a local authority. And since except in Benin, Aboh and a few other kingdoms as well as the Niger Delta states which were then in clear decline, no such authority existed, he invented a new class of chiefs he called *Warrant Chiefs*.³⁷ There were no general standards for appointing these chiefs. Each District Commissioner was given a free hand to appoint those he felt could command the allegiance of the people and get the job done. In short, he looked, for the most part, for those who in his opinion possessed leadership qualities. He was not required to, and did not, consult those over whom he imposed a warrant chief. The haphazard manner in which these chiefs were appointed, the inability of many of them to perform their functions properly, the lack of proper supervision of their functions by the British officials, the corruption and extortionist tendencies of some of them, and so forth led to the practical collapse of the Southern Nigerian administration by the event of the 1914 amalgamation.

By 1906 Nigeria was in the curious situation of growing apart while sharing certain things in common. By this period, too, the basic institutions of government that endured throughout the colonial period and beyond had more or less been established. It is true that the Colonial Office, as early as July 1900, did vaguely urge the various administrations to consult more closely with respect to policy formulation³⁸ but the relevant officials did not seem to have paid any attention to that instruction. They were too busy protecting and defending their domains as if they were their personal estates and as if they were serving different governments in Europe. They even erected different frontier controls. We saw how Lugard used the opportunity to impose what Afigbo calls "a rigid conservative protectorate system in Northern Nigeria"³⁹ which he did not like to be contaminated neither by the Crown Colony system of government of Lagos nor by the loose system of the Lagos Protectorate and nor by the fluid system of the Protectorate of Southern Nigeria.

Moor left Nigeria in 1903 and was succeeded by Sir Walter Egerton in 1904. Moor certainly did not gain any reputation as a colonial guru as Lugard did. But he was competent and painstaking administrator who paid some attention to historical precedents from which he developed the novel concept of Warrant Chiefs.⁴³ Egerton followed in his footsteps. By 1906 the Colonial Office which since 1905, having been overwhelmed by worldwide responsibilities had left these administrators well alone had decided that the time was ripe to amalgamate the Colony and Protectorate of Lagos with the Protectorate of Southern Nigeria. This was accomplished on 16 May 1906. Once more those who were being amalgamated were not consulted. The new administration became known as *The Colony and Protectorate of Southern Nigeria*. And at last Moor was vindicated. He had urged without success in 1898 that the "Maritime Province" of the *Selborne Report* which was the same as the Colony and Protectorate of Southern Nigeria be placed under one administration.⁴¹ Egerton was appointed its Governor. He held this position until 1911. He divided the new political entity for administrative purposes into the following rather large provinces: Lagos (Western); Niger (or Central); Calabar (or Eastern). In the nomenclature of the 1960s they equated more or less to Western Nigeria, the Midwest and Eastern Nigeria. The administrators were called Provincial Commissioners—Widenham Fosbery for the Western, Frederick Seton James for the Central and Horace Bedwell for the Eastern Provinces. These were individuals who had considerable administrative experience in Southern Nigeria. In 1910 the western part of the Protectorate was divided into five provinces: Abeokuta, Benin, Ondo, Oyo and Warri; the eastern part comprised four provinces: Calabar, Owerri, Onitsha and Ogoja. These divisions do differ somewhat but not markedly from the present fourteen states of Southern Nigeria. For example Abeokuta (Ogun State); Benin (Edo State); Ondo (Ondo State); Oyo (Oyo and Osun States); Warri (Delta State), Lagos Colony (Lagos State); Calabar and Ogoja (Cross River and Akwa Ibom States); Owerri (Imo, Abia and Rivers States); and Onitsha (Anambra and Enugu States). Slight modifications were later made in the boundaries of these provinces.

It is important to point out that these divisions did not follow strictly ethnic lines. For example, Ogoja Province included such Igbo groups as Abakaliki and Afikpo and the others were Ogoja and Obubra. Calabar Province included Efik, Ibibio, Annang and smaller non-Efik elements. Owerri Province included such non-Igbo elements as the eastern Ijaw, Ogoni and Abua. The Onitsha Province included Idoma and Igala who were non-Igbo. Benin province included Asaba groups of Igbo and the Warri Province the Aboh and other Igbo groups. The Abeokuta, Ondo and Oyo province were Yoruba. The provinces of the Protectorate of Northern Nigeria encompassed a bewildering number of ethnic groups. Throughout Nigeria the situation has remained unchanged to this day.

Sir Walter's administration of the new political unit may be described as semi-direct because it demonstrated in a rudimentary way some of the characteristics of the Lugardian system in the North as well as the direct system of governance. What is important was that by 1911 his administration was on the point of collapse. This was in marked contrast to what was happening in the North. When Lugard left Nigeria in 1906 to become Governor of Hong Kong, he was succeeded by Sir Perc

Girouard and Sir Hesketh Bell respectively who followed faithfully the principles outlined in the *Political Memoranda* with remarkable success. Unlike Lugard, however, they interfered minimally in the way the emirs ruled their emirates. In 1910 the Protectorate of Northern Nigeria consisted of thirteen provinces: Sokoto, Kano, Katsina, Borno, Bauchi, Zaria, Yola, Mura, Nupe, Kontangora, Ilorin, Nasarawa and Munshi. With slight modifications these divisions conform to the present sixteen states of Northern Nigeria. The only changes are that Kano, Sokoto, Ilorin and Borno have each been split into two states while Nupe and Kontangora had been joined together to form Niger state. Yola and Muri represented the present Adamawa and Taraba states respectively while Nasarawa and Munshi represented the present Plateau and Benue states respectively. I am suggesting that after several generations of tinkering with creating administrative units in Nigeria, not much improvement has been made on Egerton's and Girouard's arrangement. The more things seem to change, the more they remain the same!

The two "Nigerias" created by the mini-amalgamation of 1906 instead of coming together continued to grow farther and farther apart. Egerton and Girouard quarreled over boundaries, struggled over the issues of "caravan tolls" and were involved in rivalry over railway policy.⁴² In 1911 Lugard was recalled to Nigeria to prepare the major amalgamation of the Colony and Protectorate of Northern Nigeria and Northern Nigeria. This was surprising because the Colonial Office was well aware that Lugard was an unrepentant combatant in the struggle between the two "Nigerias". His admiration for the Northern emirs was almost intoxicating; his contempt for Southern Nigeria was pathological. He was convinced that the administrative system of Southern Nigeria was far inferior to that of the North. A man of such persuasion was hardly the right candidate for the important task he was called upon to perform. And yet it was clear that he was appointed to maintain the Northern system and extend it to the South. On assuming office in 1912 as Governor, ironically of the Colony and Protectorate of Southern Nigeria, Lugard ignored all advice and proceeded to create a Nigeria that was geographically lopsided, ethnically incongruous, and administratively absurd. In a report to Harcourt, Secretary of State for the Colonies, in 1913 Lugard had described Southern Nigerians (the Yoruba excepted), as being "of a low and degraded type."⁴³ According to Flint, "Educated Africans made him uneasy in public and irrational in private",⁴⁴ and Perham his biographer and admirer, has informed us that he "looked at the government of the south with something very close to disgust".⁴⁵ He saw nothing good in the South. Not even its apparent prosperity impressed him because some of it came from taxation of alcoholic liquor. He gloated over his Northern Nigeria whose administration was based on "a native policy whose aim was primarily administrative". He contrasted this with the immoral South whose policy was "commercial, and directed primarily to the development of resources and trade".⁴⁶ It did not occur to Lugard to wonder how "a low and degraded" people could be not only economically prosperous but also educationally advanced. We are today all heirs to the ugly consequences of Lugard's views of the South which the North has adopted, and of his irrational and arrogant presumption of administrative infallibility. His *Amalgamation Report* was submitted in 1913. Of this report Flint has written:

Lugard's proposals, presented to the Colonial Office in May 1913, were in effect designed to avoid the real implications of a unified administration, to preserve the *status quo* in the north, and even to spread northern administrative ideas into the South. Lugard rejected for all Nigeria the older ideals of an Afro-British partnership whereby 'civilised men' worked towards Christian and liberal ideals.

Indeed the 'Amalgamation Report' discounted amalgamation in practice. Lugard proposed the complete amalgamation of only the railways, the marine department and the customs service. As the whole purpose of amalgamation from the Colonial Office point of view was to unify finances and transport, he could hardly have done less. Lugard proposed also that medical, postal, telegraphic and survey departments should each have an all Nigeria head of department, and that the West African Frontier Force should be put under one command; but in these cases he wanted a separate Northern and Southern establishment under the single head.⁴⁷

The report was predictably accepted. And by Letter Patent and Order-in-Council 1 January, 1914 modern Nigeria was created. For the first time in history the entire territory of Nigeria had a common head and the country became known officially 'The Colony and Protectorate of Nigeria'. Lagos became its capital. Not surprising but unwisely in my opinion, Lugard was appointed the first Governor-General of Nigeria. He was thus to preside over the affairs of a country, the concept of which as one indivisible entity, deep down, he did not believe in. By all accounts the amalgamation favoured the North and was denounced robustly by the Lagos Press. Given Lugard's unrepentant partisan persuasions his Report would not have been otherwise; the response of the Lagos elite was also predictable. The rest of the country was not consulted. Nor were they aware of what was going on. But then that was the nature of a colonial situation. A huge complex country comprising over two hundred and fifty nations were yoked together into a marriage the conditions of which they were not allowed to make an input. What was good for Lugard was apparently good for Nigeria. We are all today witnesses to the consequences of this conventional wisdom. The amalgamation did not change the peculiar status of Lagos as a Crown Colony; nor did it redesignate the provinces. But Lugard insisted that the amalgamation should not be allowed to cause any major dislocation of the existing different conditions and structures in both the North and the South that had already solidified. "The only bond of political unity, however", writes the perceptive Coleman between the North and the South "was the person of Sir Frederick Lugard, the new governor-general".⁴⁵ For the South that was cold comfort. As the following chapter will show, Nigeria instead of pulling together as a result of the amalgamation grew farther and farther apart for most of the colonial period. Coleman has written with respect to his development:

Although the broad principles of the native administration system were slowly extended from the north to the south, the different

policies and conceptions of colonial administration which had evolved in each of the two protectorates during the fourteen years of their separate existence continued to dominate official thought and action. Also, different policies regarding native land prevailed in the two areas. The only two separate bureaucracies, reflecting somewhat the conservatism of Moslem culture, continually agitated for distinct and separate development of the north, even to the point of suggesting that it be cut off from the south. *A frequently heard quip was that if all the Africans were to leave Nigeria the Northern and Southern administrations would go to war.* The officials of the two bureaucracies spoke different official languages. In the north it was Hausa; in the south - because of the complex polytonic languages [but there were and still are more complex polytonic languages in the north than in the south] it was English. Thus there was a distinct and independent administrative development as between the north and the south which has continued until the present day. The fact that the northern and southern protectorates were never effectively united has tended to perpetuate the sharp cultural differences between the peoples of the north and the south.⁵⁰

The absurd thing about this situation was that it was British officials *and not Nigerians* who created and perpetuated these divisive tendencies in Nigerian politics. It has, of course, become fashionable, even among Nigerians, to criticise Nigerian historians for blaming British colonialism for Nigeria's ills. But a historian should not because of such criticism fail to point out those official colonial attitudes and policies that lie at the root of our present problems.⁵¹ The tradition of conflict and mistrust between the North and the South which the British created has continued to this day. It is not surprising that many years later Sir Ahmadu Bello could write unabashedly that what he called the "administrative federation" of 1914 was a very bad mistake.⁵² Reflecting on this unhealthy situation Okonjo has written that British official records in the 1950s "reveal that the British in Northern and Southern Nigeria sold their political prejudices to their Nigerian successors in power in the regions and thus contributed, particularly in Northern Nigeria, to the stiffening of attitudes which, in the period immediately following independence produced one national crisis after another".⁵³ These prejudices, it must be stressed, date from the period of Lugard's stewardship in the country. Between 1906 and 1914, British officials in the North, following in his footsteps developed "an assertive northern patriotism",⁵⁴ a euphemism for "tribalism" that has persisted to this day. Even in his amalgamation report Lugard urged the incredible argument that Kaduna, not Lagos, should be the capital of Nigeria on the unrepentantly racist grounds that because Lagos' "native population" was too large "segregation" of the races would be "practically not possible." He bluntly rejected the alternative amalgamation schemes proposed by Bell, Temple and Morel⁵⁵ which advocated "a unified central administration over several provinces . . . partly because they would have reduced the area of Fulani control, and partly because Lugard regarded them as extending the provincial system of Southern

Nigeria which . . . does not appear to have been a success.⁵⁶ For Lugard the Northern administration which he established was a smashing success and "The North therefore, "escaped without a hint of blame on any administrative count"⁵⁷ or on count for that matter. He also emasculated the Legislative Council, as we shall see, that would have trained Nigerians to eventually participate in democratic government in part, because his "intelligent emirs" who did not speak English could not participate in its deliberations. As early as 1906 when Egerton wanted to include Ilorin and Kabba into the Protectorate of Lagos because they were not only Yoruba-speaking but also were parts of the Old Oyo empire, Lugard was prepared to go to war if that happened. He wrote to London: "The bold statement that Sir Walter Egerton with reference to the matters argued in my communication to him intends to carry out his own views and will send his officers to lay out a line in accordance with them compels the Government of Northern Nigeria either to oppose such course of action by force or to refer the matter for the decision of the Secretary of State".⁵⁸

Had British officials on-the-spot counseled administrative integration from the start, London would perhaps not have rejected the counsel. If that had been done the later history of Nigeria would certainly have been different. At the bottom of the problem was the unshakable belief among Lugard and his principal lieutenants that the best way of governing "primitive" peoples was through their own institutions of traditional rulership strictly along the lines sketched out by Lugard. This was "the only road," as Temple put it, to lead the African "up the steep slope of civilization gradually without reducing him to a state of collapse on the journey". Temple must not be allowed to follow the British path to civilisation because the process of grooming along such lines would prove productive. He must not be introduced to the mysteries of European learning and science to such an extent that he would be deprived of the "fellowship of his kind, the frame in which providence has set him, and to enter within the pale our (British) society where he must be as a stranger to the feast . . ."⁵⁹ How long their own prescribed grooming would take to produce the desired result was anybody's guess; what was certain was that it would not be in the near future. First and foremost, the Nigerian must be taught to become a good citizen of his own group; after this he would be taught to be a good citizen of Nigeria. Clearly, this was a prescription for ethnic particularism popularly called "tribalism".

Temple was more Lugardian than Lugard himself. He was such a lover of the Northern aristocracy and the religion of Islam that he even contemplated converting to that religion. It is understandable why his views represented an extreme interpretation of the indirect rule system, so extreme, indeed, that he was said to be "willing to accept the implication" of policies that "in fact negated the *raison d'être* for the colonial presence, for he was ready to pass back sovereignty to natural rulers within one or two generations, perhaps within a federal structure controlled by the African princes".⁶⁰ The surprising thing was that Lugard and the Colonial Office instead of calling him to order promoted him from his position of Resident in 1901 to Chief Secretary (1910) and Lieutenant-Governor of Northern Nigeria in 1914. With the officers of the persuasions of Lugard, Temple, Palmer and the most senior Residents in Northern Nigeria who extolled the unique originality and effectiveness of indirect

le, it was impossible to talk seriously of a united or federated Nigeria in which the various cultures in the country would be gradually groomed to become a fairly acceptable whole. The solution of northernising the South that was preached and accepted was foolish, to say the least. And yet that was done. The abysmal failure of such a policy was a clear testimony to its foolishness. Even British officials in the South-whose sometimes solid achievements went unappreciated-were made by their favoured northern counterparts to have a *feeling of inferiority complex and jealousy*. In such a situation, centralising institutions such as the Legislature Council (Legco), the civil service and the judiciary were not allowed to be run on common bases.

If the British really wanted to create one Nigeria in which Nigerians would have had some say in the way they were governed, the Legco, constituted already in the Lagos Colony since 1862, could easily have been gradually extended to cover the country. But nothing like that happened. The early Lagos Legco consisted of the Chief Justice of the colony, the Colonial Secretary, and the Commander of the Lagos Constabulary Force. When Lagos became a separate colony in 1886, its administration consisted of the Governor, an Executive Council and a Legco. The Legco comprised the Colonial Secretary, the Queen's Advocate, the Chief Justice, the Treasurer (all British officials) and three unofficial members made up of a Briton and two African repatriates. In 1902 the number of the unofficial representation was raised to six. It was not until 1906 that the Legco was extended to the Protectorate of Southern Nigeria. The official membership was increased to ten while the unofficial membership remained at six-three African repatriates and three Britons. The Protectorate of Northern Nigeria was deliberately left out in this arrangement. With the amalgamation of 1914 what ever progress was made in the historical development of the Legco suffered a severe setback. The Protectorate of Southern Nigeria was removed from its jurisdiction. The Legco set up in August, 1914 was confined to the Lagos Colony. Its membership was also reduced. It consisted of only seven *ex-officio* members including two African repatriates and two Europeans. Although the decisions of the Legco (whether large or small) were purely advisory and thus not binding on the Governor, the inclusion of some Africans in it at least afforded them the opportunity to express their views on government policies. Lugard sought little of the Legco idea and proceeded in his report to destroy it practically. He wrote: "It is the cardinal principle of British colonial policy that the interest of a large native population shall not be subject to the will of a small European class of a small minority of educated natives who have nothing in common with them and whose interests are often opposed to them"⁶¹

That was why he had proceeded even before amalgamation to create what was called the *Nigerian Council* for the country excluding Lagos. This so-called Council comprised twenty-four officials (who were not Nigerians) and twelve unofficial only of whom were Africans. The other six unofficial represented European commercial interests. The Africans were: the Sultan of Sokoto; the Alaafin of Oyo; the Emir of Sokoto; a chief Dogbo Numa; and two educated elite from Lagos and Calabar respectively. The traditional rulers of the Eastern, the Midwestern and Middle-Belt provinces were completely ignored by Lugard. The Council met once a year and accomplished nothing. Right from the start it seemed as if it was designed to fail

And fail it did. It had no legislative authority, no financial control, and its deliberations were purely advisory. On the issue of legislative authority Lugard was blunt: "any resolution passed by the Council shall have any legislative or executive authority, the Governor shall not be required to give effect to any such resolution unless he thinks fit or is authorised to do so".⁶² It is frankly difficult to fathom what the Council was expected to achieve or accomplish meaningfully. The traditional rulers could neither read nor write the English language which was the medium of the Council's proceedings. The whole process looked quite ridiculous. No wonder after endless humiliations, frustrations and boredom, the traditional rulers simply stopped attending meetings of the Council. Although frustrated by his own creation, Lugard was unaccustomed to accept defeat with grace and humility, frustrated by his own creations, and always right as far as he was concerned, was convinced that some educated traditional rulers became members of the Council in future, the Governor-General of Nigeria and his officials would represent the vast majority of Nigerians. After all, he reckoned, they were in touch with the traditional rulers through whom the opinions and wishes of Nigerians would be ascertained.⁶³ For unofficial members, too, the Council was a meaningless creation. Indeed, it was a European unofficial who, driven to desperation, moved a motion after Lugard had left Nigeria, that the Council be given some teeth or be scrapped.⁶⁴ Lugard had such towering influence that as long as he remained on the saddle of affairs, the Council was untouchable. It was his successor, Sir Hugh Clifford, a less self-opinionated individual, who unceremoniously abolished it.⁶⁵ The important issue to note for purposes of this study was the opportunity missed by Lugard by not allowing Nigerians from all over the country to come together so as to get to know and understand one another better. To run the country also as if the East did not exist and therefore did not matter, was to have serious consequences for the future unity of Nigeria.⁶⁶

The machinery of the Civil Service, too, was not used to unify the country. The Order-in-Council of 1899 had established the first rudiments of what was to become the Nigerian Civil Service. It took effect on 1st January, 1900. The colonial government's policy on the subject naturally derived from historical antecedents, starting with the principles that governed the administration of the Lagos Colony and the Niger Coast Protectorate. These principles did not differ markedly from the principles operated by the British Civil Service. First and foremost, the principle of unity of command and hierarchy of authority applied. At the head of the service was the High Commissioner; below him were Deputy Commissioners, Provincial Commissioners (called Residents in the North), Assistant Provincial Commissioners, District Commissioners, and Assistant District Commissioners. The High Commissioner was the chief executive of his protectorate. He legislated by proclamations which underscored the essentially autocratic nature of the colonial system. But he was required to separate his legislative and executive powers from the powers of the judiciary which was another important arm of the colonial civil service. The colonial civil service in Nigeria between 1900 and 1912 was pioneered by Moor (1896-1903) and Egerton (1904-1911) whose considerable achievements have not been done sufficient justice by students of Lugardism. Admittedly, the colonial officers were cautious in their approach and lacked Lugard's boldness. But it

interesting to note that Lugard in his *Amalgamation Report* introduced no startling changes to the system operated by McDonald, Moor and Egerton. As, indeed, Nicolson has written: "The chart by which Moor navigated had been drawn in outline by his predecessor and former chief in the days of the Foreign Office protectorate, Sir Claude McDonald: but it was left to Moor, who succeeded McDonald in 1896, to fill in the detail and to do the actual navigation".⁶⁷ Following Nicolson's metaphor Jaja has also written: "Sir Ralph Moor planted the seeds [that was 'after McDonald' had tilled the soil]; others like Sir Walter Egerton budded and grafted and watered the young plants, while others like Sir Frederick Lugard and his successors trimmed, multiplied and nourished them in common enclosure to maturity."⁶⁸ It is therefore an exaggeration to assert as Gailey did in his rather superficial *Road to Aba* that Lugard was the "father" and "architect" of modern Nigeria.⁶⁹ The making of Nigeria was not the work of a single individual. It was a long historical process.

Although in principle the colonial service, the native authority system excluded, throughout the country should operate similarly, that was not the case in practice. The machinery of the service had to be adapted to suit different situations. The broad organisations of the services were not disturbed, however. Thus, during the mini-amalgamation of 1906 Egerton was forced to admit: "The scheme I now submit is not one of complete amalgamation, but it is devised to effect a rather more complete amalgamation than that which at present exists between the Colony of the Straits Settlements and the Federated States of the Malay peninsula. If the future of this dual administration proves as successful as that of its eastern counterpart, my scheme will be fully justified".⁷⁰ And dealing with the same theme in 1914 Lugard also admitted: "it is impossible that any scheme which could have been devised should satisfy all the conflicting theories which have been propounded. The proposals I have made proffer the merit of simplicity. They cause no great dislocation, which could have been most disadvantageous at a moment of transition when divergent policies and methods have to be reconciled".⁷¹ That was why although Lagos was accepted to be Nigeria's capital in 1914 and the headquarters of a supposedly centralised civil service, the Colonial Office "rejected any scheme which might have led to either a unified or a federation of the Civil Service".⁷² It was in this context that Sir Donald Cameron, Nigeria's first Chief Secretary to the Government and later the country's Governor-General, noted that even between 1914 and 1921 the Nigerian Civil Service drifted "without a Secretariat, without any co-ordinating machinery, without a central office in which the decisions of the Government, with their pertinent papers, might be recorded".⁷³

Until 1914 the political units that were amalgamated or federated to form the Colony and Protectorate of Nigeria also operated different judicial systems of Nigeria thus followed also historical antecedents dating to the formal establishment of Lagos as a British Crown colony in 1862. Between 1862 and 1914 the foundation of British colonial laws in Nigeria was laid. In 1863 a British Ordinance declared with respect to the Lagos Colony " . . . the laws of England shall have the same force and be administered in this settlement as in England, so far as such laws and such administration thereof can be rendered applicable to the circumstances of this settlement".⁷⁴ The ordinance was primarily intended to deal with the needs of

European commercial interests as well as of those of a growing European Western educated elite comprising administrators, missionaries, traders and agents. The Supreme Court of Lagos and the Gold Coast was set up in 1876 and modeled on the English High Court. It consisted of a Chief Justice and four Judges. Below the High Court were the Magistrate Courts modeled also on the English system. These courts served largely the interests of Lagos's immigrant communities. Lagos indigenes largely settled their legal problems either at the court of the Oba or at the informal courts presided over by the elders of their respective communities. A peculiarity of the Lagos judiciary was the lack of separation of powers between the executive and the judiciary. The chief Justice was an *ex-officio* member of the Legislative Council. Until the end of our period no significant changes were made in the judicial system of the colony.

In the hinterland of the colony the legal situation was different. This region is known today as Western Nigeria or Yorubaland. English style judicial institutions were not established there before 1904 when the era of judicial agreements between the occupying power and the traditional rulers began. These agreements conferred some informal judicial powers on British officials. Indeed, except for the ordinances of 1904 and 1909 which empowered the Lagos Supreme Court to exercise some jurisdiction over some areas of Yorubaland, no more elaborate judicial establishment of the Protectorate of Southern Nigeria in which all the territories of the Lagos Colony came under one political authority could change the situation. This was because, we are told, the hands of British officials were tied by a "network of treaties" with powerful Yoruba Obas.⁷⁵ Until 1914, therefore, most of Yorubaland was administered judicially through their traditional courts.

In the Protectorate of Southern Nigeria which was administered separately from most of Yorubaland until 1906, the judicial situation was both different and much more complex. Although the formal introduction of English law in this region did not occur before 1900, English-style judicial institutions had been in existence since the days of the Oil Rivers Protectorate (Later the Niger Coast Protectorate). These institutions administered a rudimentary type of English law. Even before 1800 the so-called *Courts of Equity* had been set up in the Niger Delta States. They were first established in 1854 in Bonny and by 1870 they were in existence in Benin, Brass, Okpara, Opobo and Calabar. They were informal courts. They arose originally, as it has been noted, not as "a result of any grand design" but "as a matter of necessity to administer some rough form of justice between Africans and European supercargo-trading along the Niger Coast".⁷⁶ They were officially recognised and regularized in 1872.⁷⁷ However, by 1885 they had outlived their usefulness. They were superseded by what was called "Governing Councils". A Governing Council met weekly and gave Britain more political control in the area than the Court of Equity. It was a consular authority and it issued ordinances.⁷⁸ It was therefore a Consular Court. There were eight of these courts by 1898. Under McDonald and his successor a number of *Native Courts* were established to perform both judicial and administrative functions. By 1898 also twenty-three of these courts were in existence but were called different names at different places.⁷⁹ Because they were essentially to consolidated British rule in the hinterland,⁸⁰ in a sense, then, the

d'être of their existence was more political than judicial. A reorganisation of the judicial system took place in 1900. By three proclamations the following courts were established: the Supreme Court; the Commissioner's Court, and the Native Courts.⁸¹ The Supreme Court was invested with original appellate jurisdiction throughout the protectorate. As a superior court of record it exercised "so far as circumstances admit" jurisdiction similar to that of an English High Court⁸² The Commissioner's Court was subject to the directives of the Supreme Court but it was also a divisional court of the Supreme Court. The Native Courts were reorganised "to systematise the practices and experiences of the years of the Niger Coast Protectorate".⁸³ They were divided into "Minor" courts and "Native" Councils. Usually presided over by a Warrant Chief under the supervision of a District Commissioner, the Minor Court tried criminal and civil cases under native laws and customs. The Native Council was presided over by the District Commissioner. It performed both legislative and judicial functions and was located at the headquarters of the district. The Native Courts were very important because they were closest to the people. Because of their importance in the scheme of British colonial administration, a proclamation was issued in 1901 to the effect that a native court was to exercise jurisdiction "exclusive of all other native jurisdictions" and that "no jurisdiction shall be exercised in such districts by any other native authority whatsoever".⁸⁴ It had, theoretically, at any rate, superseded the traditional village councils and age-grades in their judicial functions, theoretical because these important age-old institutions continued to perform their functions throughout the colonial period. To further underscore the importance of these courts, a 1903 proclamation made a District Commissioner a member of all the native courts in his area. In the same year there were forty-one native courts in the Protectorate.⁸⁵ Through them British political control became more and more dominant. That may explain, in part, the debate among scholars of British colonial administration in the Protectorate regarding how really indirect that administration was.⁸⁶ Indeed, after May 1906, the Native Court of the Eastern and Central provinces (that is the Old Protectorate of Southern Nigeria), now largely manned by warrant chiefs, were brought "more directly under the Judicial Department" in order, it was hoped, to check abuses.⁸⁷ Also from 1906 the Provincial Commissioner (the future Resident) was to preside over any Native Court in his province. The judicial functions of such a court were subjected to the orders of the Chief Justice or of any other judge of the Supreme Court.⁸⁸ This far-reaching proclamation did not become fully operational until some years later. The Supreme Court of the former Protectorate of Southern Nigeria was formally abolished only on 31 March, 1908, for example. It was superseded by the Supreme Court of the amalgamated Colony and Protectorate of Southern Nigeria with its headquarters in Lagos. It is also important to note that while the Supreme Court in Lagos had a free hand in the Central and Eastern provinces of the protectorate, its hands were tied in the Western Province where its powers were not specifically defined. In fact, within the confines of the judicial arrangements already referred to, the Lagos Supreme Court merely held assizes in the West four times a year.⁸⁹ Thus, Adewoye has written: "Judicial agreements in the Yoruba protectorate precluded the appearance of legal practitioners before the English-style courts in this part of Southern Nigeria and by the same token, the establishment of the elaborate

trappings of an English court of law. Thus, the Supreme Court in Yorubaland operated informally with important local chiefs or community elders helping the sole presiding judge as assessors".⁹⁰

In the Protectorate of Northern Nigeria the *Qadis* courts which operated the *Maliki* law over Muslims was not tampered with in the period under review. Indeed, until the final subjugation of Northern Nigeria early in this century only Muslim law operated in the Borno and Sokoto Caliphates. Except in the areas where the Royal Niger Company had some control and where a rudimentary type of English law operated, the rest of what is today called the Middle Belt were under the jurisdiction of their different traditional customary laws. With the establishment of the Protectorate of Northern Nigeria, the Supreme Court, Provincial Courts, Cantonment Courts and Native Courts were created. But as has been pointed out "the courts were hardly functioning; judicial and administrative duties" devolved very heavily on British political officers".⁹¹ Even Sir William Geary was to observe that the Supreme Court of Northern Nigeria "was one continuous long vacation," its machinery of justice "a legal, practical joke,"⁹² and between 1900 and 1914 it did not try any criminal case and only one civil case.⁹³ The Chief Justice presided over the Supreme Court; the Residents presided over the Provincial Courts. These top officers and the District Commissioners interfered, as they did in the South, in the operations of the *Qadis* Courts. Even appeals to the Caliph at Sokoto were abolished. Nevertheless, the Emirs exercised more influence in the affairs of the Native Courts than their southern counterparts.⁹⁴

The amalgamation of 1914 resulted naturally in a major judicial reorganisation.⁹⁵ Since this subject belongs more appropriately to another chapter of this book, only a few relevant points need to be made here. The reorganised judiciary operated with some changes until 1960. And, interestingly enough, as has been pointed out, "the aim of the 1914 judicial arrangement, it was officially and privately admitted, was to combat the influx of a swarm of native legal practitioners who employ touts to prompt ignorant people to litigation."⁹⁶ It would thus seem that "how to curtail the influence of the African lawyer"⁹⁷ weighed more heavily on Lugard's thinking than the practical usefulness of harmonizing or federating the different legal systems that operated in the country. In fact, the Supreme Court Ordinances No. 6 of 1914 restricted the jurisdiction of the Supreme Court to the Lagos Colony and thirteen small "enclaves" or coastal towns of Southern Nigeria which were commercial centres where Europeans resided. This was clearly a retrogressive step. With the stroke of the pen Lugard wiped out the progress that had been made since 1862 because he hated "native" lawyers and would do almost anything to ensure that the indirect system of colonial administration was not compromised. The Supreme Court, however, was allowed to continue to exercise some jurisdiction in two circuits or divisions, namely, the western and eastern circuits. Its jurisdiction was not allowed to cross the River Niger. For the rest of the country, the provincial court system of the North was made to have general application. The Provincial Courts and the Native Courts were part and parcel of the Lugardian indirect rule system. These two courts, in practice, "exercised jurisdiction over more than 95 percent of the population of Nigeria".⁹⁸ But it must be emphasised that they did not operate the

same laws. Nigerians and foreigners alike protested so vehemently against this aspect of Lugard's judicial arrangement that by 1933 it was abrogated.⁹⁹

The Economics of Amalgamation

Although Britain's main interest in what later came to be known as Nigeria was economic starting from the slave trade through the granting of a royal trading charter to the Niger Company and on to the formal establishment of colonial rule in 1900, it is amazing to discover the absence of any coherent economic theory especially in respect of how the new colonial estate should be developed. The well-known view of the British government that as much as possible colonies should be organised to pay their way and therefore to depend less on subventions from the imperial exchequer can hardly be regarded as economic theory. At best, it was a policy designed to run colonies on the cheap. The policy, of course, did not always work and London found itself having to spend huge sums of the British tax payers' money to prevent some colonies from financial collapse. The useful colony, therefore, was one that not only paid its way but also made money for both the British government and British commercial interests. In our period Southern Nigeria was a useful colony from the purely utilitarian point of view; Northern Nigeria was not. While the South was accumulating huge budgetary surpluses, the North was a huge drain on the resources of Britain and the Southern Protectorate. The 1914 amalgamation was designed, in the main, to deal with this unsatisfactory state of affairs. If any economic theory whatsoever should be ascribed to Britain's stewardship in Nigeria, it was the general imperialist policy of economic exploitation and capitalist accumulation, tempered with some degree of imperial trusteeship, that is, a modified form of economic indirect rule. As Clifford put it: "... every effort should be made to foster local enterprise and prevent any industry, which, given care and expert guidance, is capable of being developed by natives, from passing under the control of European capitalists".¹⁰⁰ That was why, in part, British colonial administrators in Nigeria fought vehemently and successfully against the vigorous efforts of Lord Overholme to introduce the plantation economic system that he had established in other parts of Africa to Nigeria. Lacking, therefore, a well-articulated theory of economic development in Nigeria, the men-on-the-spot, guided by the sensible principle of economic profitability and the lofty idealism of colonial trusteeship, managed the Nigerian economy in the best way they could. And in spite of the bland commendation of the Niger Committee of 1898 for the establishment of a customs union for the entire country, as we saw, efforts at some systematic economic segregation of the country had to wait until 1914.

However, the formative years of British administration in Nigeria, that is, between 1900 and 1914, are crucial in determining the future development of the Nigerian economy and the peculiarities of its fiscal federalism. "The first phase of colonial rule which might be said to have ended in 1914", it has correctly been noted, "was in many respects a period during which Nigeria's economy could really be said to have developed".¹⁰¹ The colonial economy also did play a major role in forging whatever degree of Nigerian unity that exists today.¹⁰² Whether this was intended or not is another matter. Historically, the issue of attempting to foster processes of

economic integration in the region that is now called Nigeria was not a novelty introduced by British overrule. On the contrary, these processes were a distinctive feature of centuries of economic intergroup relations that colonial rule wisely did not disturb although Lugard, in his usual incredibly partisan convictions apparently detested diffused Southern-Northern economic relationships but did nothing to change them. For example, he openly instigated the antipathy of Northern Nigerians to other Nigerians in the belief that he was protecting Northern interests when in the Amalgamation Report he wrote, as Cook put it, of how "the advent of the groundnut season of Kano was marked by the appearance of a *swarm of aliens from the South* (italics are mine) who established themselves along the roads leading to the market and seized the produce from the peasant, forced their own price on him, and made enormous profits by resale to the merchants".¹⁰³ This statement was clearly an intemperate exaggeration. There was no doubt that some Southern merchants did indulge in sharp commercial practices but so did some of their Northern colleagues. But it is incredible to suggest that the Southern traders had the manpower, military strength and political backing, or at any rate, some assurance of political interference in their proceedings, that would have made it possible for them to oppress it over the vast majority of the Northern peasantry. Moreover, Lugard did not bother to provide documented evidence for his serious allegations. Nor, indeed, did he bother to emphasize the anguished protestation of the Southern traders that their Northern counterparts mixed the groundnuts with sand, the cotton with sand and water so forth which according to Cook, "appears to be well founded".¹⁰⁴ Such partisan exaggeration on the part of the highest ranking colonial official in the country was inexcusable in any grounds whatsoever.

Agriculture was, of course, the mainstay of the Nigerian economy in the early period. But it was not until 1912 that a Department of Agriculture was created. As yet writing in 1926 McPhee in a book on the economic development of British West Africa talked about the economic "revolution," that was taking place with particular reference to agricultural development. This according to him, involved firstly, a transition from a subsistence oriented economic pattern of life based on cash-crop production and exchange to the development of a monetary economy based on the production of cash crops. The second "revolution" involved the creation of wants for West Africans by the colonisers based also largely on the products of their lands. In Nigeria these developments did not lead to an integrated agricultural policy, however.

In the Protectorate of Northern Nigeria, for example, the Crown Lands Proclamation of 1902 vested all lands in the High Commissioner who held it in trust for the British Crown. Another proclamation of the same year distinguished between Crown Lands and Public Lands both to be controlled also by the High Commissioner.¹⁰⁶ It was Girouard, however, who was said to have laid the foundation for Northern Nigeria's land tenure system. In 1910 he set up a land committee whose recommendations were endorsed by him and accepted by the British Government. They were enacted into law.¹⁰⁷ By this law the Protectorate Government was given control and dominion of all lands in Northern Nigeria; the government must approve the utilization of any land by any individual or groups; and such governmental control must be exercised in accordance with the native law and custom that operated with

the land was located.¹⁰⁸ Enshrined in this law thus was the principle of trusteeship that was also a cardinal principle of indirect rule. Indeed, Girouard rightly described the law as "nationalisation of the lands of the protectorate" done with due regard to the protection of the "future moral and material welfare and progress of the country and its inhabitants".¹⁰⁹ An important advantage of this law, it has been observed, was that it "protected the natives of Northern Nigeria from the land litigation which has been the curse of the Southern Provinces".¹¹⁰ It may be of interest to point out here that the Nigerian Land use Decree of 1978 which applies to the whole country was anticipated by Girouard's Northern Nigeria's Land and Native Rights Proclamation of 1910.

The 1910 law, however, did not apply to the whole country in our period. In the Lagos Colony concepts of English land law applied. This led to confusion and chaos.¹¹¹ In the rest of Southern Nigeria all land belonged to the indigenes. Government only acquired land in the public interest subject to the payment of compensation. There was no nationalisation here precisely because, unlike the Northern Protectorate which was acquired by conquest, the Southern Protectorate was acquired largely by treaty. Moreover, because of the south's smaller landmass and thick population, there was little waste land that government could conveniently appropriate without creating difficulties. But foreign firms could be allocated lands for the operation of their businesses on the basis of a leasehold for ninety-nine years.¹¹² What therefore was federated in 1914 in reality were three "countries" each allowed to have its land tenure system.

By 1912 it had become abundantly clear, even to Lugard, that what he regarded as the "brilliance of the northern administration" as Flint has put it, "could not obscure one fact—the northern system could not pay its way"¹¹³ That was as a result of several factors, namely, the lack of a seaport which meant the absence of the vital customs revenues; the closed nature of the northern economy; the limited nature of its imports and exports which meant that the contribution of its external trade to the customs revenue of the South was quite marginal; and the vast landmass that made development costs prohibitive. Indeed, starting from 1900 the Southern Nigeria Protectorate and the Lagos Colony had progressively subsidized the revenue of the Northern Protectorate. By 1912 the subsidy had reached £70,000 per annum. Even this amount was insufficient to defray the Protectorate's expenditure. The resulting deficit was made up from the imperial exchequer. The British government found this state of affairs intolerable. It attempted to solve the problem by introducing direct taxation in the North which led to the creation of the Native Treasuries there. The North's total annual revenue could not still defray even half of its expenses. "The colonial office," Flint thus has written, "constantly harassed" by the Treasury on this score, naturally began to advocate amalgamation of the north and south in order to "secure imperial grants in aid"¹¹⁴ Although the South made phenomenal economic progress especially between 1906 and 1912 and recorded huge budgetary surpluses, the needs of the North were such that even if it was allowed to swallow up all these surpluses, it would still have needed imperial subsidy even after amalgamation. Amalgamation was designed, nevertheless, to reduce this subsidy substantially.

For some inexplicable reasons it did not occur to colonial administrators in

Nigeria (both North South) and the British government to attempt to reconcile much vaunted administrative excellence of the Northern Protectorate to its economic backwardness. Nor did it occur to them to examine the real significance of the amalgamation. Reflecting on these points one of the most soberly reflected and respected historians of modern Nigeria has written: "[B]ut British officials had not seriously discussed how conflicting policies, in the two Nigerias might be harmful. In the South, how the rapidly growing individualism of the South, with its cash crops, its expanding mission schools, its growing wage-earning and clerical class, its African entrepreneurs and petty capitalists, could be blended with northern conservatism, Muslim Law and self-sufficiency".¹¹⁵

Essentially Nigeria was amalgamated for economic reasons without consulting those who were being amalgamated. Amalgamation was undertaken in the interest of Nigerians, but in the interest of the colonisers. If the opinion of the Northern traditional elite had been sought, they would probably have rejected amalgamation whatever the economic arguments in their favour. They had not been conditioned by British officials to distrust the "uppity" Southerners but more importantly, they were aware of the dangers amalgamation would impose on their way of life. For the South, represented as it was by the ebullient and irreverent Lagos press, amalgamation was detested precisely for the underlying economic motive behind it. For them it was like robbing Peter to pay Paul while at the same time having contempt for Peter. They saw the diversion of the resources of the South to develop the North as an unashamedly anti-Southern move by British officials and therefore they robustly denounced amalgamation.¹¹⁶ If the traditional Southern elite had been consulted, they, too, would probably have opposed amalgamation precisely because they would have found it difficult to discern what they would have gained from such an association. And yet if amalgamation had been pursued along the lines that were developing in the Pre-British period, the responses of the different segments of Nigerian opinion to it.... might have been different. The amalgamation of Nigeria in 1914 was, in the final analysis, an administrative device by the British for the facilitation of their colonial mission in Nigeria.

In sum, the union - if it can be seriously so-called - was a unilateral imposition on Nigerians; it was contrived more for economic than for political reasons.¹¹⁷ The North, although politically stable, was economically insecure because the huge deficits it accumulated were defrayed partly by subsidies from the prosperous Protectorate of Southern Nigeria and partly by British Grants. Amalgamation was, therefore, a means of ensuring that the South would conveniently and legally subsidize the North until the latter could support itself. It enabled a landlocked North to gain access to the sea without unnecessary interference. Amalgamation was also considered necessary for the coordination of railway policy. For example, the Minna-Borno-Niger railway - the so-called "Giron railway" was actually.... built with "Southern resources".¹¹⁸ Now, this system was later to compete for business with the Minna-Jebba-Lagos railway - the western system. This competition was envisaged to be exacerbated when the eastern system starting from Port-Harcourt and passing through Enugu and on to the west became operational. Amalgamation, it was felt, would smoothen wh-

difficulties might arise.

A New Society

About a decade of intensive British administration of Nigeria had given rise to a new society that was revolutionary in all its ramifications. The deeper consequences of this revolution lay in the future, however. But it has been sufficiently demonstrated that its genesis lay squarely in the pre-1914 era. The problems of Nigerian Unity and of Nigerian federalism cannot be comprehended outside the context of the policy decisions of the rulers of British Nigeria as well as of their prejudices and attitudes towards Nigerian peoples-prejudices and attitudes which, 'willy nilly', they transferred to their Nigerian wards. The new society that they evolved was a "tribalistic" society (a phenomenon quite alien to pre-British Nigeria). It was a society that was divided along religious lines. While the emirs, supported by British officials, vigorously fought off the introduction of Christianity and its handmaiden, Western education, in their domains, the Nigerian rulership in the South, never in any alliance with the British political officers, could not fight off the coming of the Cross. But the Cross did not come alone; it was accompanied by the allure of Western education in which was imbedded the mysteries of the whiteman's magic that made possible the extraordinary happenings that they were witnessing. So the church and the school became inseparable. Therefore, in spite of the misgivings and suspicion associated with the new religion, the South embraced it initially gingerly, but later, enthusiastically. The traditional rulership, unable to fight against the separation of church and state, reluctantly accepted the division. By doing so, they found their authority much further undermined. In the North, by keeping Christianity at bay, as it were, for a while at any rate, the emirs managed to avoid the disruptive force of Western education and westernisation. But their apparent success, encouraged and applauded by British officials, was to lead later to the North's educational backwardness to redress which future Nigerian governments adopted the controversial affirmative action policy and quota system. By also failing to come to terms really with the separation of the mosque and the state, the secularity of the Nigerian state which is embodied in the Nigerian Constitution has not won general acceptance among Northern Muslims. These two issues - educational imbalance and the concept of the secular state - constitute some of the fundamental problems of Nigerian federalism. And they are also consequences of policy decisions made in our period.

The formation of the WAFF which was used to conquer and hold the country began the era of a permanent standing army across the land. Directly or indirectly this army helped to shape the character and tone of the new society. For one thing it was a colonial occupation force which owed allegiance to the British Crown. Its composition was deliberately made to favour the Hausa-speakers overwhelmingly and to a limited extent the Yoruba. Of the three regiments of the WAFF, two were in the North and were dominated by the Hausa-speakers. The other, stationed in the South, was dominated by Yoruba-speakers. The repercussions of the deliberate Hausanisation and, to a limited extent, Yorubanisation of the Nigerian army, are still with us and lie, to no small degree, at the root of the crisis of Nigerian Federalism. A

federation in which a section or two of the federating units can use the military to hold the rest ransom is clearly no federation and is therefore fraught with difficulties.

Politically, the new society was equally revolutionary and divisive. In the close of our period the vast majority of Nigeria's traditional ruling elite had lost their respective sovereignties to a new overlord, a remote figure in London at the head of a world-wide empire represented in Nigeria by a Governor-General who was accountable to the British government and not to Nigerians. The Governor-General was supported in his official duties by a hierarchy of senior officials (all British) the lowest of whom was the Assistant District Commissioner (ADC). To underscore the loss of sovereignty, even the ADC who was a mere assistant to his immediate superior, the District Commissioner, took official precedence over the most important traditional ruler in his district. Thus, whether the new society was ruled directly or indirectly may be a fine point over which historians and political scientists may quibble for as long as they wish, the brutal truth was that no programme generally disapproved of by the political officers was allowed to succeed. In terms of political culture what had happened was a major political revolution that the entire country had not witnessed before. Whether in the North or the South, these political officers interfered diffusely in the running of the country's affairs. Their degree of dependence on the various traditional rulerships or such newly created rulers as the warrant chiefs did differ according to the prevailing conditions in a particular community or emirate but their guiding principles of colonial administration were not compromised. They included the maintenance of law and order, a fair administration of justice, the organisation of an efficient civil service, and economic development skewed in a way that colonial interests remained paramount.

More important for our immediate purpose was the constitutional division of the country. Following the Selborne Report of 1898, the new colonial estate was divided into four more or less independent political units, then into three units (1900) and finally into two units in 1914. Interestingly enough, the North was left untouched in spite of its overwhelming landmass. Throughout this period, as has been demonstrated, these units functioned substantially independently. In short, between 1898 and 1914 Nigeria was, in reality, ruled as a loose federation of either three or two protectorates plus the Lagos Colony. This may be why Obafemi Awolowo argued forcefully that Nigeria was a federation during this period because of the existence of "two separate legislative authorities for the country"¹⁵ It must be stressed, however, that neither the British government, nor the colonial administrators, and nor the Nigerian themselves conceived the country as any kind of federation whatsoever at the time. What was also clear was that Nigeria was ruled as a unitary state either whether in terms of the military establishment (especially in the maintenance of internal peace); the administration of justice; the organisation of administrative structures, the functioning of the civil service, or the management of the economy.

Indeed, the unification decree of January 1914 has precious little content; it was merely a paper unity. I do not believe that if Lugard was alive that he would contest this assessment for he was a reluctant amalgamator. According to him, his "native" policy for Northern Nigerian "was prim-

administrative while that of Southern Nigeria was commercial and directed primarily to the development of natural resources and trade".¹²⁰ Lugard did not conceive Nigeria as a unitary state. In practice, if not in theory, the country was ruled as a confederation for essentially economic reasons. In constitutional terms, this period of Nigeria history may be described as decentralisation under British sovereignty. In the final analysis Lugard's legacy in Nigeria is, in my opinion, largely negative. He totally ignored the interests of the South in considering the amalgamation of the country. He stoutly and rigidly maintained the distinction between North and South; but he was not opposed to the use of Southern resources to bail out the North. As the Southern elite saw it, he was willing to rob Peter to pay Paul; he would reluctantly amalgamate Peter and Paul and turn around to ensure that the two friends should not interact with each other because, in his opinion, Peter was a very bad fellow! And yet Paul never complained to him about Peter's badness. What happened may appear bizarre but Lugard was no fool. He offered no apologies for his actions. As far as he was concerned the North must remain indivisible to shield it from unwholesome Southern influence. His infatuation with the emirs – an infatuation that nowadays embarrasses Northern critics of emirate rule under colonialism – totally blinded him to the simple fact that there were Nigerians other than his emirs with interest worth protecting. But almost every decision he took after amalgamation seemed intended both to consolidate the gulf between the North and South and to be of help to the North. For example, by regionalisation of the administration he ensured that the two parts of the country grew further apart. By centralising only those departments which he needed for the direction of overall policy, he ruled Nigeria practically as a curious type of confederation in which he allocated resources as he saw fit. He centralised the Treasury so that he could more conveniently use Southern revenues to balance Northern deficits.¹²¹ His romance with the emirs – the emirs whose rulership he had denounced and castigated contemptuously during the conquest of Northern Nigeria – became so hallucinatory that he planned to move the seat of the central government from Lagos to Kaduna. By reducing the powers of the sultan in Lagos to a mere cypher, by abolishing that institution elsewhere, and by substituting it with a useless Nigeria Council that met annually, as we saw, he ensured that there was no check on his powers. And yet beneath this newly found reverence for the emirs and of emirate rule one can discern an irritating superiority complex towards them as well as the protection of his own self-interest. For him the Fulbe emirs were a fine example of noble savages who were preferred to the other Nigerians who were unadulterated savages. The new society was also essentially a **paternalist** society.

The British government was too engrossed with many worldwide responsibilities, and by the end of our period, with the war effort in particular, to pay serious attention to Nigeria. The vast majority of Nigerians hardly knew what was going on in their so-called country. Lugard was the alpha and omega, the philosopher-king of indirect rule, Victorian soldier and adventurer, accomplished author, and benevolent despot who was believed to know more about Nigeria than the whole of England and Nigerians put together! Nobody dared to challenge him openly. His colonial officers were devoted Lugardians and some were even more Lugardian than

himself. The emirs adored their benevolent benefactor and inherited his prejudice against the Western educated Southern elite even though they had hardly come into close contact with this class of Nigerians. The influence of these elite was considered to be so bad that Lugard and the emirs felt that the only way to prevent them from corrupting the North was to shield the North from them as well as from Western education. On their part, the Western educated Southern elite had equally imbibed sorts of prejudices against Northerners with whom they, too, had no close contact. Nor had they bothered to study their institutions seriously. Both groups appear to have been satisfied to work without proper understanding of each other. With regard to European political officers in charge of the two parts of the country, they guarded their respective territories so jealousy that the common joke in colonial circles in those days was that if all Nigerians were to disappear mysteriously, these officers would go to war against themselves. The "political history of Nigeria from 1914", Afigbo has written, "can be summed up as a continuing battle in which the Northern and Southern administrations (all British) spent their time beating back every proposal for closer union put forward by their camp because each proposal was seen as a species of imperialism and humiliating incorporation from across the border".¹²²

The tragedy of all these developments was that within a very short period of intensive British administration of Nigeria, centuries of intergroup relations that in unchecked might have resulted in some sort of political union or unions based on purely indigenous principles were halted. In their place or places, the new colonial society substituted irrational ethnic chauvinism, known today as "tribalism", to which, irrelevant in the pre-British era but are presently destroying the nation-state.

Notes and References

See Erim O. Erim (ed), *Foundations of Nigerian Federalism: Pre-colonial Antecedents*, Volume 1. Abuja: National Council on Intergovernmental Relations, 1996. Especially Chap. 13.

The most important of these works include R. Heussler, *The British Northern Nigeria*. London: Oxford University Press, 1968; I. F. Nicolson, *The Administration of Nigeria, 1900-1960: Men, Methods and Myths*. Oxford Clarendon Press, 1969; T. N. Tamuno, *The Evolution of the Nigerian State: The Southern Phase, 1898-1914*. London: Longman, 1972; I. M. Okonjo, *British Administration in Nigeria, 1900-1950: A Nigerian View*. New York: NOK Publishers, 1974; John E. Flint, "Nigeria: The Colonial Experience from 1880-1914", in L. H. Gann and Peter Duignan (eds) *The History and Politics of Colonialism in Africa, 1870-1914 Vol. 1 of Colonialism in Africa 1870-1960*. Cambridge: The University Press, 1969, pp. 220-60; G. N. Uzoigwe, "The Niger Committee of 1898: Lord Selborne's Report", *Journal of the Historical Society of Nigeria (JHSN)*, IV, 3, 1968, pp. 467-76. Of related interest may be included J. C. Anene *Southern Nigeria in Transition, 1885 - 1906* Cambridge: The University Press, 1966. A.E. Afigbo, *The Warrant Chiefs: Indirect Rule in South Eastern Nigeria, 1891-1929*. New York: Humanities Press, 1972.

This Section is based entirely on Uzoigwe, "Niger Committee of 1898: Lord Selborne's Report", which reproduced the *Selborne Report*.

Report in Uzoigwe, "Niger Committee of 1898: Lord Selborne's Report", *loc. cit.*

See G. N. Uzoigwe, *Britain and Conquest of Africa: The Age of Salisbury*. Ann Arbor: The University of Michigan Press, 1974, Chap. 6 for a detailed discussion of the Niger Negotiations that led to the signing of the Niger Convention.

Uzoigwe, "Niger Committee", pp. 467-8.

Ibid., p. 468.

Ibid., p. 468.

Ibid., p. 468.

Ibid., p. 468.

Ibid., pp. 468-9.

12. This was the first time the name Nigeria was officially used by the British government.
13. Uzoigwe, "Niger Committee", pp. 469-70.
14. *Ibid.*, p. 471.
15. *Ibid.*, p. 474.
16. *Ibid.*, p. 474.
17. *Ibid.*, p. 475-6.
18. L. H. Gann and P. Duignan, *The Rulers of British Africa, 1870-1914*. Stanford: Stanford University Press, 1978, p. 107.
19. See *Hansard*, 4th series, Vol. LIII, Speech by Joseph Chamberlain February, 1898, cols. 1617-1628.
20. For the British conquest of Nigeria, see J. U. J. Asiegbu, *Nigeria and the British Invaders, 1851-1920: A Thematic Documentary History*. New York: NOK Publishers, 1984; Sam C. Ukpabi, *The Origins of the Nigerian Army: A History of the West African Frontier Force*. Zaria: Gaskiya Corporation, 1984; L. H. Gann and P. Duignan, *Rulers of British Africa*, pp. 106-116; Oluwole O. Ikime, *The Fall of Nigeria*. London: Heinemann, 1977; D. J. M. Murray, *Concerning Brave Captains: Being a History of the British Occupation of Sokoto and Sokoto and the Last Stand of the Fulani Forces*. London: Athlone Press, 1964; A. Haywood and F. A. S. Clarke, *The History of the West African Frontier Force*. Aldershot: 1964; R. A. Adeleye, *Power and Diplomacy in Northern Nigeria: The Sokoto Caliphate and its Enemies, 1817-1906*. London: Longman, 1971, part III; Don C. Ohadike, *The Ekwueme Movement: Western Resistance to British Conquest of Nigeria, 1883-1914*. Athens: Ohio University Press, 1991; J. C. Anene, *Southern Nigeria*; Michael Crowder, *The Story of Nigeria*. London: Faber & Faber, 1966, Chapter 6; F. K. Ekechi, *Missionary Enterprise and Rivalry in Igboland, 1857-1914*. London: Frank Cass, 1971, Chapter 6; Idem, *Tradition and Transformation in Eastern Nigeria: A Socio-political History of Owerri and its Hinterland, 1800-1947*. Kent: Kent University Press, 1989, Chapter 2.
21. Gann and Duignan, *Rulers of British Africa*, p. 71.
22. *Ibid.*, p. 96.
23. I. F. Nicolson, *Administration in Nigeria*. For more details about the British colonial army in Nigeria see Chapter 3 below.

B. J. Walker, "The Birth of Federalism in Nigeria", in Lionel Brett (ed), *Constitutional Problems of Federalism in Nigeria*. Appendix II in Proceedings of a Seminar at Kings College, Lagos, 8-15 August 1960, p. 230.

Ibid., p. 230.

See references on footnote 20 above.

Adiele E. Afigbo, "Background to Nigerian Federalism: Federal Features in the Colonial State", *PUBLIUS: The Journal of Federalism*, 21, 4, 1991, p. 14.

Flint, "Nigeria: Colonial Experience", p. 244.

Cited in James S. Coleman, *Nigeria: Background to Nationalism*. Benin City: Broburg & Wistrom, 1986, p. 45.

Ibid., pp. 45-6.

Cited in Okonjo, *British Administration in Nigeria*, p. 37.

"Background to Nigerian Federalism", p. 29.

See Jan Vansina, "A Comparison of African Kingdoms", *Africa*, XXXII, 2, 1962, pp. 324-34.

For criticism of Lugard and Lugardism see, for example, Okonjo, *British Administration in Nigeria*; Tamuno, *Evolution of the Nigerian State*; Idem, "British Colonial Administration in Nigeria in the Twentieth Century", in Obaro Ikime (ed), *Groundwork of Nigerian History*. Ibadan: Heinemann, 1980, Chapter 21; A. E. Afigbo, *Warrant Chiefs*; Idem, "Background to Nigerian Federalism", Flint, "Nigeria: Colonial Experience from 1880-1914".

For this Memorandum see A. H. M. Kirk-Greene, *The Principles of Native Administration in Nigeria: Selected Documents, 1900-1947*. London: Oxford University press, 1965; cf. Great Britain, C. O. cmd 468, *Report by Sir Frederick D. Lugard on the Amalgamation of Northern and Southern Nigeria, and Administration, 1912-1919*.

Quoted in Okonjo, *British Administration in Nigeria*, p. 43; Jide Osuntokun, see f.n. 112 below.

For a detailed study of these chiefs see Afigbo, *Warrant Chiefs*, *op. cit.*

Okonjo, *British Administration in Nigeria*, p. 22.

39. Afigbo, "Background to Nigerian Federalism", p. 19.
40. For assessment of Moor's stewardship see Flint, "Nigeria: Colonial Experience from 1880-1914"; Anene, *Southern Nigeria; Nigerian Administration of Nigeria*; Afigbo, *Warrant Chiefs*, esp. pp. 54-5
41. See Okonjo, *British Administration in Nigeria*, p. 21 for Moor's position on the subject.
42. See Afigbo, "Background to Nigerian Federalism", pp. 20-4.
43. See C. O. 583/3, Amalgamation Report in Lugard to Harcourt, 9 May, 1913; cf. Flint, "Nigeria: Colonial Experience", 256.
44. Flint, "Nigeria: Colonial Experience", p. 256.
45. Margery Perham, *Lugard: The Years of Authority, 1898-1945*, London: Collins, 1960, p. 422.
46. Report to Harcourt, 9 May, 1913; cf. also A. H. M. Kirk-Greene (ed) *Lugard and the Amalgamation of Nigeria: A Documentary Record*. London: Cass, 1968.
47. Flint, "Nigeria: Colonial Experience", p. 256.
48. See f.n. 33 above; see also f.n. 115 below.
49. *Nigeria: Background to Nationalism*, p. 46.
50. *Ibid.*, pp. 46-7.
51. Indeed, apparently driven to desperation on this issue, a Nigerian political Scientist, Cornelius Ogu Ejimofor wrote a book entitled *British Colonial Objectives and Policies in Nigeria: The Roots of Conflict*. Ile-Ife: Obafemi Awolowo University Press, 1987.
52. See A. E. Afigbo, "The Nationality Question and the Federal System" in A. Olaniyan (ed), *Federalism in a Changing World*. Ile-Ife: Obafemi Awolowo University Press, 1988, p. 251.
53. *British Administration in Nigeria*, p. XVI.
54. Flint, "Nigeria: Colonial Experience", p. 252.
55. For these alternative schemes see, for example, E. D. Morel, *Nigeria*

Peoples and Problems, London: 1912, pp. 201-10; Perham, *Lugard: Years of Authority*, p. 414; cf. Chapter 2, pp. below.

56. Flint, "Nigeria: Colonial Experience", p. 257.
57. *Idem*, p. 257.
58. National Archives Ibadan (NAI), CSO 1/14, enclosure in Despatch No. 466 of 21 September, 1906; cf. Afigbo, "Background to Nigerian Federalism", p. 20
59. C. L. Temple, *Native Races and their Rulers*. London: Frank Cass, 1965, pp 53-4.
60. Flint, "Nigeria: Colonial Experience", p. 253.
61. Lugard, *Amalgamation Report*, p. 19.
62. Nigeria Order-in-Council, 1913, para. XVII, p. 241.
63. *Proceedings of the First Meeting of the Nigerian Council*, 31 December, 1914.
64. *Address by the Governor, Sir Hugh Clifford, K. C. M. G. to the Nigerian Council*, 29 December, 1920, p. 16; G. O. Olusanya, "Constitutional Development in Nigeria, 1861-1960", in Ikime, *Groundwork*, p. 52.
65. T. N. Tamuno, "Governor Clifford and Representative Government", *JHSN*, IV, 1, 1967, p. 120.
66. For a succinct summary of the History of the Legco and the Nigerian Council in our period see Olusanya, "Constitutional Development", pp. 518-21; cf. Joan Wheare, *Nigerian Legislative Council*, London: Faber & Faber, 1950.
67. *Administration in Nigeria*, p. 82.
68. Solomon Odini Jaja, "Civil Service and Indirect Rule in Southern Nigeria, 1900-1951", University of Calabar, Ph.D. thesis, Department of History, 1982, pp. 77-8.
69. Harry Gailey, *The Road to Aba*. London: University of London Press, 1977, p. 67.
70. Quote in Jaja, "Civil Service and Indirect Rule", p. 73; cf. NAI, CSO 7/1/1, Egerton to Lyttleton, 20 January, 1905.

71. NAI, CSO 7/1/1 *Correspondence on the Amalgamation of Southern Northern Provinces of Nigeria*, 1 January, 1914.
72. Jaja, "Civil Service and Indirect Rule", p. 73.
73. D. C. Cameron, *My Tanganyika Service and Some Nigeria*, London: 1914; cited in Chijioke Dike, *The Nigerian Civil Service*, Cwerri: Alpha Publisher Company, 1958, p. XIII. For more details about the colonial civil service in Nigeria see chapter 4 below.
74. Ordinance No. 3, 1863 cited in Omoniyi Adewoye, *The Judicial System in Southern Nigeria, 1854-1954: Law and Justice in a Dependency*, London: Longman, 1977, p. 18.
75. Adewoye, *Judicial Systems*, p. 53.
76. *Ibid*, p. 33.
77. *Ibid.*, p. 33; cf. Alan Burns, *History of Nigeria*. London: Allen & Unwin, 1977, Appendix E, pp. 321-7 for the Order-in-Council regularising them.
78. Adewoye, *Judicial Systems*, p. 39.
79. NAE, CSO 1/133, XI, *Annual Report on the Niger Coast Protectorate, 1889-1899*.
80. Obaro Ikime, *Niger Delta Rivalry: Itsekeri-Urhobo Relations and the European Presence, 1884-1936*. London: Longman, 1969, p. 145.
81. See Supreme Court Proclamation, No. 6, 1900; NAE, Cal. Prof. 10/2, 1, 1900; Commissioners Proclamation, No. 8, 1900; NAE, Cal. Prof. 10/2, 1, 1900; Native Courts Proclamation, No. 9, 1900.
82. Supreme Court Proclamation, No. 6, 1900.
83. Native Courts Proclamation, No. 25, 1901; see also *Laws of Southern Nigeria, 1900-1901*.
84. NAE, CSO 1/13, XXIV, Native Courts Amendment Proclamation, No. 1, 1903, Sec. 3.
85. NAE, CSO 1/13, XIII, Moor to C.O., 7 January, 1903, enclosure.
86. For this debate see Afrigbo, *Warrant Chiefs*, Chapter 1.

37. Native Courts Proclamation, No. 7, 1906.
38. *Ibid.*
39. NAE, CSO, 1/15. IX, Egerton to Eligin, 15 May, 1906, enclosure.
40. *Judicial Systems*, p. 72.
41. Omoniyi Adewoye, *The Legal Profession in Nigeria, 1865-1962*, Ibadan: Longman, 1977, p. 61.
42. Quoted in *ibid.*, p. 61.
43. *Ibid.*, p. 61.
44. See Sa'ad Abubakar, "The Northern Provinces Under Colonial Rule", in Ikime, *Groundwork*, Chapter 24.
45. See NAI, CSO 14/5. A2808/1913, *Nigerian Courts*. A detailed account of this reorganisation is contained in Adewoye, *Judicial Systems*, Chapter 5.
46. Adewoye, *Judicial Systems*, p. 137.
47. *Ibid.*, p. 137.
48. *Ibid.*, p. 138.
49. *Ibid.*, p. 147.
50. *Proceedings of the Nigerian Council, 1919*, quoted in Arthur Norton Cook, *British Enterprise in Nigeria*, London: Frank Cass, 1964, p. 232.
51. R. J. Gavin and Wale Oyemakinde, "Economic Development in Nigeria since 1800", in Ikime, *Groundwork*, p. 500.
52. Crowder, *Story of Nigeria*, p. 235.
53. Cook, *British Enterprise*, p. 239.
54. *Ibid.*, p. 239.
55. See Allan McPhee, *The Economic Revolution in West Africa*. London: 1926, esp. p. 9.
56. Cd. 5102, *Report of the Northern Nigeria Lands Committee 1910*, p. VII; cf.

Cook *British Enterprise*, p. 223.

107. *Laws of Northern Nigeria*, Chapter 45. cf. Cook, *British Enterprise*. p. 223.

108. *Report of Northern Nigeria Land Committee*, p. XXIII.

109. *Ibid.*, p. XXVII.

110. Cook, *British Enterprise*, p. 226.

111. *Ibid.*, p. 226.

112. *Ibid.*, pp. 226-7.

113. *Federalism*, Lagos: NIIA, 1979, Chapter 6.

114. Flint, "Nigeria: Colonial Experience", p. 252.

115. *Ibid.*, p. 255.

116. See f.n. in Chapter 2.

117. Crowder, *Story of Nigeria*, p. 240.

118. *Ibid.*, p. 242. For a comprehensive look at British economic policy in colonial Nigeria see Chapter 6 below.

119. *Thoughts on Nigerian Constitution*. Ibadan: O.U.P., 1966, p. 9.

120. Okonjo, *British Administration in Nigeria*, p. 96.

121. Crowder, *Story of Nigeria*, p. 243.

122. Afigbo, *Nigeria: Background to Nigerian Federalism*, p. 24.

UNITARISM VERSUS FEDERALISM: A BRITISH DILEMMA, 1914-1954

Anthony I. Nwabughuogu

Introduction

As we saw in chapter one, the amalgamation of the territories of Nigeria in 1914 did not bring about a clear-cut structure of the Nigerian state. The State structure which emerged in 1914 defied any theoretical construct that can be found in the lexicon of political science and political history. A. J. Harding, a First Class Clerk in the Colonial Office, rightly commented, after reading Lugard's proposals on the legislative and financial arrangements for the amalgamation, that the state which would emerge was 'impossible to classify'. He continued:

It is not a unitary state with local government areas but a central executive and legislature. It is not a federal state with federal executive, legislative and finances, in addition to provincial Executive, legislatures and finances. It is not a personal union of separate colonies under the same Governor. It is not a confederation of states. If adopted, his proposal can hardly be a permanent solution – With one man in practical control of the executive and legislative organs of all the parts, the machine may work passable for sufficient time to enable the transition period to be left behind, by which time the answer to the problem – Unitary state v. Federal – will probably have become clear.¹

Thus, at the end of the amalgamation in 1914, the colonial authorities still faced the dilemma of finding the structural direction to which the Nigerian state would evolve. Should it be a unitary or federal structure? This was the dilemma facing the British in Nigeria during most part of the colonial period. This chapter will analyse the genesis of the British dilemma and the struggle for supremacy of one structure over the other until the final triumph of federalism in 1954.

Genesis of the Dilemma

The genesis of the British dilemma can be traced to the amalgamation carried out by Frederick Lugard, who deliberately designed an amalgamation which could not fit any of the two structures – federal or unitary. He had ample opportunity to settle on a definite constitutional structure but he allowed the opportunity to slip away.

Prior to the amalgamation, at least four colonial officials and one non-official had established a unitary system in Nigeria. In 1911, Governor Hesketh Bell advocated a tri-regional arrangement for Nigeria with the Niger and Benue rivers serving as boundaries.² Bell's argument rested on economy and easy governance. He believed that a smaller North would be both cheaper and easier to administer because it would only comprise almost entirely of Muslim. In the same year, E. D. Morel, editor of the *African Mail*, suggested an amalgamation based on four great provinces and a small unit: The Northern or Sudan Provinces made up of the emirates of Sokoto, Katsina, Kano, Bornu, Kontangora and Zaria with headquarters at Kano; the Central Provinces made up of Sardauna, Adamawa and Bauchi provinces with some divisions from Niger and Benue provinces within its headquarters at Zungeru; the Western Provinces made up of the old Western Region including the old Mid-West plus Kwana and Kabba and Borgu, with headquarters at Osogbo; and the Eastern Provinces comprising the Eastern Region and extending to the Benue river, with headquarters at Calabar. Lagos colony would remain a separate unit while Lokoja would serve as the capital of the whole country.³

Following closely to Morel's proposal was that of F. S. James, a Provincial Commissioner of the Southern Provinces who advocated the division of the country into two main administrative units in the south and two in the North. The Niger and the Benue constituting the north-south boundary.⁴

Charles Temple, who served as Lieutenant Governor for the North under Lugard's Governorship, also advocated the division of the country into four provinces, three in the North, three in the South and the Lagos colony.⁵

As indicated earlier, the expressed motive of the advocates of structural balance was to create a united country. And this would seem to be in line with official thinking and goal of amalgamation of Nigeria. In his message to the Nigerian Government and people on the occasion of the amalgamation of the country, King George V did express the hope that the amalgamation would bring unity, peace and progress to the country.⁶ Sir Hugh Clifford, Lugard's successor, was to express the same view a few years later when he said that the ideal to be aimed at was the eventual evolution not only of an amalgamated but of united Nigeria.⁷ Sir Donald Cameron, Governor of Nigeria (1931-35), also expressed the view that the amalgamation of Southern and Northern Nigeria in 1914 was "specifically designed to terminate" the disunity existing between the two component parts.⁸ A stalwart of the Northern Nigeria administration, H. R. Palmer, proclaimed emphatically in 1922 that the object of amalgamation had been "to make Nigeria one country".

But even if the type of unity envisaged for the country by these officials did not materialise, the amalgamation, if carried out in line with the proposals of the advocates, especially Morel, Temple and James, could have reduced the preponderance of the North in size over the South bequeathed to the country by the Niger committee of 1898.¹⁰ The result would have been the emergence of a structure which would be close enough to a federation and which, with time, could have developed to an ideal federation. For as J. S. Mill asserted, for a federation to function effectively, no one part of it should become "so much powerful than the

to be capable of vying in strength with many of them combined".¹¹ That action could have tallied with the opinion of some informed Nigerians at that time.¹²

Lugard, however, rejected all the suggestion. He preferred, instead, an amalgamation arrangement which would retain the separateness of the North and South. Lugard's reasons were varied. His biographer, Mergerly Perham, asserts that the most dominant factor in Lugard's consideration was his "love for authority." Lugard designed an amalgamation scheme in which he, as the Governor-General, would spend six months administering the country in Nigeria and six months from London. Perham believes, rightly, that a closer unification of the country or a new regionalisation upon Temple's lines, both untried innovation, would equally have shown a great deal for day-to-day work upon the Governor-General, preventing him from travelling, and would have demanded a strong deputy in his absence. None of the two arrangements suited Lugard's design. But by leaving the territories as separate as he found them, the Lieutenant Governors would continue to carry on with their "dual routine much as before, while he, whether in Nigeria or Britain, held the control of all major policy in his own hands and gradually remolded the country upon his own lines".¹³

Equally important to Lugard also was his strong desire to keep the North in its pristine state; uncontaminated by the South. Lugard had perfected a system of indirect rule in the North and he thought that opening the territory to free interaction immediately with southerners would corrupt the system. Such interaction had to wait until the South was properly brought within the ambit of the Lugardian indirect rule system. That was why, for him, amalgamation was no more than the "extension into the south of the northern system of Native Administration."¹⁴

Thus, the five years of Lugard's administration were spent in creating a structure which was neither unified nor federalised. He regionalised the administration maintaining the individuality of the separate territories. Lagos retained its colony status and the remaining part of the country was divided into two: North and South with two Lieutenant Governors. What were amalgamated were those institutions which were directly or indirectly connected with revenue and railways (the main reasons for amalgamation).¹⁵ These were: the Treasury, railways, Survey, Judiciary, Military, Posts and Telecommunications and the Audit. The other institutions were left to the Lieutenant Governors to manage. The North and South continued to prepare their budgets separately. As we saw, Lugard retained the Legislative Council for the Lagos Colony but reduced its powers considerably. He abolished the Legislative Council of the Southern Nigeria Protectorate and replaced it with a bogus creation known as the Nigerian Council, dominated by colonial officials with only six nominated Africans, three from the South and three from the North. The Council lacked any executive or legislative power and served only as a forum for Lugard to address the nation.¹⁶

By seeking to satisfy his own authoritarian propensities, therefore, Lugard sacrificed the unity of Nigeria. And by leaving the regions as they were before amalgamation, he retained that separateness which became a major obstacle on the way to constitutional development in Nigeria. It was these glaring negative effects of amalgamation that impelled I. F. Nicolson to assert that "the most remarkable about Lugard's amalgamation of Nigeria is that it never really took place."¹⁷ For

amalgamation as Sir Hugh Clifford rightly pointed out "would normally imply attempt to merge them [the units] into a single whole;" rather what happened little more than "the placing of a single man at the head of two separate contiguous colonial territories".¹⁸

Worse still for the constitutional evolution of Nigeria was the ill-generated in the minds of the Nigerian peoples by Lugard's amalgamation measure. Using the Lagos press as a guide for measuring the responses of the Nigerian to the amalgamation exercise, it is clear that the amalgamation marked the beginning of a hardened attitude of antagonism between the North and the South, which in the long run, make the envisaged unity difficult to achieve. From the time of announcement of the impending amalgamation was made by the *Times* of London 1st July, 1913, to mid-April, 1914, anti-Northern sentiments were freely expressed in the Southern press.

The *Lagos Weekly Record* of 9th August 1913 asked a rhetorical question "Will Southern Nigeria welcome the imposition of Northern system of judicial administration invested on British Officers?"¹⁹ On 3rd October, the same year, the *Nigerian Chronicle* warned the Government to remember that the South was not Muslim and that the principles of native administration were anathema to Southerners.²⁰ The *Nigerian Times* of 6-13 January, 1914, in an article entitled "Utopia Ltd" warned that Northern Administration did not constitute a model as believed; rather, the North was a region which "labours under despotism". Again on 3rd February of the same year the same paper asserted that amalgamation was nothing but the "inclusion of the South into the former protectorate of Northern Nigeria."²¹ And on the 4th May 1914 it went on to say that the "hidden meaning of the 1914 amalgamation was"

broadly speaking the conquest and subjugation of Southern Nigeria by Northern Nigeria; Northern Nigeria administration must be made to supersede every system of Southern Nigeria."²²

Between March and April, 1914, anti-Northern articles, letters, editorials and pamphlets proliferated in Lagos newspapers, highlighting those factors which separate the North and the South.²³

On their own, the Northerners, especially the Emirs, developed a superstitious complex which, aided by their religious beliefs, made them look down on Southern neighbours. These attitudes rigidified the North-South concept and remained an intractable obstacle in the process of Nigeria's constitutional development throughout the period under study. The period of Lugard's administration, therefore, ended without putting Nigeria on a definite constitutional pedestal.

Hugh Clifford and the Search For an Acceptable Structure

Lugard left Nigeria in 1919 and was succeeded by Sir Hugh Clifford. Clifford's administration spanning the period 1919-1925 was characterised by indecision on the actual structure the Nigerian State was to evolve. At the beginning of his administration Clifford appeared to favour the creation of a unitary admini-

structure for the country. Thus, in a confidential memorandum to Milner that year, he made this feeling clear:

In the beginning, however, if the ideal at which we should aim is, as I hope it should be the eventual evolution, not only of an amalgamated but of an *united* Nigerian, it is essential that the coordination of all administrative work, political and non-political alike, should be directed from a single centre, from which alone a comprehensive view of all the component and interdependent parts of the machine can be obtained.²⁴

Thus, he criticised all the actions of his predecessor which tended to deviate from the chief of the way the state should operate while he sought to achieve the realization of that goal.

His first attack was on the amalgamation arrangements of his predecessor which he saw as a farce and incapable of achieving the desired goal. He gave reasons for his belief. First, the scheme did not provide for a true amalgamation of the three provinces "in any sense in which that term is ordinarily used". For "amalgamation" could normally imply "some attempt to merge them into a single whole". No such attempt, he asserted, was in fact made. Rather, the basic idea of the scheme appeared to be the maintenance of the colony and the two protectorates as three separate and fully equipped administrations bound together principally, if not solely, by the fact that each of the three administrations was to be immediately answerable to the Governor-General instead of to the Secretary of State. Second, there was no central records office. That meant that each of the three Secretaries was sending up his files direct to the Governor with no machinery to co-ordinate them. The result was that a new Governor could never discuss easily how a given matter stood even though the relevant files could be there. Third, the annual budgets of Lieutenant Governors were prepared without having any comprehensive knowledge of the general financial position. This meant that the Governor had to deal with three independent budgets. He concluded that the motive force impelling Lugard's action was not the unity of the country but the fear "least amalgamation with southern Nigeria should disturb the *status quo* in Northern Nigeria."

Clifford then turned his attention to another action of his predecessor going against unitarism: the extension of the northern methods of administration to the south. He saw this action as ill-motivated and foolish. It amounted, in his view, to an attempt to achieve unity in uniformity. This he said, had resulted in Lugard favouring to level down the Southern Provinces, rather than levelling up the Northern Provinces". The South, except in some areas of the south-west did not favour the type of administrative structure to which it was being subjected by the imposition of Northern Nigerian system since it did not possess the type of political institutions that could be used for that purpose. Instead of the Lugardian system, he argued that most areas of the South qualified for direct rule. He was to elaborate on this in his *Annual Report* of 1920.

Clifford then proposed actions that would lead to the achievement of the

unity he envisaged. He recommended, first, the abolition of the Lieutenant Governorship of the South. He considered that post redundant since people passed the Lieutenant Governor and went straight to Governor, who himself was the reactions of the Lagos Press, would attend to anyone who showed. Second, the retention of Lagos as the capital. He believed that in the early period of development, it was necessary that the administrative capital should be a radiating centre of energy, innovation and progress." Lagos, rather than any other town, was qualified at that time, being "the largest centre of commerce, and enterprise, industry and political activity and self-consciousness" in Nigeria. Third, the creation of a central secretariat to be known as the Colonial Secretary's Office that could be in the custody of all important records and serve as a sole channel of communication between the Governor and the Government. It would be headed by the secretary to the Government who would be immediately below the Governor and deputise for the Governor in his absence. Directly under him would be an Under-Secretary to the Government, whose executive office management would not be in question. In the Secretariat was also to be created a post of Secretary for Native Affairs who could supervise Native police and could be the principal adviser to the government on all Native Affairs in Nigeria. He also added responsibility for the Southern provinces on all administration questions. This office would therefore rank below the Lieutenant Governor of the Northern provinces. Fourth, to properly amalgamate the main departments. Thus, departments like Railways, Medical and Sanitary services, only combined in Lugard's scheme were to be fully amalgamated so that each would have a single executive head and an executive deputy head having control over all the provinces. In addition, the following departments were to be amalgamated: Public Works department, Survey, Forestry and Agriculture. The remaining unamalgamated departments of police, mines, public lands and education were to be fully studied with a view to proposing modalities for their full amalgamation in the nearest future. Finally, Clifford sought to clip the wings of those officers whose activities could undermine the "actual amalgamation of Nigeria. He therefore proposed the abolition of the office of legal advisers to the Lieutenant Governors and their replacement with the one office of the Attorney General, and the reduction of the status of the Lieutenant Governor of the Northern provinces to that of a Chief Commissioner. As Chief Commissioner he would still continue to control the Residents, the political staff, the police and for the time being the northern prisons, lands mines and education departments. But he would surrender much of his political powers as he would not issue orders to officers in the unamalgamated departments.

Clifford's proposal, if accepted and implemented, would no doubt have brought about a unified Nigerian nation and the various search for this unity would have been a thing of the past. But this was not to be. Events moved in a direction more than Clifford anticipated to thwart his original aim.

The Colonial office frowned at Clifford's proposals which the officials considered revolutionary. These officials who were essentially Lugardian in temperament and belief saw Clifford's proposals as anti-Lugardian in content and were determined to prevent its acceptance and implementation. The great exponents of the Lugardian stance in the colonial office who incidentally had a lot of influence in

colonial policy – A. J. Harding and G. M. Clauson – commented vehemently against Clifford's proposal. They saw the proposal as anti-Northern Nigeria, written in haste, and destructive of all the "good work" Lugard had done in Nigeria. The best thing that could be done, they commented, was to divert "Sir Hugh Clifford's great energy from destroying all that is best in Nigeria to pushing on a policy of improving communications and harbours and building houses for officers".²⁵

There is no doubt that the attitudes of these colonial officials were motivated by selfish considerations. As long serving officers in the Colonial office, they had been instrumental to the acceptance of the Lugardian system as the best in the administration of African colonial peoples by the colonial office. An adverse comment on that system would be by implication, a sad commentary on their own competence.

They were lucky, however, to be helped in their decision to kill Clifford's proposals by a favourable environment in support of the Lugardian system in Britain at that time, sustained by the propaganda mounted by a powerful indirect rule lobby in London, led by Lord Lugard himself. This lobby from 1919, began to propagate the ideals of the Lugardian system of indirect rule. With his three major works: the *Revised Political Memoranda* published in 1919, the final *Report of the Amalgamation of Northern and Southern Nigeria* published in 1920 and the *Dual Mandate in British Tropical Africa* published in 1922, and many other articles published in various journals, Lugard and his supporters attempted to convince the British reading public that indirect rule continued to be the best method of ruling the backward peoples of Africa.

The net effect of all these was to lead the colonial secretary, Lord Milner, to reject much of Clifford's proposals. Thus, in a confidential memorandum to Clifford in July, 1926 Milner refused to do away with the office of the Lieutenant Governors, insisting on preserving the integrity of the two Provinces. He, however, opposed the creation of a central secretariat and the post of Secretary for Native Affairs but he warned that the alterations should not be allowed in any way to upset the main principles of indirect rule.

Clifford's dream of building an administrative system that would lead to the evolution of "an united" Nigeria had been aborted. Apparently to retain his job, Clifford abandoned his original plan. Although he succeeded in creating a Central Secretariat, stabilised the strength of the administrative establishment by injecting more capable hands into the service, eventually amalgamated the Public Works Department and reorganised the customs, Survey, mines veterinary, legal and prisons department; and restored and developed the legislative Council, which put Nigeria back on the road of constitutional development, it was clear that his dream of "an united" Nigeria had suffered a partial stroke.

The years 1920-1925 when Clifford governed Nigeria were years of great dilemma for the British administration in their effort to fashion out a constitutional structure for the country. With his dream of unity quashed, Clifford swung to the other extreme – the creation of autonomous states within the Nigerian policy. This appears to be his understanding of official thinking in rejecting his proposal.

In an address to the Nigerian Council in 1920,²⁷ shortly after his proposal for

reform was rejected, Clifford castigated those who dreamt of a Nigerian nation which he now saw as impracticable. He asserted that government policy was then "maintain and support the local tribal institutions and the indigenous forms of government". Every homogenous community or any emirate, he averred, was to be encouraged to be an autonomous nation. If for any reason the Native States came together in a Nigerian nation, he asserted:

a deadly blow could thereby be struck at the very root of national self-government in Nigeria which secures to each separate people the right to maintain its identity, its individuality, its nationality, its own chosen form of government; and the peculiar political and social institutions which have been evolved for it by the wisdom and by the accumulated experience of generations of its forebears.

Thus, after 1920, Clifford became a prophet of disunity in Nigeria. He encouraged separate development of the North and the south, and soon within this division, the growth of "self-contained and mutually independent Native States". The unity of the Nigerian nation had been sacrificed. And the British dilemma had to continue.

Period of Uncertainty

With the retirement of Clifford in 1925, the Nigerian nation entered a period of uncertainty regarding the direction of the future structure of Nigeria. In fact, the battle between federalism and unitarism entered a more delicate stage. There were two reasons for this state of affairs. One was exclusion of the North from the deliberations of the reactivated Legislative Council. Between 1947, the peoples of the Northern Provinces did not participate in the Legislative Council, which would have provided the Nigerian people a common forum for discussion and thereby promoted unity. The second was the attitude of the Colonial officials after Clifford's retirement whereas Clifford's successor, Graeme Thompson though a 'Lugardian apostle' continued the centralising policy of the early period of his predecessor. In his administration, Herbert Richmond Palmer, another apostle of Lugard, and the Lieutenant Governor of Northern Nigeria vehemently opposed that policy. Palmer was a great believer in the principle of indirect rule as practiced in Northern Nigeria and he believed that its abandonment would spell doom for British colonial administration. He saw in the centralising policies of Graeme Thompson, a threat to the continuation of the Northern style indirect rule system and decided to put a stop to it.²⁸ It is not surprising therefore that Thompson's era has been described as one of power struggle between the Central Government and the Northern administration.²⁹

The activities of the Northern administration during this time not only halted the idea of a unitary superstructure but in fact undermined whatever gain had been made along that direction. They began, for instance, to challenge the centralisation of departments and to encourage the notion that the emirates constituted semi-independent states. At least, so the heads of the departments, the Commissioners of lands and works believed.³⁰ And the actions of Palmer and his successors confirmed that belief. Palmer, for instance, resisted the transfer of the officers from the South

the North apparently to avoid the dissemination of Southern ideas and methods in the north; fought for legislative independence of the north; opposed the application of ordinances passed by the central legislature to the Northern Provinces and insisted on separate laws for each of the 'three separate units' of East, North and West to which he believed Nigeria would surely be constituted in the future.³¹ These attitudes continued by Palmer's successor, C. W. Alexander, constituted a major obstacle to the development of a unitary system which all colonial administrators before then had favoured. The amalgamation of 1914 was designed to achieve.³² This state of affairs remained until Sir Graeme Thompson left Nigeria.

The Last Struggle for Unitarism

Donald Cameron took over as Governor of Nigeria in 1931. His administration, during the period 1931-1935, marked the last attempt by the British colonial administration at the centre to evolve a unitary political system for Nigeria. Cameron was quick to understand that the British dilemma in settling the constitutional development of Nigeria had been caused by the lack of a properly defined policy. He stated:

We must know where we are going and what are our aims. It is necessary that the Government should form some idea broadly speaking of what the political evolution of Nigeria is likely to be and to work towards that end.

He believed that for "geographical and economic reasons" it was not likely that any part or parts of Nigeria would become "separate, self-contained political and economic units", and that accordingly wisdom lay in the "policy of treating the country as a whole, openly and without any mental reservations." Agreeing that this should be settled policy of government from then on, he emphasized that all efforts of the Government would be guided by that idea. And he warned that any attempt to depart from the British policy in such a way as to foster the development of the North as a separate political unit would amount to reviving "a state of affairs that the amalgamation of Southern and Northern Nigeria in 1914 was specifically designed to prevent." Unity was therefore the goal of British administration in Nigeria.

If Cameron was quick in identifying the root cause of Britain's constitutional dilemma in Nigeria, he was even quicker in discerning the obstacles on the way to achieving the goals he had set for himself and the way of removing them. Two obstacles, in his view, remained major obstacles to the development of a unitary system of administration in Nigeria which the amalgamation was specifically designed to remove. One was the resistance of the Northern Nigerian political officers to the authority of the centre. He recalled that the Northern Nigerian political officers had regarded the area as a separate political unit to which they were solely responsible for its administration. This had created a psychology of isolation in the Northern Nigerian which prevented the political integration of the whole of Nigeria. The other was the way and manner indirect rule had been administered in Nigeria. Indirect rule, he said, had been used to create powerful Emirs who

were thus treated as rulers of independent states with powers to do everything in their areas of jurisdiction. He cited a memorandum by the Northern Administration in the North which further strengthened the powers of the Native Authorities by giving them executive and judicial powers over all people in their territories. Cameron believed that these attitudes of the Northern political officers not only prevented the formulation of policies with Nigeria in mind but also transformed the administrations into independent states and created the potentiality of breaking Nigeria into separate and divergent territorial units.

Cameron quickly attacked these problems. He first tried to take Nigeria out of indirect rule by proposing the enactment of Native Court and Native Ordinance applying to the whole country which would remove all those powers which had tended to make indirect rule a dogma. Such enactments would remove the powers of the Native Authorities considerably. Under his proposal, the Government would have the power to determine the class of people who could be subject to the jurisdiction of the Native Authority. Native Authorities would be made to understand that they were part of the machinery of governance and not independent of it. Alexander, the Lieutenant Governor of Northern Nigeria, attacked Cameron's proposal and sought to press on the Colonial Office to reject Cameron's proposals. He argued that Nigeria was "too large and too complex a country for one national administration to be applied in all its component parts." Stressing that "unity should be sought in policy rather in methods", he urged that "executive powers should be sought in a framework which should be expansive enough to allow of the same goal of progress whose various elements have grown together with equal, not dissonant, forces coalescing by federation rather than amalgamation into a single 'United Nigeria'."

Alexander's view were ignored by the Colonial Office which accepted Cameron's proposals. Cameron's victory was the victory of unitarism over federalism. Armed with the approval, Cameron set out to achieve his goal of a united Nigeria. He enacted the Native Authority and Native Courts Ordinance in 1933 and it came into effect in April, 1934 throughout Nigeria. Among its provisions was the placement in the Governor, the sole responsibility to determine the class of people who could be subject to the jurisdiction of the Native Authority. This, therefore, checked the adverse effects of Palmer's Native Authorities and the Court Ordinance under which all Africans entering or living in any part of the administration were subjected to the control of the Native Authority. Cameron enacted this Ordinance primarily to enhance the authority of the Northern Administration in his bid to present them as real executive arms of government. Its operation had worked against the Southern traders and educated elements residing in the North and helped to frustrate the process of integration. Cameron also weakened the resistance of the Northern administration by reducing the powers of its Lieutenant Governor receiving his authority direct from the King, to that of a Chief Commissioner. The Chief Commissioners were to receive theirs from the Governor. With their powers reduced, the heads of the Northern administration cooled down.

From then, Lagos seized the initiative. Cameron now worked for the unification of Nigeria. He encouraged greater intercourse among Nigerians and he believed this could promote greater understanding and political integrat-

encouraged the Northern Emirs to travel to other regions of Nigeria. It is on record that it was during his administration that the Emir of Kano and Sultan of Sokoto made their first visit of any Northern Nigerian Traditional Ruler to Lagos.³⁷ Had Cameroon continued longer as Governor of Nigeria, he could have consolidated Nigerian unity. But this was not to be. Cameroon left Nigeria in 1935 and was replaced by Sir Bernard Bourdillon.

The Nurturing of Federal Ideas

The departure of Cameroon gave further opportunity for the resuscitation of the separatist agitation of the Northern administrators. T. S. Adams who took over from Palmer as Chief Commissioner of the Northern Provinces soon revived the autonomy idea. This was irritating to Bourdillon who thought the old-fashioned idea should be discarded. Much as these attitudes appeared to halt a revolt of the Northern administration, it was clear to everyone, including Bourdillon, that a final word had not been said on how the Nigerian nation should evolve.

One thing had stood clear since the struggle began namely, that a unitary system was out of the question with continued opposition of the Northern administration. The Centre itself had ruled out the feasible alternative, the Crown Colony system; Sir Graeme Thompson had vehemently opposed the idea. What was needed now was a system which could allow political advance while accommodating native administration. Officials, both at the Colonial Office and the Colonial Administration in Nigeria, began to nurse the idea of Federalism. Among the Colonial Officials in Nigeria, the greatest support of federalism came from the Northern administration. This was understandable. A federal arrangement would bring them nearer to what they had been fighting for since 1914.

Bourdillon himself had by now begun to develop the federal idea. He had come to believe that a unitary constitution would not be ideal for Nigeria with its heterogeneous population. These views he made known in his *Memorandum on the Future Political Development of Nigeria in 1939*³⁸ He believed that time had come to develop a constitution which must allow for the development of the various groups along "natural lines without slowing the pace below that which internal pressure renders desirable." He did not see the answer in Clifford's Constitution which he described as an "unnatural excrescence." What was needed was a constitution which would "ensure easy and coordinated political progress at the Centre and in the Provinces" by linking the central legislature with the native administration. Such a constitution would promote the overall political development of the country because it would allow for the organic growth of its component parts.

Bourdillon found a solution to the problem in scrapping the Clifford Constitution and replacing it with one which would provide for regional Councils in the provinces with a Central Council in Lagos. The deliberations of the regional Councils would serve as a guide for nursing the views of the mass of the people which would then be made known to the Central Council. Bourdillon took a practical action to implement his new idea. He divided the Protectorate of Southern Nigeria into two: Eastern and Western Provinces thereby reverting to the structure before 1906.³⁹ By this singular act, Bourdillon put a nail on the coffin of unitary structure in

Nigeria. But he had not yet built a true federal structure before he left Nigeria in 1943. For he still left the North intact thereby worsening the imbalance which was inimical to the growth of a true federation. Nevertheless, the federal idea was dominant official and informed Nigerian thinking from then on. Bourdillon had created a skeleton of a federation; it was left to his successor, Sir Arthur Richards to give it flesh to it.

Bourdillon's ideas were nurtured and put into practice by Sir Arthur Richards. On assuming office, Sir Arthur Richards admitted that constitutional arrangements made since 1914 to build a united Nigeria had failed to produce the desired result. Unity, he said, did not exist; nor did the constitution he met provide for its growth. He therefore proposed to the Colonial office a Constitution which would:

create a political system which is itself a present advance and contains the living possibility of further orderly advance - a system within which the diverse elements may progress at varying speeds, amicably and smoothly, towards a more closely integrated economic, social and political unit, without sacrificing the principle and ideals inherent in their divergent ways of life.⁴⁰

The three objectives of his constitution therefore were:

- a. to promote the unity of Nigeria
- b. to provide adequately within that unity for the diverse elements which make up the country; and
- c. to secure greater participation by Nigerians in discussion of their affairs.⁴¹

Richards secured approval for his proposals and he set out to put them into effect. He styled the units created by his predecessor, regions and proceeded to establish a regional Council consisting of a House of Chiefs and a House of Assembly. He reconstituted the Legislative Council which now legislated for the whole country. The Council consisted of the Governor as President, sixteen officials and twenty-four unofficial of whom four were elected and the remaining twenty-four were nominated by the newly established Regional Councils, some of the members of whom were nominated by the Native Authorities. A direct link was thus established for the time between the Central Legislature and the Native Authorities through a system of electoral colleges.⁴²

The Richards Constitution has been accused of arresting the "trend towards unification" and of encouraging "separatism in some important particular by carving up the country into three regions".⁴³ It has also been criticised by nationalists for its being crafted without consulting them.⁴⁴ Some have also described it as the most integrative force before 1946.⁴⁵ But in the real task of setting Nigeria on a definite road of constitutional development, it certainly minimised the dilemma which the British Colonial Government had found itself since 1914. The constitution clearly established a quasi-federal structure. Nigeria was from then on the road

full federal constitution; the movement was never again to be reversed.

From 1947 when the Richards Constitution came into effect the federal idea continued to grow from strength to strength. The federal idea inherent in the constitution was acceptable to all sections of the country. The Northern administrators and informed opinion saw the development as a victory for their long struggle for autonomy within the Nigerian polity. James S. Coleman asserts that even "to all Northerner, it was the single most attractive feature of the constitution."⁴⁶ In the South the nationalists saw the federal idea as representing their own views of the ideal Nigerian nation. Both Nnamdi Azikiwe and Obafemi Awolowo were advocates of Federalism at that time. In his *Political Blueprint of Nigeria*⁴⁷ published in 1943, Azikiwe had advocated a Federal Commonwealth of Nigeria built on eight protectorates. Each protectorate was to be given Substantial powers. Obafemi Awolowo, in his own *Path to Nigerian Freedom* published in 1947 dogmatically argued for a federal structure for Nigeria. He totally rejected a unitary system which he said was not meant for a country like Nigeria which to him was not a nation but simply "an appellation to distinguish those who inhabit the geographical area from those who do not". Citing instances from other countries with such cultural diversities as Nigeria, Awolowo showed that only a federal system was suitable for Nigeria. The Nigerian Youth Movement (NYM) was even putting the federal idea into practice during this time. Between 1940 and 1944, it "organised conferences of the branches representing the Western Province".⁴⁹

Federalism and the Search for Regional Security, 1947-1954

In spite of these attitudes the road to full federal structure was not a smooth one after the Richards Constitution. From 1947 to 1954 federalism faced enough formidable obstacles on the way to its achievement to make the British wonder if they had actually come out of the Nigerian Constitutional dilemma. There was the problem of selling the entire constitution to the people of Nigeria. For although the Federal idea had been accepted by most Nigerian of the Nigerian elite, the entire constitution upon which the idea rested had not been fully accepted. Militant nationalists were agitating against what they called "obnoxious" features of the constitution and this threatened the foundation of the document. In particular, nationalists were opposed

- the promulgation of a constitution without consulting them;
- the limited powers and functions granted to the representatives under the constitution which did not seem to prepare them sufficiently for responsible self-government;
- the manner of selecting the unofficial majority, especially, the inclusion of chiefs and emirs in that category; and
- the failure of the Constitution to increase the number of members to be elected into the Legislative Council.

They, therefore, called for abrogation of the constitution.⁵⁰ There was also the problem of satisfying the territorial structure for the type of federalism to which

Azikiwe and Awolowo subscribed. Zik, as we have seen called for a Commonwealth of eight protectorates. Awolowo on his part called in 1953 for a federation of states (four in the northern region, three in the Eastern Region and two in the Western Region).⁵¹ Such territorial divisions were difficult to achieve especially as the Northern leaders were determined to maintain existing territorial boundaries and threatened secession if they were tampered with.⁵²

What saved the situation was the intense quest for sectional security by the nationalist leaders which followed the Richards Constitution. The Constitution of 1947, as we have seen, confirmed the regional autonomy of the "natural units" of the Nigerian State. It also opened the eyes of the nationalist leaders to the fact that the time for devolution of power was at hand. This knowledge was to lead to the disintegration, by 1950, of the nationalist spirit which had seen to the formation of such groups as the Zikist Movement, the Freedom Movement and the National Church of Nigeria, all with national memberships and with the common aim of liberating Nigeria from political, economic and religious imperialism and for the attainment of Nigerian unity.⁵³ What filled the vacuum was ethnic nationalism which operated in the guise of protecting the larger sectional security and interests. For the leaders of each regional group, the attraction of federalism was its scope to accommodate the regional or ethnic interest of the group.

The Northern political elite identified their sectional interest as protection of the North from being swallowed up by the South. There were wide differences in the socio-political and economic development of the regions. British policy of sheltering the North from such external influences as Western education, Christian missionary activities and the more exposed Southerners; the preservation of Islamic purity and the deliberate exclusion of the area from representation in the Nigerian Legislative Council until 1947 had put the North at a great disadvantage in any union with the South. By 1948, the Northern political elite had recognised this situation and determined to support federalism as the only way they could work together with their Southern neighbours.⁵⁴

For the Yoruba political elite, the towering position of Azikiwe and the leadership of the post-war nationalist movements; the dominant position of the Yoruba in the only political party then, the National Council of Nigeria and the Cameroons (N.C.N.C); the apparent marriage between the N.C.N.C and the Ibo State Union; the cultural organisation; and the statement credited to Azikiwe in 1947 that it appeared that the God of Africa had chosen the Igbo race to lead other African peoples constituted, in their view, a threat to Yoruba leadership and security which must be checked by a federal arrangement.⁵⁵

The Igbo began to see their security threatened by the "institutionalisation of regional separatism" which tended to affect "the careers and future opportunities of a large number of easterners resident abroad."⁵⁶ The fact that many educated Yorubas constituted the bulk of the clerks, artisans and traders in other parts of Nigeria lent time lent credence to this assertion. The Igbo political leadership therefore supported a federal arrangement with a strong centre as the only way to accommodate their interest in the absence of a unitary system.⁵⁷

Events in 1948 exacerbated the tempo of ethnic nationalism in Nigeria.

that year, Sir, Arthur Richards left Nigeria and was replaced by Sir John Macpherson who immediately announced the plan to review the Richards Constitution. The review envisaged by Macpherson would produce a constitution which would establish the power structure of independent Nigeria. The Constitution was to rely heavily on participation of the rural and traditional elements rather than the nationalists, educated and urban elite. It was to be decided by a series of conferences starting from the village and divisional levels to provincial and regional levels. The views of the regional conferences would then be discussed by a Drafting Committee which would then pass it on to a General Conference and from there to the Legislative Council. The Legislative Council would, after debating it, pass it to the Governor for onward despatch to the Secretary of State for the Colonies for final approval.⁵⁸

The effect of this new constitutional proposal was to intensify sectional rivalry and tension. The leaders of each section sought to secure as much interest of their group as possible in the new constitution. And the two years, 1948-50, when consultations on the draft were carried to the nooks and corners of Nigeria, afforded these leaders the opportunity to mobilize their home base. The appeal was to the larger regional interests. In reality, it was the interest of the dominant ethnic group in the region to which the political leader usually belonged that mattered. In quick succession, two cultural associations were transformed into political parties to fight for these sectional interest. They were the Egbe Omo Oduduwa which became the Action Group (AG) in March 1951 and the Jamiyya Mutuen Arewa which transformed itself into the Northern Peoples Congress (NPC) in October 1951.⁵⁹

By their pronouncements and activities, the two parties quickly showed that they were more concerned with securing the interest of their regions than with pan-Nigerian nationalism. The NPC attacked what it called Southern domination as demonstrated in the control of government posts by Southerners; and Southern interference in the internal affairs of the North; they demanded retention of existing regional boundaries, fifty percent membership of the House of Representatives and the distribution of central revenue on per capita basis.

Leaders of the Action Group (AG) attacked the Igbo and Igbo leadership, especially Nnamdi Azikiwe for what they saw as Igbo attempt to overshadow them.

The reaction of the NCNC which now mostly represented the voice of the Eastern Region and which now sought to work to secure the interests of the group, was to make an about turn on federalism. Their leaders now argued that federalism was being used to dismember Nigeria. They therefore called for a unitary arrangement. This new stand they made known at the Party's Third Annual Convention in Kano in August, 1951 when they resolved:

That in view of recent divisionist tendencies in the country and to accelerate the attainment of our goal for a united Nigeria, a unitary form of government with the acceptance of the principle of constituencies will be better for Nigeria and the Cameroons.⁶⁰

Coming from a political party which has since the Richards Constitution, been preaching federalism, the statement was a serious challenge to the realisation of the

federal objective. But it was the last challenge the federal idea was to face.

Events moved fast to hasten the march to federalism. The regional conferences meeting at Ibadan, Enugu and Kaduna to consider the proposed Macpherson Constitution, responding to the inputs from the village, district, provincial and colony conferences, recommended federalism based on existing regions. It recommended that the regions should be given legislative and executive authority covering a wide range of subjects. The recommendations of the Conference were sent to the Colonial Secretary who gave them general approval, referring outstanding issues to the Legislative Council for deliberation. The outstanding issues to the Legislative Council for deliberation, the outstanding issues concerned revenue allocation formula, equality of representation between the North and the South, regional boundaries, the question of franchise to Southern residents in the North, the status of Lagos-issues for which there was no agreement during the conferences, and for which minority reports were produced.⁶¹ The NCNC could no longer insist on a unitary system. The Macpherson Constitution came into effect in January 1952. It was a compromise between a unitary system and a federal structure with federalism weighing heavier on the scale. The general elections conducted under the Macpherson Constitution produced a result which clearly showed the political parties where their future political fortunes lay. It also convinced the political leaders that a unitary system would not benefit them. The A.G. won in the West, the NCNC in the East and the NPC in the North. The struggle to protect this political base intensified. Consequently, each party attempted to show its home base that it could articulate the sectional interest of the group and ensure its security in the Nigerian nation. The A.G. began vehemently to ask for the inclusion of Lagos into the Western Region and the allocation of Central revenue according to derivation (Lagos was the major cash earner at that time). The NPC saw in the retention of existing regional boundaries, the greater autonomy of the regions, the separation of Lagos from Western Nigeria and the allocation of revenue on a democratic per capita basis representing the interest of the Northern Region and fought dogmatically to achieve them. The NCNC was forced to look inwards to the East. It fought vehemently for the separation of Lagos from Western Nigeria, and the division of the country along main ethnic or linguistic groups which it considered represented the interest of the Eastern Region.

It was these goals for sectional security which determined the outcome of subsequent constitutions and in the end ensured the triumph of federalism. For each party fought for sectional interest, the interests of the larger Nigerian nation were sacrificed. No arrangement other than a federal one could accommodate all these interests.

It was not surprising that when the political parties assembled in London in 1953 to deliberate once again on another constitution after the breakdown of the Macpherson Constitution it was easy for all of them to agree on a federal Constitution.⁶²

In 1954, a federal constitution was thus established. Residual powers were transferred to the regions instead of being left with the centre. The issue of revenue allocation was decided which emphasised the principle of derivation, regionalised

service and judiciary were created. This was clearly the triumph of federalism. But it was a federation that was to continue to be hunted by the twin forces of regional balance and the quest for sectional security.⁶³

Notes and References

1. Public Records Office (PRO), London, C.O. 583 Vol, Amalgamation Report. See Minute by A. J. Harding on Lugard's Amalgamation Proposals.
2. A. H. M. Kirk-Greene, *Lugard and the Amalgamation of Nigeria. Documentary Record*. London, Frank Cass, 1961, Introduction.
3. E. D. Morel, *Nigeria, Its People and its Problems*, (2nd Ed.) London: S. Elder & Co, 1911, pp. 201-4.
4. Kirk-Greene, *Lugard and Amalgamation*, p. 12.
5. *Ibid.*, pp. 12-3.
6. *Ibid.*, p. 270. See speeches read on behalf of the King by Lugard.
7. C.O. 583/80, Clifford to Milner (Conf.), 3rd December, 1919.
8. Sir Donald Cameron: *The Principles of Native Administration and Application*. Lagos, 13 July 1934, par. 5.
9. National Archives Ibadan (NAI), CSO, 26 37578, Palmer to Clifford, 1919.
10. See G. N. Uzoigwe "The Niger Committee of 1898: Lord Selborne's Report" *Journal of the Historical Society of Nigeria*, Vol. IV, No. 3, December, 1972, p. 472.
11. J. S. Mill, "Consideration on Representative Government" cited in I. I. Ijalaye "The Civil War and Nigerian Federalism" in A. B. Akinyemi *et al* *Reading on Federalism*. Lagos: Nigerian Institute of International Affairs, 1979, p.141.
12. Editorial Opinion, *Lagos Standard*, 15 April, 1914 cited in S. O. Ojo *Indirect Rule: The Development of Central Legislature in Nigeria*, Nigeria, Thomas Nelson, 1981, p. 52.
13. Margery Perham, *Lugard: The Years of Authority*. London: Collins, 1960, pp. 414-5.
14. Margery Perham, *Native Administration in Nigeria*. London: OUP, 1937, p. 10.
15. Kirk Greene, *Lugard and Amalgamation*: chapter 1, *op. cit.*
16. *Report by Sir E. D. Lugard on the Amalgamation of Northern and Southern Nigeria*.

Nigeria, and Administration, 1912-1919 CMB 468 (London, 1920).
Reproduced in Kirk-Greene, *Lugard and Amalgamation*, p. 86. cf Chapter 1
above, p.

7. I. F. Nicolson, *The Administration of Nigeria: Men, Methods and Myths*.
Oxford: Clarendon Press, 1969, p. 201

8. C.O 583/80, Clifford to Milner 3rd December, 1911.

9. Cited in Kirk-Greene, *Lugard and Amalgamation*, Introduction.

10. *Ibid.*

11. *Ibid.*

12. *Ibid.*

13. *Ibid.*

14. C.O 583/80 Clifford to Milner 3rd December, 1911 *op.cit.*

15. *Ibid.*

16. *Ibid.* Milner to Clifford Conf. July, 1920.

17. Address to the Legislative Council, 29 December, 1920. Quoted in full in
James S. Coleman, *Nigeria: Background to Nationalism*. Berkley: University
of California Press, 1958, p. 194.

18. I. M. Okonjo, *British Administration in Nigeria, 1900-1950: A Nigerian View
Point*. New York and Lagos: NOK 1974.

19. R. Heussler, *The British in Northern Nigeria*. London: OUP, 1968. p. 63.

20. NAI, MN/X8, Notes of a meeting called by His Excellency the Governor
between Administrative Officers and Heads of Central Departments on
Thursday, 26 September, 1929.

21. Okafor, *Indirect Rule*, pp. 116-9.

See Footnotes 6-8 above.

22. Cameron, *Native Administration*, para. 5.

23. CO 583/183 Memo from D. C. Cameron to Rt. Honourable Sir Philip Cunliffe-

lister, Secretary of State for the colonies dated 12 March, 1932.

35. Okonjo, *British Administration*, p. 225.
36. *Idem*.
37. M. Crowder, *The Story of Nigeria*. London: Faber & Faber, 1966, pp.
38. CO 583, Vol. 244 *Memorandum on the Future Political Development of Nigeria*, 1939.
39. For a fuller discussion on this point see Okafor, *Indirect Rule*, pp. 130-131.
40. *Sessional paper No.4 of 1945, Political and Constitutional Development of Nigeria*, p. 2.
41. *Ibid*.
42. Crowder, *Story of Nigeria*, pp. 274-6.
43. K. O. Dike, *100 Years of British Rule in Nigeria 1860-1960*. Government Printer, 1961.
44. For details, see Coleman, *Nigeria: Background to Nationalism*, pp. 200-201.
45. This is the view of Sir Bernard Bourdillon. See his "Nigeria's Constitution" *United Empire XXXVII*, Vol. 2 March-April, 1946 pp. 10-11, cited, in Coleman, *Nigeria: Background to Nationalism*, pp. 276-7.
46. Coleman, *Nigeria: Background to Nationalism*, p. 277.
47. Lagos, 1943 cited in *Ibid.*, p. 324.
48. Obafemi Awolowo *Path To Nigerian Freedom*. London: Faber and Faber, 1947, pp. 112-4.
49. Coleman, *Nigeria: Background to Nationalism*, p. 323.
50. *Ibid.*, pp. 277-80.
51. *Ibid.*, p. 288.
52. Crowder, *The Story of Nigeria*, p. 281.
53. For the aims and objectives of these movements, see Coleman,

Background to Nationalism pp. 396-404.

4. These views were contained in Ahmadu Bellow, *My Life*. London: Cambridge University Press, 1962, pp. 143-4.

5. These views have been fully discussed in Coleman, *Nigeria: Background to Nationalism*, p. 343.

6. *Ibid.*, p. 339.

7. N.A.I., *Legislative Council Debates* 24 March, 1948, p. 719.

8. Okafor, *Indirect Rule*, pp. 160-5.

9. Coleman, *Nigeria: Background to Nationalism*, p. 362.

10. *Ibid.*, p. 36.

11. N.C.N.C. *Forward to Freedom and Progress*. National Council of Nigeria and Cameroons (Yaba: 1951), p. 26.

12. Crowder, *The Story of Nigeria*, pp. 280-1.

13. *Ibid.*, pp. 281-4.

14. *Ibid.*

For a detailed discussion of these issues see Chapter 12 below.

BRITISH MILITARY ESTABLISHMENTS IN NIGERIA 1900-1960

S.C. Ukpabi

Introduction

British military establishments in Nigeria in this century cannot be grasped fully without the correct appreciation of British military activities in Nigeria in the nineteenth century. In the first place, these activities and the political consequences arising therefrom provided the necessary military and political framework for British military establishments in this country in the twentieth century. Secondly, some of the tasks for British forces in the past century spilled over into this century and helped to determine British force levels in the twentieth century. Thirdly, the British colonial policy in Nigeria in this century was to some extent an amalgam of the various policies established by Britain in various parts of Nigeria in the past century.¹ Consequently, those soldiers who continued to serve after 1900 brought with them certain attitudes and prejudices against the civilian population which they passed on to new recruits, which coloured the civilian-military relationship throughout the colonial period and beyond. Fourthly, various matters concerning how to run British military establishments in this century were settled in the past century.

The Nineteenth Century Background

When, at the beginning of the nineteenth century, Britain decided to make its power and influence effective along the Nigerian littoral, it had to find a military force capable of helping it to achieve its objectives. It, therefore, created the West African squadron supplemented by gunboats which were used against towns and groups of people considered hostile to British interests. The squadron, however, had limitations in its operations along the Nigerian coast. For example, the soldiers and crew were British who succumbed easily to malaria with the result that they could only be kept on combat duty for a very short time in order to cut down on European mortality. The ships could land troops within the navigable stretches of hinterland waterways, but since such troops were withdrawn after a short spell, the salutary effect of such an exercise was short-lived.² Moreover, the troops could hold ground not only because they were Europeans but also because their numbers were small and the military tasks widespread. Consequently, when Britain appointed consuls and administrators to look after its interests in parts of Southern Nigeria, such officials discovered that they could not rely on such naval units to assert their authority in the hinterland. Some of them acquired gunboats which could travel

long stretches of the hinterland waterways shelling and destroying towns close to the rivers. However, such tactics were unsatisfactory since they did not have a lasting effect on the indigenes who simply evacuated themselves and their belongings before the boats arrived or simply moved further inland to rebuild their towns after the ones close to the rivers had been destroyed.

In an attempt to improve its military capability in the first half of the nineteenth century the British resorted to bringing from Sierra Leone, its West India regiments who were quartered there. Such troops were from time to time despatched on tour of duty to Lagos. By 1864, two companies of the 3rd. West India Regiment were still quartered in Lagos.³

The first town of strategic importance to be captured by force of arms by the British, in what is now known as Nigeria, was Lagos which was taken in 1851, by men and ships of the Royal Navy supplemented by 650 soldiers of King Akintoye. At the same time British influence continued to spread eastwards along the Niger Delta and beyond. However, by gaining a foothold in Nigeria through conquest Britain assumed the position of a land power which, in turn, brought into sharp focus a situation of military confrontation with the indigenous rulers. With Lagos as a colony, British withdrawal was out of the question. Instead the problem of "ever expanding frontier" ensued.

In order, for example, to ensure that Lagos was defended adequately against the hostile indigenous people in the neighbourhood, British forces had to expand into frontier areas in order to create a buffer zone between the colony and the powerful rulers in the hinterland.⁴ Adequate military establishment had to be created for this purpose. Indeed, this situation which was going on in various parts of Southern Nigeria demanded similar military measures by various British administrators and continued to determine the force level needed. The consequences of the ever-expanding frontier ended only when British power had been felt in all parts of Nigeria and those who challenged British authority subdued.

Meanwhile, those colonial forces which would form part of the British military establishments in this century were beginning to take shape in the middle of the nineteenth century. Desirous of having a force which he could rely upon in order to solve minor problems of a military nature in the new British colony of Lagos, Captain N. Glover (R.N.) who was then the administrator, raised the Lagos Constabulary in 1862. At first this force was known as Glover's Hausas, then as the Hausa militia before finally taking on the title of the Lagos Constabulary.⁵ In 1895, the force was divided into a purely military body and the civil police.

Also, after the Royal Niger Company was granted a charter in 1886 which enabled it to establish its government over the Delta and the valleys of the Niger and Anue, it raised in the same year the Royal Niger Constabulary. With its headquarters at Asaba this force grew from 150 men in 1886 to 1000 men at the end of 1899. This growth was brought about by the company's need to fight many military engagements as it sought to impose its will on the indigenous peoples in areas which it claimed to control.⁶

Although Britain had declared parts of the area east of the River Niger a protectorate in 1885, the actual establishment of a colonial administration came early

in the 1890's and was quickly followed by the setting up of a colonial force in 1900 which was raised by Sir Ralph Moor and known as the Niger Coast Protectorate or Constabulary. It was also known as the "Oil Rivers Irregulars" but because of its brutality to friends and foes alike it was locally known as the "forty thieves". In 1900, and again as a result of political and military necessities, this force had grown to about 1000 men.

The title of constabulary as applied to these forces belied the fact that they were all essentially military forces trained along military lines, officered by military officers, equipped with artillery and used to fight colonial wars. However, these forces were only adequate to serve the needs of the colonial governments in various localities. They remained independent of one another and pursued the military policy set for them by the different governments. If the need arose, as happened in 1897 in the conquest of Ijebu which was outside the territory of the Lagos government, the British resorted to the use of men of the West India Regiment, an imperial force quartered in Lagos and in the other British West African territories.

The Formation of The West African Frontier Force

An important step in the development of a modern army in Nigeria was taken in 1897 when the British government needed a more effective military force to counter French incursions into parts of Northern Nigeria already claimed by Britain.

This French move was in keeping with the decision taken by the European powers at the Berlin West Africa Conference of 1884-1885, which was to the effect that occupation, in order to be valid, must be effective. Broadly, this implied maintenance of a military force strong enough to enforce the rights of the power in its area of occupation. But the rigid application of this principle was not practicable for any European power which wanted to use European troops only in view of the international situation at the time. Consequently a loose interpretation was given to this clause, and a flag and a small garrison intruded into a particular area (sometimes in addition to a treaty) was calculated to ward off trespassers.

Between 1895 and 1897, therefore, the British government found itself in possession of a good deal of the hinterland of present-day Ghana and North-West Nigeria, which was claimed, to France which had planted many garrisons in the area in dispute. By 1897, the French had a much stronger and well-trained and led force, not only in the area in dispute but also in the adjoining French territories. The British colonial forces in Southern Nigeria were too far away, and very inferior in both training, equipment, leadership and morale to be pitted against French forces.

The British government therefore considered it necessary to raise a new force altogether to match what the French had in the area in dispute. Joseph Chamberlain, the Colonial Secretary floated the idea of forming a "West African Force" and, with the concurrence of the British War Office, appointed Lieutenant Colonel Lugard in 1897, to raise and command this new force of between 2000 and 3000 men quartered in present-day Northern Nigeria and used to oust the French from Borgu and the adjoining areas.⁷ Before the end of 1898 two battalions of this force known as "The West African Frontier Force" had been raised. Although it did not play a significant role in getting the French out of Bussa, its very existence and proximity

to the area in conflict had a significant effect on the outcome of the negotiation during which the Anglo-French rivalry was settled.

The establishment of the West African Frontier Force was, in several respects, an indictment of British military policy in Nigeria during most of the nineteenth century. These colonial forces were run at the cheapest possible cost and so lacked adequate equipment and expertise and professionalism which could only come from adequate training. If, for instance, the Royal Niger Company forces were in a strong position to take on the French, the military history of Nigeria would have taken a different turn henceforth and the Royal Niger Company itself might have had a longer lease of life. In conjunction with the other colonial forces in Nigeria, the Royal Niger Constabulary suffered from incompetent leadership. Regular officers from the British army who provided the leadership were also in short supply and those of them who volunteered to serve in West Africa were not usually the best or were those who had very urgent reasons for leaving Britain. In the atmosphere of military complacency which prevailed in Nigeria before 1897 the officers had neglected to maintain a high standard of training and discipline in their forces.⁸ In addition any attempt to use these various units in a combined operation was bedevilled by their various degrees of training and efficiency. Some of the units were even equipped with outmoded weapons.

Therefore, in the formation and running of the new force every effort was made to depart from the military mistakes of the past. Indeed, in his reaction to a question in the British Parliament, Chamberlain, the Colonial Secretary, indicated that the West African Frontier Force was not only being established to take on the French in the Nigerian hinterland but also to usher in a new army whose regiments would exist in all the British territories in West Africa and would henceforth provide the military power needed to make British rule effective in West Africa.⁹

With regard to the formation of the two battalions of the West African Frontier Force, the British military personnel who formed the nucleus of the 1st. Battalion arrived in Nigeria in December 1897 and early in 1898 moved to Lokoja, the headquarters of the battalion. The 2nd. Battalion was based at Ibadan early in 1898 before moving to Jebba later in the year. Before the end of 1898, some of the posts were relocated to various parts of Northern Nigeria. For instance, the headquarters of the W.A.F.F. itself was moved from Jebba to Zungeru while that of the 1st. Battalion was moved from Lokoja to Wushishi. In December 1898, the strength of the force stood at 907 other ranks for the 1st. Battalion and 800 other ranks for the 2nd. Battalion.

Amalgamating the Military Establishments in Nigeria

The suggestion in 1898 that the Niger territories should be amalgamated coincided with the thinking going on in the British War Office and the Colonial Office in London for a more effective force to be established in West Africa through the amalgamation and expansion of the existing colonial forces. A committee was set up in 1899 by the British government to work out the details. As far as Nigeria was concerned the territories to be amalgamated included the three military forces established in parts of Northern Nigeria and the two battalions of the W.A.F.F. raised in 1898 and quartered

in parts of Nigeria.

The recommendations of the committee on amalgamation gave rise following military establishments in Nigeria:

- a. Two battalions were established in Northern Nigeria. These were made up of those weak battalions already formed by Lugard in 1898 in addition to the companies of the Royal Niger Company's constabulary quartered in those parts which after 1899 formed part of the government of Northern Nigeria. Indeed, at the beginning of 1900 the R.N.C.'s constabulary was disbanded but the men were allowed to volunteer to join either the Northern Nigeria or Southern Nigeria Regiment.
- b. A battalion known as the 3rd. Battalion (Southern Nigeria Regiment) was established in the South. This battalion consisted of men of the West Coast Protectorate Force and those of the R.N.C.'s constabulary quartered in parts of Southern Nigeria. In Lagos a 3-Company (½) battalion was established.¹⁰ Each of these military formations was under a separate command and thus duplicated the divisions which existed in Nigerian political and administrative systems. However, a great deal of liaison and mutual support existed between the various military commands after 1900 and this made it possible for a unit from one part to be used in support of other units in other parts of the country.

When the Lagos Colony and Protectorate was amalgamated with the Protectorate of Southern Nigeria in 1906, this led to the amalgamation of the Lagos battalion with the Southern Nigeria regiment on 17 May, 1906 resulting in two battalions being established (Nos. 1 and 2 Southern Nigeria Regiment) in the South, with Calabar as the administrative headquarters of 1 Battalion S.N.R. and Lagos as the administrative headquarters of 2 Battalion S.N.R.

Then in 1914, with the amalgamation of Northern and Southern Nigeria, a reorganisation of the British military establishments became necessary. The four battalions (two in the North and two in the South) were amalgamated and designated the Nigeria Regiment. Nos. 1 and 2 Battalions were stationed in the North while Nos. 3 and 4 Battalions were stationed in the South. The Nigeria Regiment then came under a unified command and was later expanded to enable it to take an effective part in World War I.

Several issues concerning these military establishments should be noted. One of them was the way in which Nigeria's political development went side by side with that of the military. Each time a colonial administration was established in a part of the country a military establishment was fashioned to give it that first element of government, namely, power. Similarly, the amalgamation of various parts of the country was quickly followed by the amalgamation of the military establishments therein. The amalgamation of the forces involved established a new force necessary to discharge the military duties required in the new political arrangements. It also involved a review of the armaments, equipment, location of the various units and the command structure.

In addition, although the Nigeria Regiment eventually emerged in Nigeria, this regiment was still regarded as part of the military establishments in British West Africa all of which went under the umbrella title of the "West African Frontier Force". In that context Britain then had a number of regiments which could be called upon to render military service in any part of West Africa. In fact, the Committee set up in London to work out the amalgamation of the forces in British West Africa in 1899 explored the possibility of moving round the troops in the four British territories in West Africa but the enormous cost of such an exercise and the immobilisation of the men while in transit scuttled the proposal. Instead, it was agreed that each regiment should be permanently stationed in its country of origin and could then, as necessary, be used for combat duty in any part of West Africa. For such combined operation to succeed and for the regiments to work harmoniously and effectively, various aspects of the military establishments such as training, equipment, command structure and general organisation were standardised.¹¹

The Role of the Military in the Conquest of Nigeria

By 1900, therefore, when the rule of the Royal Niger Company came to an end and with the amalgamation of the various military establishments, the British government had at its disposal a strong military force with which to complete the conquest of Nigeria. Even by 1900, the areas under effective British occupation were enormous. The stretch of the navigable waterway of the Niger from Yelwa to the Delta had been ceded to the French and was indisputably British. The same applied to the River Benue which was controlled from Lokoja up to Yola. In Western Nigeria, all the territory lying between Lagos and Ilorin had become British. The coast east of the Delta up to Calabar was under British control. The same applied to the unspecified sea around the Cross River up to Ediba. The conquest of Arochuku and the military controls the following year widened the area under British influence and control in the present-day Eastern States. The acquisition of these territories was achieved mainly through force. For example, between 1886 and 1900 when its charter was revoked, the Royal Niger Company Constabulary fought fifty-five battles in its area of authority alone.

In many respects, therefore, the British military establishments and how they were used brought about a military revolution in Nigeria. British colonial forces were a total departure from traditional military usage whereby each town or group of towns in Nigeria possessed a loose military organisation adequate for its military needs. Such organisations rarely involved the maintenance of professional soldiers whose main duty was to fight. Instead, the able-bodied men in each town were called upon to fight in defence of the town or for political aggrandisement as the need arose. At the end of the emergency the men returned to their normal occupation which might be farming or trading. The logistics problems in maintaining a large body of fighting men in the field precluded the traditional local wars from going on, in many instances, beyond a day or two. In fact, victory was deemed secured by a group of warriors who were able to put the enemy to flight. Matters were rarely pressed to the point of annihilating the enemy.

In place of this local and traditional military organisation, the British

established a professional army which by 1900 was made up mostly of Nigerian ranks. Whereas, in the past, the traditional warriors owed their allegiance to people and were emotionally involved in the inter-town wars since they realised the continued existence of themselves and their society depended on their prowess, the Nigerians in the British colonial army did not exhibit such emotional commitment. They were paid, trained and maintained to fight the wars of the colonial government. They were used as the instruments of British imperial policy and Nigeria's independence in 1960 this remained largely their role.

In playing out this role, these forces, between 1900 and 1906 embarked on conquests which secured for Britain the country known today as Nigeria in addition to warding off other European trespassers from this territory. British officers who part in the conquest of Nigeria between 1897 when the West African Frontier was formed and 1906 when Sokoto in Northern Nigeria was completely destroyed tended to regard this period as the most crucial in the subjugation of this country. Any military activity before and after that period was regarded by them as of no relevance since British forces in Nigeria before 1897 were, by their very nature, incapable of doing more than garrison duty or holding operation in very limited areas while military activities in any part of Nigeria after 1906 were of the nature of mopping up operations. To hold such a view is of course to ignore the vital role of British strategy and how it evolved during the pre-1897 period. Although the conquests which were achieved after 1897 became permanent and so changed completely the political map of Nigeria, these achievements would not have been so far-reaching, even if generally possible, had the ground not been well prepared by colonial wars, other military activities and the strategic concepts which secured Britain a footing in Nigeria as well as the large waterways into the hinterland which, in turn, facilitated the conquest of what was left of Northern Nigeria. Similarly, the pre-1897 military engagements also gave the indigenes a taste of what was to come. They destroyed their sense of cohesion and provided the colonial government with bases from which they fanned out into all parts of Nigeria.

The Recruitment Policy

One of the major problems which the colonial administration had to contend with in establishing a modern army in Nigeria was the issue of recruitment of Nigerian ranks. How the British government solved this problem polarised military thinking in Nigeria in subsequent years and left adverse social and political legacies whose effects continued to be felt during and after the Nigerian civil war. Even a decade, the Nigerian armed forces are still dogged by this British legacy.

The British officers took military, political and social issues into account in determining who was acceptable for enlistment into the colonial army. In 1900, the vociferous and anti colonial Nigerians living in Lagos were not considered politically suitable for soldiering since they had demonstrated strong opposition to the British rule established over them. The same applied to similar Nigerians in various parts of Southern Nigeria. At the same time, many parts of Nigeria were still closed to European colonial enterprise and therefore were not fertile grounds for recruitment. Even in areas under British control, the free-born Nigerians were reluctant to enlist especially

if they were to serve in the same unit with their former run-away slaves who had enlisted earlier. Besides, the free-born and their indigenous rulers resented the fact that the colonial army was an instrument of coercion which had been used to destroy their political independence and to perpetuate their acquiescence to British rule.

Consequently, the colonial government had to rely on the nineteenth century precedent whereby runaway slaves were enlisted in the various colonial forces in Southern Nigeria. The most important and oldest of these forces was the Lagos Constabulary whose organisation served as a model for others. And in the Lagos Constabulary most of the recruits were runaway slaves from Hausaland, hence this force was at one time known as "Lagos Hausas". Even in other parts of British West African, the Hausa had acquired a reputation for soldiery with the result that at the beginning of this century, the British held the view that the Hausa was the best fighting material in West Africa.¹² If they had stopped at this, Nigeria would have been saved a lot of trouble in subsequent years. Instead they proceeded to categorise the various ethnic groups into those possessing martial qualities and those who did not. Thus the British held that, in Nigeria, those possessing martial qualities to be found mainly above an imaginary line drawn a little below the Niger-Benue confluence and designated Hausa country. However, when the need for recruits became very acute they were prepared to enlist some Yoruba but very little was thought of the fighting qualities of those Nigerians living east of Niger even though many of them had rendered very good service in the Niger Coast Protectorate Force and the Royal Niger Constabulary. That old habits die hard is demonstrated by the fact that until 1960 most of the infantry in the Nigerian army came from Northern Nigeria while the supporting units and services were manned mainly by men from Southern Nigeria. Thus the British created a colonial army in Nigeria virtually divided into two with most of the fighting men coming from one zone while those manning the offices, signals units, supply and transport and engineering units came from another zone. To say the least, this did not make for *L'esprit de corps* among all members of the forces and Nigeria was to reap the bad harvest for this British policy during the crises of 1966 which led to the civil war.

However, by 1900 the British had become enamoured of the Hausa. They described them as "well-built and lithely... many of them averaging nearly six feet in height. He is hardy and active, and of a cheerful disposition"¹³ The fact that the Hausa were largely muslims, and were heirs to Islamic traditions of warfare, was regarded as pre-disposing them to a life of warfare and adventure. In addition, the establishment of Hausa kingdoms (and later the Sokoto Caliphate in the area) was considered a testimony to the martial qualities of the Hausa and Fulani.

There was also this curious reason as to why the Hausa were considered very suitable for military duties: "From this time the Fulani Emirs governed Hausaland with an oppressive rule of extortionate taxes, bribery and corruption. In spite of, or because of, his development in an atmosphere of warfare and oppression the Hausa took kindly to service in the force, displaying many characteristics necessary to turn him into a valuable soldier".¹⁴ What the British found most assuring about the Hausa was his obedience to the authority established over him and his healthy respect for, if not awe of, the white officers and non-commissioned officers. This contrasted very

sharply with, for instance, the attitude of the Igbo whom the British considered ambitious and proud. Thus the Hausa could be expected to discharge his duties most loyally. He was the kind of soldier to whom the white man could entrust his life. However, during the first decade of this century, the absurdity in attempting to recruit only Hausa in a force meant to serve governments established over so many ethnic groups in the country became obvious when there was great difficulty in getting enough Hausa recruits. Consequently, the British officers became flexible in their recruitment policy and took in other ethnic groups found politically acceptable. For most of this century, however, Hausa became the lingua franca of the colonial army in Nigeria especially among the other ranks. Non-Hausa elements were encouraged to learn Hausa and the British officers were paid a gratuity of £20 for learning Hausa up to what was called Lower Standard, while those who had attained Higher Standard got £100.00 each. In addition each officer was paid 3s and 5s for each day of residential service in Nigeria, after passing the Lower or Higher Standard examination respectively. The next language of importance in the colonial army was Yoruba, considering the number of Yoruba in the force, for which a gratuity was also paid to officers and N.C.O's who attained the required standard of proficiency.¹⁵

In order to facilitate recruitment, depots were established in the hinterland in areas under British influence or control. From these depots recruitment tours were undertaken in the neighbourhood. The recruitment unit was usually commanded by an officer and included those serving soldiers who happened to come from the area in which the recruitment unit was expected to operate. These soldiers dressed in the best which the stingy colonial government considered adequate, were expected to parade themselves among their people in order to show what new status, power and wealth, could be gained by soldiering. They were also encouraged to do all they could to persuade their townsmen to enlist. Very often, however, the recruitment tours ended in disappointment making the colonial army always short of manpower to bring it to full strength.

By 1904, the Northern Nigeria Regiment consisted mainly of Hausa and Yoruba but before the end of that year a decision was taken to stop the enlistment of Yoruba. Those who were already enlisted were gradually replaced by the Hausa. By 1907, this regiment was made up of 2797 other ranks of whom there were 1362 Hausa, 362 Yoruba, 361 Kanuri, 15 Fulani and 121 others some of whom came from Senegal.

With regard to the Southern Nigeria Regiment, the attempt to recruit Hausa led to abysmal failure, partly because the free-born Hausa were reluctant to serve outside their region and partly because this regiment did not possess adequate logistics to recruit from Hausa homeland which could not even satisfy the requirements of the Northern Nigeria Regiment. Consequently, the Southern Nigeria Regiment fell back on available manpower in which it was guided by nineteenth century precedent as applied to the Niger Coast Protectorate Force whose other ranks were recruited mainly from the Yoruba and Igbo. However, the Igbo element was gradually phased out with the result that by 1905, the Regiment consisted of 1000 Yoruba, 284 Hausa, 18 Nupe, 18 Efik, 46 from Sierra Leone, Ghana 12, Itsi

Liberians 3, Cameroonians 3, Igbo 11, Bini 16 and Igala 18.¹⁶ The plea by the Inspector-General of the W.A.F.F. that the Asante, whose new military prowess was not in doubt, should be enlisted in the Southern Nigerian Regiment fell on deaf ears. The same applied to the militaristic Abam, Ohafia and Ezza of Igboland. In both cases the British found them to be politically unacceptable.

The Colonial Army and the World Wars

With the amalgamation of Northern and Southern Nigeria and that of the Northern and Southern Regiments in 1914 the various traditions in the Northern Regiment were applied to the South particularly the uniformity in Hausa language. 1914 however coincided with the commencement of World War I during which Britain raised 30,000 soldiers from the indigenes of British West Africa. Of this number 13,980 came from Nigeria. Many Nigerian soldiers saw active service in Cameroon, Togo, Tanzania and Zinder. Similarly during World War II, 121,652 Nigerian soldiers were raised and used extensively by Britain in its war effort. Some of these troops were sent to reinforce British troops in Sierra Leone; others were sent to Kenya where they helped to defend the country's borders against invasion from Italian Somaliland and in the liberation of Ethiopia from Italian occupation. Some of these soldiers also saw active service in the Middle East area command, while others fought in Assam and Burma. The nature of the two World Wars and the need for a very large body of men to fight its wars led the British government to modify its recruitment policy. Emphasis came to be placed not only on the physique of the recruit but also on his ability to read and write and to acquire the technical knowledge needed to fight a modern war. Consequently many literate and barely literate men were enlisted from all parts of the country. Government then used advertisements in the media, notices and handbills to encourage recruits to enlist. Those already in service organised marches and parades to advertise the glorious life waiting for anyone who cared to enlist. Recruitment tours were also undertaken to various parts of the country during which the traditional rulers were asked to encourage their men to enlist. During World War I when these efforts appeared unable to bring in the required number of men, outright conscription was tried.

However, with the end of each war, there was mass demobilisation during which those retained approximated to the number of serving soldiers before the commencement of hostilities. In this exercise those retained in the infantry were mostly Hausa¹⁷ while the rest were demobilised with specially skilled men from the Southern part of the country allowed to continue to serve in the support formations.

The Regulations of The Military Establishments

In order to understand how the Nigeria Regiment was organised and run, it is necessary to review the conditions of service as laid down in the "Regulations for The West African Frontier Force" which remained in force, with minor amendments up to the period of World War II. Each battalion was made up of 1,200 men grouped into 4 companies of 150 men each. All the officers were British and volunteers (except for the period of the two World Wars when the British government also posted non-

volunteers to serve in the colonial forces in Nigeria or to command those who saw active service in various theatres of the Wars). In addition the Non-Commissioned Officers who really mattered were those who came from Britain. The terms of service offered to those officers and N.C.O's were intended to make service in West Africa attractive. A year spent by a British serviceman in Nigeria, or in any other part of West Africa, was reckoned as two years in calculating his pension and other benefits. Similarly, while serving in any of the British territories in West Africa each British serviceman received double pay.

The Nigerian recruit was bound to serve for not less than six years during his enlistment. If his service was considered satisfactory he could re-enlist for a total period of twenty one years service. He could however be discharged at any time by the commanding officer if he was judged to be mentally unfit for service or convicted of an offence which required that he should be dismissed from service, or if within six months of his enlistment the commanding officer considered that he would not make an efficient soldier, or if this became inevitable on the reduction of the military establishment. This last proviso was used to good effect by British officers who, at the end of the two World Wars, reduced drastically the number of men in the Nigeria Regiment and also selected from specific ethnic groups those whom they wanted to continue to serve.

A Nigerian soldier was paid one shilling a day and was allowed additional three pence a day for food. However only part of this wage was paid to him each month. The rest was paid to him at the end of his term of service. This system while ensuring that the soldier had, in the end, some savings, was devised as security for his good behaviour. If he deserted before the end of his service, he lost this reserve.

Provision was made for African (native) officers in the Lagos Battalion and later in the Southern, but not in the Northern, Nigeria Regiment. The employment of the "native" officers, as they were called, gave rise to heated controversy. They were disliked by the Commanding Officers and by the Governors who thought that the work which they did could best be performed by British N.C.O's. By the time of the amalgamation of Northern and Southern Nigeria in 1914 these officers were phased out. While he was allowed to exist, the "native" officer was not even rated the equal of a British corporal. Every opportunity was taken by British officers to humiliate him even before Nigerian other ranks with the result that most of them left the service on their own well before their rank was officially scrapped.

The uniform of the Nigerian soldier was deliberately made baggy in order, it was argued, to make for free movement, and any attempt to make it more fitting in order to give the soldier a smart appearance was forbidden. This was, of course, a sharp contrast to the uniform of the British officers and N.C.O's which was made to a precise measure and which enhanced their appearance. There was also the belief held by British officers that the Nigerian soldier had natural mobility because he went about barefooted before enlistment. It was only on long marches that he was allowed to wear locally made sandals. A supply of one pair per man was usually kept in store and issued when required. Sandals and shoes were never worn on parades or ordinary duties. The Nigerian soldiers used in World War I began the conflict without shoes. It was not long however before the British officers realised that this trend led to the

capacitation of many soldiers due to wounds sustained in the foot even without their being involved in actual combat. By the time of World War II, footwear had become an important feature of the soldier's kitting.

In the Northern Nigerian Regiment, the British officers deliberately fostered ethnic rivalry and disunity in the manner in which the soldiers from the various ethnic groups were organised. Since they were so few and therefore could easily be overwhelmed by the troops under their command, these officers believed that the best way of preventing that from happening and of ensuring effective control of the men was to separate them into different companies and platoons according to their ethnic origin. Thus, there existed the Hausa companies, Yoruba companies, Kanuri, Ibo companies etc. Given this condition, if any unit mutinied it would be easy to use the others against it. The conversion of non-Muslims to Muslims was also forbidden so that if the need arose, one group could be used against the other.

Racial discrimination as practiced by the white officers and N.C.O's was the order of the day until the late fifties when efforts were made to prepare the colonial army in Nigeria to assume its role in an independent Nigeria. In the barracks the white officers had their quarters and mess a considerable distance from those of Nigerian soldiers. There was little social contact between the two groups and whatever contact that existed was master-servant oriented. Until the late fifties when a few trained Nigerian officers were in evidence, the colonial army in Nigeria was a typical establishment divided along colour lines –white and black– in which the white group commanded and the black group obeyed. The highest rank which a Nigerian soldier could attain before 1940 was that of staff sergeant. Even then his own rank was far inferior to that of his British counter-part.

As a result of the important role which the British colonial armies in West Africa played in the defence of the British empire during World War I, the word Royal was affixed to its title thereby making it the Royal West African Frontier Force of which the Nigeria Regiment was a part. Henceforth this generic title was retained until 1960 when Nigeria became independent. In 1940, and in preparation for the role which it would play in World War II, the Nigeria Regiment came under the control of the British Army Council.¹⁸

The Military as a Factor of Social Change

The roles of the British military establishments in Nigeria during the colonial period transcended purely military duties, although in some of these roles the British and Nigerian views could not be reconciled. British officials believed that the colonial army fulfilled a humanitarian role and was to be used to compel Nigerians to give up the so-called slave-raiding and bloodshed. Frederick Lugard, while he was the Commissioner of Northern Nigeria, between 1900 and 1906, believed firmly in the humanitarian role which the military played in the country. He argued that the military was the instrument through which the British government would end slavery, bribery, oppression, extortion, and bloodshed in Nigeria and would ensure peace and good order throughout the country. This aspect of the role of the military was given added emphasis by the fact that on numerous occasions many British officers once they decided to destroy any chief or group who resisted British rule always argued in

a stereotyped fashion that they were compelled to go to war in order to those aspects of the people's way of life considered "uncivilized" or abhorred by the British government. These officers contended that once these social evils were eliminated and British rule firmly entrenched, Nigeria would experience economic growth and development in education and other spheres and that this growth and modernisation would, to a large measure, go to the military.

It is also to Lugard and other British officers that the words "pacification" and "punitive expeditions", which feature so much in Nigerian history in the first half of this century, can be attributed. Obsessed as they were in cloaking their imperialistic activities in humanitarian garb, they saw themselves as bringing peace – called *pax Britannica* to a country which they contended had been plagued by wars for centuries and so had never known any peace until the British came. Similarly, all the unprovoked attacks on, and the destruction of, towns and villages were, according to them, undertaken in order to punish these towns for crimes committed against the British colonial administration. The use of these words became so widespread that some historians had even designated a certain period of Nigerian history as that of pacification.¹⁹ Even some indigenous historians though sometimes still slip into the habit of using these imperialist words in evaluating aspects of Nigerian history.

It may be necessary, therefore, to point out that many parts of Nigeria enjoyed peace and political stability before the British arrived and the colonial administration, far from being an agent of peace, introduced warfare on a scale unknown before in many areas, brought about ruin and desolation on a large scale, shattered the economic and social life of the population. These colonial wars operated side by side with government agents who dabbled in African politics, exploited inter-town rivalries and promoted rebellions – all in an attempt to control the combined indigenous forces which the inhabitants could bring to bear against colonial government.

Nigerians, by and large, did not see the role of the military during the colonial period as lying in the realms of civilization and humanitarianism. On the contrary, they regarded the military as the instrument fashioned by an alien authority for the purpose of destroying the political independence of the various ethnic groups and their cherished ways of life. They regarded the colonial army as the champion of "justice" and resented the destruction of lives and property carried out by the soldiers in wars which the people regarded as unjust. In fact, the first contact between many villages and towns had with the colonial government was through an attack launched against the former by government forces. This left an indelible impression in the minds of the people for anyone in military uniform. The presence of a soldier in a neighbourhood was seen, not as a reminder of the so-called British "civilising mission" but as a sign of trouble.²⁰

Matters were not improved by the fact that these soldiers, or ex-soldiers, often took the laws into their own hands, imposed fines and other levies on gullible inhabitants and abused the authority conferred on them by their uniforms. Some of them used the opportunity of their being in the colonial army to score points with their former chiefs or rivals. The harassment of the civilian population

ly soldiers continued throughout the colonial period, the worst periods being immediately after British conquest and the two world wars. The returning soldiers after the two world wars terrorised their towns and villages after they were demobilised. They paraded whatever social habits which they had picked up at various theaters of war with as much ease as they paraded themselves in their old uniforms in market places. Their devil-may-care attitude led them to violate with impunity certain norms in their villages in the sure knowledge that no villager dared lay his hands on someone whose own accounts of his prowess in battle included slaying numerous enemies, even with bare hands.

Even up to the present, the legacy of harassment by colonial soldiers bequeathed to Nigerians is very much with us. The publication in a recent issue of a Nigerian magazine, concerning armed robberies committed by Nigerian soldiers, echoes the lamentation of the *Lagos Standard* over the conduct of colonial soldiers. "The soldiers of the Lagos government placed in different towns in the interior in the interest of order and peace", declared the paper in 1895,

have not secured for themselves or this government a good reputation. From time to time, reports have been borne to this colony testifying that they have ceased to keep the peace, that on the contrary they have turned themselves loose upon the people, filling up the role vacated by kidnappers and rioters The soldiers of the Lagos government have taken the place of marauders and free booters. From Ijebu to the further interior, there is one painful cry echoing from town to town, from city to city, of the evil deeds of the Lagos Constabulary. Goods have been seized from traders; maidens have been assaulted, youths have been plundered; men have been browbeaten and women have been robbed. Neither the family altar nor the family hearth has escaped their daring.

That the colonial troops behaved like an army of occupation is understandable. However, that some elements in the armed forces of independent Nigeria still continue to behave the same way shows quite clearly that these military establishments have not been shorn of some aspects of their disreputable past.

Other Roles of the Military

British officers in the Nigeria Regiment also played an important role in the political development of Nigeria. The idea that the soldier should have as little as possible to do with politics was not meant, it appeared, to apply to the officers from Britain who were sent by their government to command Nigerian troops. Before they set out from Britain, and on arrival in Nigeria, they were briefed fully on the political and international situation, especially during the period of the Anglo-French rivalry on the Niger in the closing years of the nineteenth century. They carried out propaganda warfare against the French and when the dispute was settled they commanded troops in the frontier zones where some of them were also appointed District Commissioners. In the expansion of British rule in Nigeria, the frontier regions, in

every period, became the particular preserve of the military. Even a consolidation of British rule many of these officers remained as administrative political officers. A few examples of such officers may be relevant. Captain Abadie who served in the military operations against Bida and Kontagofa later became the first Resident in Zaria in 1902 and the acting Resident in Kano in 1903. H. Burdon who was the commandant of the Royal Niger Constabulary in 1901 became the Resident of Sokoto between 1903 and 1906, and in 1909 an Captain G. C. R. Mundy entered the political service of Northern Nigeria in 1901 later was appointed a second class Resident. In 1926 Major F. Jeffries became the Divisional Officer of Onitsha Division while in 1943 Captain G. H. Hudson was the District Officer of Awgu Division. Captain D. P. J. O'Connor was also at the time the Resident of Onitsha Province in 1943. Glover, the first Administrator of Lagos, Lugard, the first Commissioner and Commandant of Northern Nigeria were men. So were many others during this century whose military training and ability to assume command of men were believed to be of immense value in controlling Nigerian subjects of the British Crown. Until Nigeria's independence in 1960 the Governor-General, who was British not only had the power to conduct international foreign policy but also to formulate and implement its defence policy.

The incursion of the Nigerian armed forces into the realm of politics in 1966 – a situation which has in several respects stifled the development of democracy in this country – should not be treated in isolation. Reference should be made to the role which its predecessor – the colonial army – played in the military political subjugation of the Nigerian peoples in view of the fact that the military establishments were instruments which the British used to achieve their objectives. The Nigerian armed forces would appear to have carried the intervention in politics a little further. For while the colonial army was at a subject to the control of its political masters, the Nigerian armed forces came before them, assumed political authority for which they are ill suited and bludgeoned the political class into submission. By so doing, the military has lost a good deal of its professionalism and has found itself mired in the same murky waters of corruption, maladministration and other political wrong-doings for which it considers the political class unfit to rule.

Of enormous and mixed value to the historian, were the many official reports and books which many officers wrote not only about the military expeditions they took part in but also generally on their experience in Nigeria.²¹ A great deal of what is known about the past history and the way of life of the people living in various parts of Nigeria during the late nineteenth century and the early part of this century has been derived from the writings of these officers. Thus, the military became a part, not only the makers but also the writers of Nigerian history. But they wrote partisan history and approached their task with a definite bias. They had doubts as to their "civilizing" mission in Nigeria. They regarded their cultural material advancement as superior to whatever they found in Nigeria. They doubted the causes of conflicts between the colonial government and the peoples of Nigeria. They had, generally, nothing but contempt for the people's way of life and were not interested in recording the (to them) strange and unusual social activities which

countered but which they did not care to understand. They were not even above glorifying the outcome of certain battles, or of exalting a minor skirmish as a major battle all in an attempt to belittle the martial qualities of the people while covering themselves in glory.

The colonial troops in the early stages of British administration blazed trails in areas never before traversed by Europeans. They also chose the sites of district headquarters and markets. They helped to construct roads and telegraph lines. At times; fighting patrols were sent to outlying districts to explore the possibilities of peace and to "advertise" the colonial government. In these and many other ways the military became the instrument for the so-called "opening up of the country" to European influences. These soldiers also played an important role in the settlement of the international boundaries of Nigeria. Some of them were appointed members of Delimitation Commissions and, in every case, a military unit was detailed to protect the members of the commission during the delimitation of the boundaries.

The colonial army also had a ceremonial role. Military units usually took part in parades during such occasions as the empire day celebration. They also provided honours of honour for visiting dignitaries. During the two world wars they organised parades and route marches meant to attract civilians to join the army. Sometimes marches and special parades were organised for the purpose of showing the flag and leaving the population in no doubt of the government's ability and readiness to quell any disturbance or uprising.

The Colonial Navy

Although the army formed the bulwark of the colonial government's defence system, the colonial period also witnessed the activities of various navies in Nigerian waters. The role which the British navy played in interdicting the slave trade in the Nigerian coast and in the capture of Lagos has already been noted. Similarly in its efforts to dominate the hinterland of Nigeria, the British government recognised the military importance of Rivers Niger and Benue which were navigable over long stretches and which were regarded as the gateway into the interior. British military strategy, therefore, emphasized the need to control all the navigable stretches and to deny them to the French and Germans who were Britain's colonial rivals in the region. To do this effectively a navy was required. Furthermore, up to the end of the nineteenth century the colonial administrators in Southern Nigeria could call on the British navy for military assistance against those indigenous rulers who defied their authority or sought to maintain their independence. Whenever the call was heeded, British warships moved along the coast or as far up the Niger as possible shelling villages and destroying settlements.

It was the Royal Niger Company, that controlled the Delta and Niger-Benue region, which established the first colonial navy in the hinterland, in 1886, with its headquarters first at Asaba and later at Lokoja while Akassa to the South remained an important naval station and a repair base. The naval arm of the Royal Niger Company consisted mostly of ratings from Nigeria although there was a substantial element from Sierra Leone and Ghana. The Company used its navy to maintain communication between one part of its territory and another, to re-supply its forts

and garrisons established at strategic places along the Niger-Benue transport troops to wherever they were needed, to patrol the Niger and Benue to prevent smuggling, to bombard towns and settlements or to blockade those towns considered to be hostile to the Royal Niger Company. Some ships, like the "Empire" and "Liberty" were armed with 2½ pounder guns in addition to their complements of small arms and machine guns. Some of these ships were constructed in such a way as to draw only six inches when empty and were especially to maintain communication in the upper and shallow sections of the Niger and Benue. When the charter of the Royal Niger Company was abrogated and colonial rule was instituted in this part of Nigeria in 1900, the British government took over the ships and paid compensation for all the war materials from the Company.

By 1914, however, when the Northern and Southern Nigeria were amalgamated most of the ships which formed part of the Royal Niger Company were already out of commission. However, in 1914, the Nigerian Marine Department was formed and, with the outbreak of World War I, took part in action against the Germans in Cameroon. Although this Department was given non-military functions such as the maintenance of lighthouses, dredging and other service, it still had some military functions which included minesweeping and guard duties. In fact, the British government had no need to establish an operational navy in Nigeria during this period bearing in mind that its Royal Navy would always be available to undertake major military tasks in Nigerian waters if the need arise. However, the Marine Department continued to exercise its military functions until 1956 when the Nigerian Naval Service was established and charged with the responsibility for the naval defence of Nigeria within its territorial waters, hydrographic surveys, the maintenance of Nigeria's customs laws and maritime training duties. The Nigerian ratings were drawn from the staff of the Inland Waterways, Ports Authority and Marine Department while the office staff were retired navy personnel and marine officers from Britain.

In 1958, a naval base was established at Apapa as well as a naval school. The debates in the House of Representatives in the same year indicated that the Nigerian government gave serious thought to the expansion of the navy, the construction of a deep water jetty, the provision of modern facilities at the navy base and the procurement of anti-submarine crafts. In 1959 the British government donated two mine-sweepers to the Nigerian Navy²⁴ while the Nigerian government assigned an important role to Britain in the development of its own navy, a role which was reinforced by the fact that British officers continued to control the navy even after independence. In 1958, the Royal Nigerian Navy Act was passed by the Nigerian Parliament and the goals set for the Royal Nigerian Navy were similar to those already laid down in 1956.

The Military Establishments in Transition

The period between 1957 and 1960 was very crucial to Nigeria in several respects. It was the time when Nigeria was set politically on a definite course towards independence. As a result of this, several conferences were held at various times between Nigeria and Britain in order to work out the details regarding the transfer of:

power to Nigerian leaders. Similarly in the House of Representatives, members had the opportunity to debate not only the political programmes but also the relationship between Britain and Nigeria and more importantly the future of the armed forces which Nigeria would inherit at independence.

Undoubtedly, the political programme and the envisaged Anglo-Nigerian relations after independence determined to a very large extent the direction in which the Nigerian armed forces would develop and how such forces would be controlled. As events turned out, Nigeria's political leaders during that period were not concerned primarily with working out a suitable defence and military policy which would be a credit to Nigeria as an independent state or which would secure its national interests or even justify the country's much vaunted non-aligned posture after independence.

At the London Constitutional Conference of 1957, the British government agreed to relinquish its control of the Nigerian armed forces, from 1 April 1958, which would henceforth be maintained financially by the Nigerian government subject to any financial aid which Britain would offer from time to time at the request of the Nigerian government. The Prime Minister, Tafawa Balewa, in various debates in the House of Representatives in 1958, left the members in no doubt that the British army and the British government had important roles to play in the development of the Nigerian armed forces. For instance, he argued that the standards to be aimed at were those which obtained in the British army. He defended the policy of getting contract officers from Britain to train the soldiers and to provide military leadership in Nigeria even after independence. The defence of Nigeria was seen as being partly the responsibility of the British government and partly of the British Commonwealth of which Nigeria was a part.²⁵ At the same time this defence thinking also imposed on Nigeria a reciprocity by which it would participate whenever necessary in the defence of Britain and other members of the Commonwealth.

Nigeria also expected, by this military accord, to continue to receive military equipment and supplies from Britain and to inherit, at independence, the military stores already available in Nigeria. This accounts for the fact that most of the military equipment in Nigeria after independence continued to be procured from Britain or ven as gifts by the latter.

Soon, however, some of these Nigerian leaders realised that the control of the Nigerian armed forces by Nigerians was illusory. In the first place the armed forces still under the title of the Royal Nigerian Military Forces and the Nigerian Council which controlled these forces was called the Royal Nigerian Military Forces Council²⁶ the addition of the word Royal to these establishments reflected the constitutional realities whereby Nigeria still owed allegiance to the Queen of Britain. As such, ultimate responsibility rested with the British monarch whose Governor-General presided over the meetings of the Royal Nigerian Military Forces Council.

Similarly, the fact that all its military equipment came from Britain made Nigeria very dependent on that country for repairs, spare parts, and replacements. Indeed some of the weapons systems which Britain supplied were more in line with British defence policy than with Nigeria's. For instance, a member of the House of Representatives complained about the two minesweepers given by Britain to the Nigerian navy. He stated that these ships were given to Nigeria in order to enable

British ships to operate freely in Nigerian waters.²¹

Furthermore, in matters of discipline and procedures the British Army A 1955 continued to operate in the Nigerian army and was in fact exercised by 11 British officers who held command positions in the Nigerian army up to 1965. All 11 arrangements therefore made Nigeria totally dependent on Britain in defence ma and caused it to accept military "advice" and training systems in consonance with B defence policy and military doctrine.

The Anglo-Nigeria Defence Agreement

A major development in this transitional period was the Anglo-Nigeria def agreement which itself arose from the willing dependence on Britain by Nigerian lea for the external defence of this country. At the constitutional conference in 195f Nigerian delegates of the various political groups represented at the conference ag to a draft defence agreement with Britain which allowed Nigeria to train some i officers and men in Britain with the latter bearing much of the cost; it also granted B planes overflying rights over Nigerian air space and the right to construct air-sta facilities in Kano; it provided tropicalization facilities for the British army, navy an force as well as the right for Nigeria and Britain to station troops in each other's ter with such troops being immune from local civil and military proceedings.^{2b}

By April 1960, many articulate Nigerians began a vehement attack on agreement when the terms were known and this caused the proposal for sta facilities to be dropped. Nonetheless, the agreement was ratified in November 1 after heated debates in the House of Representatives. However, due to local pres as well as external pressure from other African countries, the agreement was abrog in December, 1961.²⁹ It so happened that Nigeria planned an international confere of African states to take place in Lagos in 1962 and in order to encourage the memi of the radical Casablanca group to attend, it had to bow to this external pressure.

Although the agreement was abolished, its spirit continued to determine relationship between Britain and Nigeria in defence and military matters. The objec of many Nigerians within and outside the government of the day to this defe agreement was the result of certain considerations. There was the view that s agreement violated Nigeria's declared policy of non-alignment in foreign affairs. St felt also that allowing Britain to station its military personnel in Nigeria would vil Nigeria's position as a sovereign and independent state. There was also the fear the Nigerian government might be tempted to seek the assistance of such for troops in internal conflicts and so destroy any opposition to its rule no matter how br or undemocratic it might be. There was, furthermore, the additional fear that Br troops using staging facilities in Nigeria might be deployed against countries like Ke Zambia, Uganda and Tanzania which were then struggling to attain natic independence.

Recruitment Formula for Officers and Other Ranks

However, the most crucial issue tackled during this period, and which spilled over into the independence years, was the Nigeriansation of the officer corps as well as creating a formula for recruiting other ranks from all parts of the country in order to give the armed forces a truly national character. The monumental work involved can be determined from the fact that in 1948 there was only one Nigerian commissioned officer in the colonial army. In 1956, of the 250 officers only 15 were Nigerians.³⁰ In the same year there were 336 British non-commissioned officers in the Nigeria army. Between 1948 and 1955 only two Nigerian officers were commissioned each year while between 1956 and 1958 the number rose to seven each year.³¹ At this rate it was reckoned that it would have taken twenty-five years to produce enough officers for the small army which this country had at independence. It was a situation which many Nigerians would not accept. In 1958, however, the Nigerian government, faced with pressure from within and outside the House of Representatives, indicated that the Nigeriansation of the officer corps would be completed within seven years. Consequently, determined efforts were made to achieve this. By January 1960 there were 228 British officers and 48 Nigerian combatant officers. By 1962, the British officers had been reduced to 156 while the Nigerian officers rose to 107. After June 1963, all the battalions were commanded by Nigerian officers. In 1964 the number of British officers dropped to 47, while the Nigerian combatant officers rose to 336. In 1965, the last British commander of the Nigerian army, Major-General Welby Verard, left the country and was replaced by Major-General J. T. U. Aguiyi-Ironsi. The last British officer left the country a few months after the departure of Welby Verard with the result that in 1966 no British officer was left in the Nigerian army. During the same period successful efforts were made to replace British non-commissioned officers with Nigerians. Whereas in 1956, there were 336 British N.C.O.'s in the Nigerian army, this number dropped to 60 in 1960 and by 1965 all the British N.C.O.'s had been replaced by Nigerians.

The recruitment of other ranks, from 1958 onwards, was carried out on an agreed regional quotas of 50% from the North and 25% each from the West and East. The same quota system prevailed in the recruitment of officers. Orders were also given to the effect that each military unit should be "mixed", that is, each unit should contain men from several ethnic groups. In addition, each unit was not allowed to stay too long in a place lest it fraternized with the people. The new recruitment policy was a radical departure from the past and an attempt to redress an imbalance at the various levels of the army. Until this time, the British colonial administration recruited most of the infantry from parts of Northern Nigeria while the technical units were staffed by men from Southern Nigeria. A situation, therefore, in which the fighting troops came from one part of the country while the "technicians" came from the other part, contained seeds of disaffection between the groups. Indeed, it suited the British who did not hesitate to use its Northern troops against those from the South should the need arise.³²

Social Isolation of the Military

The bad reputation of the Nigerian soldier during the colonial period marginally in the 1950's and by the time of independence many Nigerians to accept the need for a national army and so were willing to join. Part of isolation of the military and its low estimation by the public for the greater part of colonial period arose from the fact that most of those who enlisted in the army were never-do-wells, social out-casts, ex-slaves and others who had cause to abhor towns or villages. This led many respectable people to the conclusion that freedom who volunteered to join an army made up of such people, and with its evil reputation,³³ must be considered as damned. In various parts of the country various songs were composed condemning these soldiers and their ways. An Igbo song was a song which declared that any mother whose son joined the army should realise that she had lost her son for ever and so should regard herself as if "I have visited many countries in my life" wrote an expatriate in 1956, "but have I seen soldiers being treated with such discourtesy as I have in Nigeria especially here in Lagos What I see in Lagos is abuse, insult and amounting to causing some minor degree of dissatisfaction among the rank and file. . . . Scarcely a year passes without some irresponsible citizen inventing some epithet or another for the soldiers". In Lagos such epithet included "afama" "abobaku". Only recently, and as an indication that prejudices die hard, the "Zombie" was coined by some irresponsible citizens in Lagos. During a debate in the House of Representatives, in 1955, Chief Akintola, in requesting that the army headquarters be moved out of Lagos, declared that "the proximity of some army headquarters to the areas where civilians live is most embarrassing to the people of this country". During another debate in the same House in 1956, Louis (late Sir Odumegwu Ojukwu) declared: "I agree that during the war years we accommodate them (soldiers), but nobody likes to live with soldiers. We like them they are our brothers; but at the same time we would like them to be far from us". Part of this unpopularity arose from the fact that up till the end of colonial rule soldiers and their barracks remained the visible symbol of British rule which was imposed on the people of this country. Moreover, wherever they were quartered there were frequent reports of misconduct of soldiers in their dealings with civilians. In addition, a contributory factor to the low estimation of soldiers among the people was their low salary which could hardly attract literate men and white collar workers.

The Military and Nationalism

Undoubtedly, there were some benefits which Nigeria derived from the recruitment of its citizens into the colonial army. Some of these became apparent during World War II when so many soldiers were raised from even the remotest parts of the country. This was the first time in this country when so many unsophisticated people from many ethnic groups were brought together under one organisation. They were living together, and sharing the dangers found in warfare broke down ethnic barriers and created bonds of friendship which in many instances continued after the war. This contact among the various ethnic groups should be seen in the light of

conditions in Nigeria in the early forties when many Nigerians did not, as a rule, travel very far away from their homes and when the systems of communication, which we now take for granted, were still at their rudimentary stage. Many Nigerians then hardly appreciated the fact that they shared the same country with other ethnic groups. During their service outside Nigeria, these soldiers saw themselves as Nigerians – a sentiment which they brought back with them at the end of the war. Their exposure to certain indignities in the hands of South African and Rhodesian (now Zimbabwean) officers strengthened many of them in their resolve to overthrow white rule in Nigeria with the result that many ex-service men were counted in the ranks of Nigerian nationalists during the post-World War II period.³⁷ Later some of these men were to be elected members of the House of Representatives or into the regional parliaments.³⁸

The role of these soldiers in minimising the prestige of the white man in Nigeria was extensive. There was no doubt that until World War II, British prestige was quite high partly because great care was taken in selecting British officers and civil servants sent to Nigeria. These were generally among the best, both in moral and physical qualities, which Britain could offer. But during the war many white men needed for all sorts of jobs were sent to Nigeria. Many of them were found to be no better than the average Nigerian in their behaviour pattern.³⁹ Above all, many white soldiers who fought in the same units as Nigerian soldiers did not live up to the concept of Europeans as super-humans. Nigerian soldiers saw them as no better than themselves in courage and other martial qualities. Besides Nigerian soldiers had even helped a white group to kill another group.⁴⁰ When they returned to Nigeria they told their relatives and friends stories of their exploits the significance of which was not lost on their audience.

The presence of so many men trained in the art of war posed certain problems for the British administration in Nigeria. As mentioned earlier, at the end of World War II most of these soldiers were demobilised. Most of them returned to their villages where they tried to adapt themselves as best as they could. Others drifted to the towns to pick up whatever jobs they could find while very few were offered employment by the Nigerian government. Although these demobilised soldiers had been disarmed, they possessed certain knowledge which could turn them into very dangerous elements if the conditions were right.⁴¹ Neither could the government depend on the remaining seven thousand men under arms and the European civil servants to quell any nation-wide unrest. How dangerous these ex-service men could be was soon demonstrated in the fifties by guerilla warfare aimed at toppling British rule in Kenya and Malaya. One method adopted by the British government to guard against any such event was to offer employment to many British ex-servicemen in Nigeria, and to send British national service men to command units of the Nigerian army which was then under the control of the British War Office in London and was paid for largely from British funds. I would like to suggest that the presence of thousands of these ex-service men in Nigeria and other British West African territories, in addition to military uprisings in other parts of the British empire, helped persuade the British government to accelerate political development in Nigeria as a federal state.

The Military at Nigeria's Independence and After

In 1960 when Nigeria became an independent and sovereign nation, and a first military coup d'état in January 1966, the Nigeria Regiment was still small and consisted of five battalions located at Enugu, Ibadan, Kaduna, Ikeja and Lagos respectively. It is significant that the first three places mentioned were the headquarters of the regional governments while the battalion at Ikeja covered the federal capital, Lagos. At independence, certain steps were taken to give the national army self-respect and confidence in itself. The uniform of the colonial army which was described "as being fit for performing monkeys" had to go. In its place a new green and smart uniform, comprising long-sleeved jacket, trousers and peaked cap, was introduced. The badges of rank, the buttons and swords with British emblems were replaced with the national emblem, "the eagle". At the same time the old R.W.A.F.F. emblem of palm tree was replaced with eagle and staff. The training of Nigerian officers was no longer restricted to Britain which in any case could only make a few vacancies in its training establishments available to Nigeria. Consequently, Nigerian officers were trained in such countries as Canada, Pakistan, India, Australia, U.S.A. and Ethiopia.

At independence, therefore, the Nigerian armed forces could look back on almost one hundred years of their chequered history during which the colonial government utilised Nigeria's men and materials to fashion a colonial army which was destroying the political independence of Nigeria's kingdoms, states and principalities and for the maintenance of British rule throughout the colonial period. For most of this period, the colonial military establishments remained small when compared with the size of the country. Their equipment, which comprised mainly obsolete weapons, was of such size that Britain could only enable them to carry out internal security duties and border patrol. They lacked what Luckham has called the "technology of violence"⁴³ in terms of tanks, artillery and air support and so could not undertake any large scale military operation.

The boats and ships bequeathed to Nigeria on the eve of independence were so old and antiquated that they were of little use in the defence of the nation. Indeed many of them were out of commission after only a few years prompting a well-known apt comment which compared them to "bath tubs" and which asserted that the nation were constantly in danger of self annihilation due to old age rather than to enemy action.⁴⁴ Moreover, Nigeria inherited armed forces which were not loyal to the nation but to a foreign power which ensured that they were controlled by its officers.

In the context of African military history, the armed forces inherited from the departing colonial power had always been the last establishment to be completely "Africanised". For while such power was prepared to relinquish control of the national bureaucracy and to grant political independence, it clung to the control of the national army for as long as possible or simply found a way of having its own troops in the territory (as was the case with the French) or persuaded the former colony to enter into a defence agreement with it.

Nigeria was not an exception to this trend and the reasons are not far

which provided a profitable market for British goods. Such investments and linkages therefore, could best be protected if Britain still controlled the armed forces with which to enforce or maintain the *status quo*. In addition, the government in power in Nigeria was the creation of the British government which would not want it replaced by a radical or anti-British political establishment. The control of the armed forces therefore, would enable the British to intervene effectively in support of the government which it had installed in the country. Furthermore, through such control the British would influence, without much external complication, Nigeria's internal and foreign policies. Departing colonial powers were quite anxious to retain their former African colonies in their areas of influence and such ambition would be realised more easily if Britain had a hand in the control of Nigeria's armed forces.

Consequently, the military forces which Nigeria inherited at independence soldiered on with most of its members illiterate and oblivious of their correct responsibilities to their fatherland and to the government of the day. Since these soldiers were not more than eight thousand in number it was easy to quarter them in barracks at some distance from civilian habitation. Social contacts between them and the civilian population was reduced to the barest minimum. In fact, they were rarely seen except on ceremonial parades and during marches organised to show the flag. Unfortunately, more than thirty years after independence, the Nigerian armed forces are still haunted by some aspects of their colonial past. Some soldiers still behave as if they are an army of occupation and the present widespread contact between them and civilians seems to have provided the former with the opportunity to harass and intimidate the latter.

However, in spite of the above-mentioned trend of behaviour which can be traced to the colonial period, the Nigerian armed forces of today are quite different from what obtained before independence. The nation now has armed forces comprising the Army, the Navy and Air Force. Numbering altogether about 100,000 men, they are much larger than their predecessor of the colonial period. The literacy level has risen tremendously. Their officers are well-trained and constitute part of the Nigerian elite. The various units have participated in the United Nations Peace-keeping Operations in various parts of the world while others have been serving in Liberia in order to bring peace to that country. Their equipment have improved tremendously thus enabling them to be regarded as a credible force. In sum, the military establishments which the British created during the colonial period, have grown into the modern armed forces of independent Nigeria whose military capabilities stand well above those of other black African countries.

Notes and References

1. Sam C. Ukpabi, *The Origins of the Nigerian Army*. Zaria, 1987. Chapter 3.
2. C.O. 267/29. *Report of the Commissioners of African Inquiry: Use of the African Navy*. 1811.
3. Parl. Papers. 1865 XXXVII (71) p. 27. *The Military Secretary to the Government of India: West India Regiments*. 14 January 1864.
4. For some of the reasons which caused the Lagos governors to intervene in Yoruba affairs, please see S. A. Akintoye. *Revolution and Power Politics in Yorubaland, 1840-1893*.
5. S. C. Ukpabi. "The Origins of the West African Frontier Force", *J.H.S.* Vol. III, no 3, December 1966, p. 491.
6. These and other details concerning this constabulary are to be found in Sam C. Ukpabi. *Mercantile Soldiers in Nigerian History (A History of the Niger Company Army)*, 1886-1900. Zaria, 1986.
7. Details concerning raising "The West African Force" are to be found in Sam C. Ukpabi, *Origins of the Nigerian Army*. Zaria, esp. chapter 3.
8. J. Wilcocks, *From Kabul to Kumasi*. London: 1904, p. 177.
9. British House of Commons December 4th Series Vol III, 24 February 1904. Cols. 1617-28.
10. C.O. African (West) No 588. "Amalgamation of the Military Force". Report of the Inter-Departmental Committee 14 June 1899.
11. This standardisation and other regulations applicable to all the formations in British West Africa were contained in H.M.S.O. Regulations for the W.A.F.F. which was reprinted each year beginning from 1901.
12. Ukpabi, *Origins of the Nigerian Army*, p. 97.
13. Haywood, A and Clarke, F. A. S., *The History of the Royal West African Frontier Force*, London, 1964, p. 84.
14. *Ibid.*
15. Ukpabi, *Origins of the Nigerian Army*, p. 84.

- 16 *Ibid.*
- 17 The acceptance by the Nigerian High Command, during the Civil War, of the British view that Eastern Nigeria had non-martial people, led it to make costly mistakes during the civil war. It needed that war to prove beyond doubt that martial people abound east of the Niger. See. Tekena N. Tamuno and Samson C. Ukpabi (eds), *Nigeria Since Independence*. Vol VI, Heinemann 1989, pp. 281-3.
- 18 Sam C. Ukpabi (ed). *The Nigerian Defence Academy in Perspective*. Zaria, 1989, p. 17.
- 19 For instance, A. N. Cook designated the chapter of his book which dealt with the history of Northern Nigeria between 1900 and 1906 as "Pacification of Northern Nigeria", A. N. Cook, *British Enterprise In Nigeria*: Philadelphia, 1943, chapter 5.
- 20 S. C. Ukpabi: "The Changing Role of the Military in Nigeria 1900-1970", *Afrika Spectrum*. Vol. 1. 1976, pp. 66-7.
- 21 Among these are: Lt. Seymour Vandeleur. *Campaigning on the Upper Nile and Niger*; London, 1898; Lt. Col. A. F. Mockler-Ferryman, *British Nigeria*. London, 1902. Capt; Alan Boisragon, *The Benin Massacre*. London, 1897.
- 22 Ukpabi, *Mercantile Soldiers*. p. 127.
- 23 T. A. Imobighe (ed), *Nigerian Defence and Security*. Kuru, 1987, p. 72.
- 24 Ray Ofoegbu, *The Nigerian Foreign Policy*. Enugu, 1975, esp. chapter 5.
- 25 *House of Representatives Debates*. 1958-59, Cols 224-5.
- 26 *Federation of Nigeria Gazette Supplement*, 1960, p. 365.
- 27 *House of Representatives Debates*. Official Report Vol. I 1959-60 Session, Col. 67.
- 28 Robin Luckham, *The Nigerian Military*. Cambridge, 1975, p. 232.
- 29 *Ibid.*
- 30 N. J. Miners, *The Nigerian Army. 1956-1966*, London, 1971, p.118.
- 31 Major General D. M. Jemibewon. "The Nigerian Army in Perspective", in T. N. Tamuno (ed), *Civil War Years*, Zaria, 1984, p. 80.

- 32 This was, in fact, the case when in 1952 the mutiny of the Ordinance [unit in Yaba was suppressed by a detachment of infantry and Military Police]. *Daily Times*, 20 May, 1952.
- 33 *The Nigerian Army Magazine* 1963, p. 12 regretted that immediately after World War II, some Nigerian soldiers and ex-servicemen behaved like criminals and their brutality towards villagers alienated many law-abiding citizens.
- 34 The refrain of that Igbo song was: *Nne muru soja gba aka nwa*.
- 35 *West African Pilot*, 31 January, 1956.
- 36 Quoted in Miners, *Nigerian Army*, p. 31
- 37 J. S. Coleman, *Nigeria, Background to Nationalism*, Los Angeles, 1964, p. 254.
- 38 For details relating to the part played by ex-servicemen in Nigerian Politics see G. O. Olusanaya; "The Role of Ex-servicemen in Nigerian Politics" *Journal of Modern African Studies* Vol IV, No 2, August 1968.
- 39 Coleman, *Background to Nationalism*, p. 264.
- 40 In writing about the Nigerian soldier after World War I, Lugard declared that he also knows how to kill white men, around whom he has been taught to weave a web of sanctity of life. He also knows how to handle bombs, Lewis guns and Maxims – and he has seen white men budge when he goes fast. And altogether he has acquired much knowledge which might be of an uncomfortable use some day", quoted in M. Crowder, *The Story of Nigeria* London, 1966, p. 252.
- 41 Most of the ex-servicemen in Igboland were not resettled by government after the end of World War II. In 1951, an organisation of these unsettled ex-servicemen virtually seized Umuahia and for several days prevented the European community and the provincial administration from having access to people outside their locality in Umuahia. See Coleman, *Background to Nationalism*, p. 462, fn. 5.
- 42 Miners, *Nigerian Army*, p. 103.
- 43 Luckham, *Nigerian Military*, p. 101.
- 44 S. C. Ukpabi (ed), *The Nigerian Defence Academy in Perspective*, p. 22

THE COLONIAL CIVIL SERVICE

S. O. Jaja

Introduction

Perhaps no account of the foundations of Nigerian Federalism may be complete, without a mention, however briefly, of the role played by the Colonial Civil Service in Nigeria. There is no doubt that the issue is surrounded by several controversies. However, only a few of them will be discussed here. An opportunity will also be taken to highlight the major milestones of the colonial civil service, its main contributions and legacies especially with regard to the foundations of Nigerian Federalism, some of the problems it left behind and the prospects of solving them.

Some Perspectives

One of the important issues one often encounters in the study of the Colonial Service in Nigeria concerns its meaning. The term "Civil Service" has been looked at from at least three points of view - concrete, abstract or both. In its concrete sense, the term meant government Departments, Ministries and the men and women who worked in them. In its abstract sense, the term meant all non-political employments and offices controlled and operated by the Colonial Government in Nigeria except those of the Armed Forces. In its third or mixed sense, it meant a combination of the first two meanings. It may be noted also that up to 1950, there were no Ministries in Nigeria; from 1951 new Ministries were created as a part of the Civil Service. From then onwards and until now, a political class, comprising Ministers of Cabinet and Non-Cabinet rank became a part of the Civil Service structure in Nigeria. Ministers with Cabinet rank who were in charge of Ministries became Chief Executives.

Similarly, up to 1950 there were no Local Government Councils. But, from 1951 new Local Government Councils began to emerge starting from Eastern Nigeria. Furthermore, from 1950, most of the Boards or Corporations of the old order that had existed began to give way to new Corporations and Boards with legal corporate existence. The old Corporations and Boards had mainly civil servants as Chairman or members. But, the new Corporations had politicians and private businessmen and women as chairmen and members in line with the new spirit of public enterprise. The Police, Judges and Native Administration Officials were regarded and treated as civil servants. In short, before 1950 it was extremely difficult to differentiate the Civil Service from other civilian arms of the Colonial Public Service in Nigeria. From 1950, the frontiers of the Colonial Civil Service began to break down, yielding place

gradually to new public service institutions of non-Civil Service types in Nigeria will be said about this issue further below. However, here it may be noted that the term "Civil Service" began to undergo a more radical change from 1950. While on the one hand, it began to widen its political frontiers admitting a new political chief executives in its bureaucratic set up, its business and local operational frontiers on the other hand, began to collapse. From that year also, the meaning of the term "Civil Service", began to assume a more restricted connotation.

Another controversy one may encounter in the study or discussion of the Colonial Civil Service in Nigeria, concerns its origins as a nation-wide service. This issue is still generating a lot of debate. Unfortunately, it is not intended to enter into that debate extensively here. Rather, attention will be drawn briefly to one aspect of the problem, namely, the dating of the origins of the Colonial Civil Service as a nation-wide service in Nigeria.

So far, there seems to exist at least three schools of thought concerning this issue. The first school of thought insists that the commencement date of the Colonial Civil Service could be traced to 1861. In saying so, the advocates honestly maintain that the Colonial Civil Service in Nigeria, can be traced to the Civil Service of the Lagos Colony as a British Colony established in an embryonic form in about 1861, immediately after the annexation of Lagos as a British Colony.¹ Perhaps, there is nothing intrinsically wrong with this view. In fact, one of its greatest merits is that it supports the argument that the British Government had used Lagos as a stepping stone in its bid to colonise Nigeria. What followed later, was a gradual expansion into the hinterland. The weakness of this view, however, is that it tends to emphasize the processes of British contact with Nigeria through Lagos Colony to the expense of other gateways, which were used with equal vigour, that is, the Niger Delta and the Niger Valley. The view also tends to play down the fact that in 1885, British Administration in Nigeria tried two other institutions for the purpose of administering the areas within its territory. It is a fact that the British tried the Lagos Coast Protectorate, (a Parastatal) and the Royal Niger Company, (a Limited Company); both of which had their own separate service institutions. Until 1914, three types of service institutions were used by the British Administration in Nigeria, namely, the Civil Service of Lagos Colony, the Niger Coast Protectorate Service and the Royal Niger Company Service. For these and other reasons, which are out of the scope of this study, one finds it extremely difficult to stretch the commencement date of the Colonial Civil Service as a nation-wide service in Nigeria back to 1861.

The second school of thought on this issue fixes the origins of the Colonial Civil Service in Nigeria in 1914. The adherents of this view are of the opinion that the term "Nigeria" can only be applicable to an amalgamated or unified Nigeria. In their view, they wonder how there could be a colonial civil service of a nation-wide type without a "Nigerian nation". This view also has much to commend it. How sounds too plausible to be admissible. It is on record that by 1899, reference began to be made to "Nigeria", "Southern Nigeria" and to "Northern Nigeria". In the case of the last two-named parts were regarded as an integral part of Nigeria and their boundaries were also defined in the respective Orders in Council of 1899 for the areas concerned, as an integral part of Nigeria.²

The third school of thought argues that the Nigerian Civil Service commenced on 1 January, 1900. This is so primarily because, by that date, the Colonial Civil Service as an institution, was established in Southern Nigeria and Northern Nigeria and a new instrument was published to re-organise and reinforce the old Civil Service in Lagos Colony.⁴ From that date also, the Governor in Lagos and two High Commissioners, one for Northern Nigeria and the other for Southern Nigeria, were appointed to take charge of administrations under them including the Civil Service within their territory. Furthermore, other services which were not of the nature of the Civil Service, such as the Niger Coast Protectorate Service, the Royal Niger Company Service, were abolished along with the institutions to which they were attached. From then onwards also, the era of the ascendancy of the Colonial Civil Service in Nigeria, as a nation-wide service, could be said to have begun. The Civil Service had no other competing civilian service to contend with.

Another issue, the nature of the Colonial Civil Service in Nigeria, has also been a source of protracted controversy. It deserves some comments here. So far, at least two strong views or perspectives about the nature of the service, have been persistent. These are the "linear view" and the "two-dimensional view or perspective". Here, a third view, the three-dimensional view, is preferred in an attempt to explain the nature and development of the institution during the period of about Sixty Years or Six Decades of its operation in Nigeria as a nation-wide colonial service, that is, from 1 January, 1900 to 30 September, 1960.

Some individuals, particularly, former public officers in Nigeria and some of the expatriate officers who retired at the end of the colonial period in Nigeria had even expressed the view that the Colonial Civil Service in Nigeria was "dead". According to them, it died on 1 October, 1960, the day Nigeria became an independent nation. Therefore, the "real service" no longer exists in Nigeria; what exists now is a phantom of its past. Chief N. U. Akpan, a former Director of the Institute of Public Policy and Administration, University of Calabar, a former Chief Secretary to the defunct Government of Eastern Nigeria, had also encountered some of those who hold this view. He has the following account:

Whenever I mentioned that I was trying to write a book on the Civil Service, there was an immediate and spontaneous remark that the Civil Service today was not what they and I knew even during the Civil War. Some would even say there no longer was a Civil Service.⁵

At St. Anthony's College, Oxford, in 1978, during one of the African Symposiums there, one of the themes was "Transfer of Power: the Colonial Administrator in the Age of Decolonisation".⁶ The participants included a group of scholars and many ex-colonial administrators such as Sir James Robertson, the last Governor-General of Nigeria, Sir Richard Turnbull of Tanganyika (Tanzania) and Sir Hilton Young of the Colonial Office, London. In the course of the debate, Sir Richard maintained that:

One should not forget that the Westminster model was the only thing

the British knew and that the experience of diarchy in the Indian subcontinent was rather the experience that proved the rule.⁷

As the participants agreed generally, the Westminster model of administration terminated at the independence of each colony. But, what they failed to see was that in Nigeria, independence did not bring about an abrupt end to the continuity of the Colonial Civil Service as a nation-wide service. Rather, what happened was that the Colonial Civil Service or what was really the Nigerian Civil Service (Colonial Phase), in its progress, turned into the Nigerian Civil Service post independence phase.

Whatever its attractions, the linear view of the nature of the Colonial Civil Service in Nigeria, seems artificial and unrealistic. It tends to cast the Nigerian Civil Service in a static mould, insulating it from the dynamics of forces of change and continuity. It treats the service as if it were an organic situation which merged with colonialism and also disappeared with it as from 1 October, 1960. It fails to recognise the Nigerian Civil Service as an offshoot or a continuation of the Colonial Civil Service. It does not also recognise the Nigerian Civil Service as the Federation of Nigeria as a supra-national institution which has counterparts in other democratic countries of the world or as one of the most enduring legacies bequeathed to the Nigerian nation by colonialism.

Another view about the nature of the Colonial Civil Service in Nigeria, the "two-dimensional" view, treats the civil service as an institution with two phases. According to the adherents of this view, the first phase of the service term began in 1948, 1954 or 1960 and from then, the second phase began. The arguments surrounding the "two-dimensional" view of the Civil Service, have been considered elsewhere and so need not delay one here.⁸ What is important to note is that the "two-dimensional" view has several defects. For example, it tends to have three phases of the Civil Service in Nigeria to the political and constitutional development in the country. The adherents of this view do not usually emphasize the institutional nature of the Civil Service. Rather, they tend to view it as a part and parcel of the political system in vogue. They also tend to suggest that the service always changes as the circumstances of the Nigerian political system, both the colonial and post-colonial phases. For this reason primarily, they tend to talk about the Civil Service under Colonial Rule"; the "Civil Service Under Parliamentary Regime"; the "Civil Service under the Presidential Regime"; the "Civil Service Under the Military Regime" and so on. Perhaps, there may be nothing intrinsically wrong with these labels. But, they ought to be treated with caution so as not to compound an unfortunate impression that is now fast gaining ground, that the phases of the Civil Service in Nigeria, alter and change with every passing political or military regime.

There is a third view, that is the institutional view or the three-dimensional view of the Civil Service in Nigeria and its transition or transformation. This view can be adopted and used here. According to this view, the Civil Service in Nigeria has counterparts in other democratic countries of the world, has three phases. In the first phase, the classical phase, is identified with the classical approach to management and is characterised mainly by "production at all cost". In the "stick-

approach¹⁰ and "callous indifference" to man as an agent of production and change; and application of poor human relations technique in a work situation in a manner that corresponds to what G. McGregor, a social-scientist, had once termed "theory X" in management. According to him Theory X involves a set of assumptions about people that he felt were the basis for most management principles. "Theory X assumes that people dislike work, must be closely supervised, and prefer such close supervision coupled with job security".¹¹ In Nigeria, this phase came to an end in 1950. How this phase came to an end and the direct consequences that followed its end, will be highlighted below.

The second phase, is the "human relations" (neo-classical) phase. An important distinguishing feature of the human relations phase of the Civil Service is the rapid growth of various institutions that tend to limit the frontiers of the Civil Service and to create an opportunity for increased participation by workers in the control, management and employment of the work environment, situation and related affairs in their own country. Another major characteristic of the phase is an increasing concern for the welfare of workers in a manner that corresponds to what G. McGregor had also once termed, "Theory Y" in management. This theory assumes that people do not inherently dislike work, and will exercise self-direction and control in their tasks if they are committed to their accomplishment.¹² In other words, workers by nature respond sympathetically to motivation and humane treatment by their employers.

One set of the co-operant institutions that emerged in Nigeria as from 1950 and helped to signify the turning point and the advent of a new age or phase, the human relations phase of the Civil Service in Nigeria, as had been stated earlier, was the Corporation or Board of a new type with legal corporate existence. Such corporations or Boards were usually designed specifically for running commercial and industrial undertakings. Between 1950 and 1960, over a dozen such corporations or boards were established to mark the rise of a new public enterprise system in Nigeria. New industrial relations or labour system and institutions were established; new ministries were created starting from 1951 under the new Nigerian Constitution; and new Local Government system was introduced starting from the defunct eastern Nigeria. The effects of the changes that took place and the background to those changes have also been delineated elsewhere and so need not delay one here.¹³ What may be noted here is that one of the contributions of the Colonial Civil Service was made in 1950 directly or indirectly to the foundations of Nigerian Civil Service and Nigerian Federalism of the present day. More will be said about this issue further below.

The third phase, the systems phase or age of the Civil Service is usually characterised by emphasis on "time" in its technical sense. In this sense, time is the action of all other management elements — man, materials and money. A man at work is no man unless he can perform according to the dictates of time; materials are materials unless they can be produced and supplied in time; similarly, money is no money in a systems situation, unless it can be available at the right time for the use for which it is required in a given network. Emphasizing "time and its relevance to management in a systems phase", Professor Peter F. Drucker once

concluded thus:

This three-step process; recording time; managing time; and consolidating time, is the foundation of executive effectiveness. Effective executives know that time is the limiting factor.¹⁴

With regard to the Civil Service, the systems age tends to dehumanise man over-emphasize the use of machines and operations research methodol achieving results. This age has not yet been reached in the development of tl Service in Nigeria. It is the age or phase of the Civil Service that is currently in in the industrialised countries of the world. It is still far out of sight in However, it is important to note that the transformation which began in the (the Colonial Civil Service in Nigeria, from the classical to the neo-classical or relations phases is still going on. Some foundation has been laid. Hopefully day, the systems phase or age, will be reached in Nigeria.

Other issues of importance which may be noted concern the dating turning point of the human relations phase or age of the Colonial Civil Ser Nigeria and the circumstances that brought about that traumatic change. issues have also remained a highly controversial and acrobatic aspect of Coloni Service studies in Nigeria. As has been explained elsewhere,¹⁵ the turning p the human relations phase or age of the Colonial Civil Service did not arrive in l at a date which had often been suggested by several scholars and authors, - 1 in 1948 (I. F. Nicolson)¹⁶ or in 1954 (H. Nwosu)¹⁷ or in 1960 (G. O. Olusa rather, it has been suggested and is also emphasized here that the turning point phase or age arrived in Nigeria in 1950. It was also on that date that the old cl phase or age of the Colonial Civil Service in Nigeria began to collapse with rickety machinery and habit of thought about man at work. With regard circumstances that led to the change at the time it came, there is also a t controversies. What may be noted here is that, as J. F. Ade-Ajayi had obs quite rightly in another context, when examining the importance of 1960 as th of Nigeria's independence, "there is no magic in dates".¹⁹ It is equally true t single event can explain an historical change in a most satisfactory manner. Ho if one is asked to mention one most important single factor that immediately af a motive force for the movement of the physical change at the time, one.m lose sight of the impact of the Enugu Colliery Massacre of 1949, the Fitz Commission's Report of 1950²⁰ as well as the two colonial White Paper i Report.²¹ These issues have been elaborated upon elsewhere.²² The Fitz Commission's Report, like Lord Durham's Report in Canada, became a cha Freedom for Nigerian people including workers. At the beginning of the decad saw the end of British Colonial rule in Nigeria, this report became the only voic cried in the wilderness and saw the vision of the advent of Nigeria's indepen the end of an old phase and the beginning of a new and better phase in Nig Public Service, which of course included the Colonial Civil Service at that the viewed the tragedy at Iva Valley as a price paid for the collapse of the old c- phase or age and the rise of a new and better phase or age in Nigeria. That ep

in its view had left important and unforgettable lessons for both the government and the governed. It then concluded:

Tragic as the events at Enugu were, there is a lesson to be learnt from them which if learnt by the government and the people will not leave that tragedy as a mere waste of life or a bitter memory.²²

The Commission then made several recommendations which were accepted as a platform for ushering in the new age or phase of the Nigerian public service, including the Colonial Civil Service. As may be observed further below, that event revolted the minds of many persons in and outside Nigeria and gave impetus not only to the radical nature of the 1951 Nigerian Constitution but also to a change of an old system that paid little or no regard to human lives, the welfare of workers and motivation, is a tool of management and production.

Some Important Milestones

Another important issue in the study of the colonial civil service in Nigeria concerns some of its most important milestones. A few of them will be highlighted here. The first significant milestone in the history of the colonial civil service in Nigeria was the Public Service Reforms of 1900. Three important Orders-in-Council were promulgated by the British Government on 27 December 1899 and made to take effect from 1 January 1900. These Orders-in-Council were the Orders-in-Council for Southern Nigeria, the Order-in-Council for Northern Nigeria, and the Order-in-Council for Lagos Colony. These Orders-in-Council, as has been explained elsewhere in considerable detail, marked the first major turning point in the history of British Administration in Nigeria in general and that of the Colonial Civil Service in Nigeria in particular. By these Orders, the old rickety machinery of the mixed public service of the last decade of the nineteenth century was completely overhauled and replaced with a more manageable and reasonably efficient one. By these orders, the Niger Coast Protectorate and its service and the Royal Niger Company and its service were abolished and replaced by the Colonial Civil Service machinery. The existing Civil Service of the Lagos Colony was also reformed and overhauled and extended to cover the Colony and Protectorate area. In many ways, the Orders-in-Council of 1899 may be regarded as the most important set of legal instruments which established and provided the guidelines for operation of Colonial Civil Service, the scope and authority of what was styled "Her Majesty's Service", the powers of the Governor in the Lagos Colony and Protectorate and the powers of the High Commissioners appointed for Southern and Northern Nigeria over their territories, the personnel under them and the scope of their legislative and executive authorities. The Orders also established in each of the territories the principles of unity of command, hierarchy of authority and procedures for promotions, appointment and disciplinary control in Colonial Civil Service. Another important milestone was reached in 1914. In that year, the old principle of decentralised civil service, established in 1900 was replaced by the principle of centralised civil service in Nigeria following the Amalgamation of Southern and Northern Nigeria. The exercise was preceded by the mini-amalgamation of 1906

which affected the Southern Nigeria Protectorate and the Lagos Col Protectorate only, centralised the colonial civil service in the areas and made the Headquarters of the amalgamated service. What happened in 1914 was the completion of an on-going process. For the Colonial Civil Service, the exercise of at least three main questions: namely, whether the centralisation formula of the Colonial Civil Service was invented by Frederick Lugard; whether the formula was suitable for the entire Colonial Civil Service in Nigeria; and whether it would endure and so become a legacy for the Nigerian Civil Service of post-independence years. In answer to the first question, Lugard himself acknowledged that the formula had pre-dated 1914 and was not his original idea. As he informed his audience at the Amalgamation Ceremony on 1 January, 1914, the policy had been advocated by Sir William MacGregor, former Governor of Lagos, by Sir Ralph Moor, former High Commissioner of Southern Nigeria and by Sir Walter Egerton, Commissioner and later Governor of Southern Nigeria after Moor as well as by himself as High Commissioner and later Governor of Northern Nigeria. In his own words:

This policy has been strongly advocated by Sir William Macgregor as Governor of Lagos, by Sir Ralph Moor as High Commissioner of Southern Nigeria and by myself as High Commissioner of Northern Nigeria about ten years ago. It has continued to be advocated by Sir Walter Egerton and my successor in Northern Nigeria.²⁴

But, the truth is that the policy had been accepted by the British Government fifteen years before the event following the recommendations of Lord Selkirk's Committee Report of 1898 (the Niger Committee Report).²⁵ The effort of the British Administration in Nigeria between 1900 and 1913 was directed towards the achievement of this goal and alteration of the situation Nigerian people included. The British Servants had worked under for a decade and more. Therefore, it is not true that either the Amalgamation or the centralisation of the Colonial Civil Service in 1914 was the original idea or an invention of Lugard.²⁶

In answer to the second question, this may seem to be *ex post facto* in view of the chorus of protests, violent reactions and the events of the November 1953 culminated in the nefarious Enugu Colliery Massacre of 1949 in Nigeria, which confirm that the centralisation strategy adopted in the Colonial Civil Service in 1914 was unsuitable for managing a bureaucracy that sprawled across Nigeria, a country that was more populous and several times larger than Britain.

In answer to the third question, it may be stated that neither Lugard nor his successors up to 1949 realised in time the futility of the formula of a centralised civil service imposed on Nigeria or its defects and impact. In fact, as Lugard extolled the system, so others after him did. For them the formula was the most appropriate for Nigeria. Perhaps, it was appropriate for a Colonial Civil Service of the classic type of the 19th or early 20th century, but it was, unfortunately, not suited for managing the Colonial Civil Service or the entire Public Service any longer in a rapidly changing situation in Nigeria, politically, economically, socially and indeed bureaucratically at the end of the first half of the 20th century.

entieth century. It was the Fitzgerald Commission which saw that the formula was an old wine in a new bottle; that the old system was highly defective; and its impact very disruptive on workers and on the entire Nigerian public service. In its Report, the commission commented poignantly thus:

Occasions arise where demands of workers, which standing on their own merits constitute a strong case, are often rejected or postponed because of their alliance with political agitation. This state of affairs can not be allowed to continue. Nigeria is emerging in industrial fields. It is essential, not only in the interests of the workers, but for the effective development of the country, that industrial relations between employer and employee should be established on a sound basis having its foundations dug firmly in our experience of the industrial development in England.²⁷

The Commission then drew attention to some of the outstanding ills of the old system and called for immediate remedy in order to usher in the new phase or age of human relations in the Colonial Civil Service. More will be said about this issue further below.

It may be noted here that during the next forty years (1914 to 1954) the Colonial Civil Service under the centralised formula plodded on wearily, faced one form of opposition or another until it was eventually overhauled to fit into the pattern of the new phase or age. In the period of twenty years 1929 to 1949, the opposition became fiercer. That period constituted another important milestone in the Colonial Civil Service. The first major opposition arose from the women of South-Eastern Nigeria in what has come down to history as the Women's War of 1929. The details of the opposition have been recounted in several extant and authoritative works and so need not delay one here.²⁸ It may be noted that the Women's War constituted one pattern of black responses to the mal-administration of British Colonial Administration and the ill-conceived attempt by colonial administrators to rationalise Civil Service role in political, economic and social affairs across the country without necessary discrimination. From then onwards, these responses took various forms including demonstrations and violent outbreaks as a part of women's weapon in Nigeria against colonialism and bad administrators.²⁹

Nigerian workers also rose against the centralised Civil Service in Nigeria in particular and the entire British administration in Nigeria in general. By 1945 the advances of Nigerian workers which had been growing steadily since the centralisation exercise of 1914 was undertaken, reached the point of explosion. The spark was the declaration of the First Nation-wide Strike or the General Strike of 1945. The details of the revolt by Nigerian workers have been discussed elsewhere and so need not delay one here.³⁰ What may be noted here, however, is that though the strike was eventually put down and a number of concessions made to workers through the Tudor Davis and Harragin Commission Reports, the impact and consequences of the revolt were far-reaching. The Colonial administration realised that the centralised Civil Service was defective; that workers when acting in concert, could produce a disarming impact on the machinery of the colonial administration;

and that the Colonial Civil Service, as constituted then, needed urgent reform. Unfortunately, nothing could be done in this regard until the events of the Colliery Massacre drew national and international attention to the grim workings of the old system then in operation.

Before the dust of the opposition by workers had settled down, a new pattern of responses by Nigerians to the challenges of colonialism had been developing in the Imo-Qua Iboe River basin complex. These responses came from peasants in South Eastern Nigeria, particularly those in Abak, Etinan and Opobo (now Ikot Ekpeme) of the present Akwa Ibom State. The peasants' actions and reactions took an indirect form, but produced an equally important set of results. Unlike the Eastern Nigerian Women of 1929, who attacked European establishments, and Civil Service offices as the bastion of colonialism, the peasants used a different method, the Secret-Society (*Idion*) and *Ekpe Owo* (Man Leopard) approach. This incident has come down to history as the Man Leopard (*Ekpe Owo*) Movement. The peasants did in their own peculiar circumstances, became later adopted and more effectively by the Kikuyu of Kenya, who popularised the Secret-Society as the *Mau Mau* Movement in the 1950s.³¹ The causes, course and the meaning of the *Ekpe Owo* Movement have been discussed elsewhere.³² It may be noted however, that the movement was largely a revolt against attempts at the reception of English laws and equity by colonial civil servants and their efforts to impose them across South Eastern Nigeria, again without discrimination and, perhaps in the spirit of the centralised civil service and general administration in Nigeria introduced fully in 1914. The decision of civil servants especially District Officers (D.Os) and Assistant District Officers (A.D.Os) acting as Magistrate Grade III or Justice of the Peace with powers to review or hear appeals from Native Courts, inflamed public opinion beyond measure throughout South Eastern Nigeria. Notorious cases occurred in Calabar Province where divorce cases and petitions were granted and disallowed, payment by divorcee wives of one Manilla to their former husbands; custody of infants was granted to divorcee wives without discrimination especially as to the circumstances of birth or local custom, and several cases involving disinheritance were disposed of in a manner that revolted conscience among local people and eroded morality from the society or confidence in British sense of justice. The *Ekpe Owo* Movement was also put down in a summary and highhanded manner. Suspects or suspects were in most cases hanged by a special *Ekpe Owo* Court that met about and sat in sessions that easily recalled the affairs of the English Justices of the Sixteenth and Seventeenth centuries.³³ However, the hand of the colonialists on the wall. The centralised colonial civil service was already biting more than it was chewing. It had left undone what it should have done and was doing what it should not have done. The entire system seemed to cry out for review. But, it seems a pity that there was no one or a Commission that could speak out with the courage as the Fitzgerald Commission later did.

Other similar mistakes and miscalculations continued to draw attention to the system from one form or another for radical changes. In Onitsha there were instances of poor settlement of land cases;³⁴ in Rivers Province and other Provinces, there were highhanded decisions on easements and other land matters that also re-

conscience of right-thinking Nigerians;³⁵ in the Western Province, apart from wrongful decisions by colonial self-taught attorneys,³⁶ matters were made worse by high-handed and illegal deportation of Paramount Rulers and other local rulers. A notorious case of *Eshugbayi Eleko V The Government of Nigeria* (1932), involved the sending to the Government of Nigeria of the traditional ruler of Lagos into Exile in Oyo, now Oyo State, following a dynastic dispute in which Eshugbayi was concerned. In that case, Eshugbayi Eleko won and regained his freedom when the writ of *Habeas Corpus* was granted, much to the shame and disgrace of the colonial government and its civil service which had initiated the action.³⁷

In 1948 Nigerian women struck again, this time at Abeokuta and other locations in the Western Provinces of Nigeria. The women were led by Mrs Funmilayo Adesola and they demonstrated their grievances against high-handed actions by the colonial government, its servants and collaborators. The Alake of Abeokuta, who was involved in one way or the other in supporting the colonial Regime on tax, rates and other local imposition without discrimination, was confronted by the angry women and he abdicated his throne.

By 1949 the matter came to a head in the "Enugu Colliery Massacre". As was noted earlier, that ghastly incident in which at least twenty-one Nigerian miners were murdered in cold blood, fifty-one others were wounded, of whom twenty-nine were hospitalised, exhibited some of the worst characteristics of the classical age or phase of the colonial civil service – lack of respect and consideration for man at work; racial prejudice; "stick-up man" approach to management; readiness to shoot, maim or dispose of those rightly or wrongly considered to be on the way of management, production and profit, and lack of effective machinery for labor or industrial negotiation. That incident is in many ways comparable to the infamous Black-Hole incident at Calcutta in eighteenth-century India, the familiar orgies of the *auto da fe* Spanish Inquisition in the Sixteenth and Seventeenth Centuries in Europe and more recently, the Sharpeville Massacre in South Africa in 1960. More will be said about the impact of this ghastly massacre, its contributions and legacies directly or indirectly to the foundations of Nigerian Federalism and its civil service. However, here, it may be noted that the incident not only revolted the minds of all right-thinking persons within and outside Nigeria, but it also stimulated through its mistakes, radical changes embodied in the Macpherson Constitution in Nigeria which took effect from 1951. Elias once referred to that Constitution as "this epoch-making constitution".³⁸

On 1 October, 1954 the Colonial Civil Service reached yet another milestone. That year, Nigeria received the Lyttleton Constitution as well as the *Report of the Wach Commission of Inquiry*.³⁹ At the Constitutional Conference that led to the Nigerian Constitution held in Lagos (1953) and in London (1954), it was decided, among other things, that "the Regional Governments should, in the sphere of functions assigned to them, be more independent of the central government" and that "in effect to this, specific functions should be vested in the central government and residual powers should go to the Regional Governments. However, certain civil services, not being those offered by Parastatals, should be retained. These are Civil Aviation, Posts and Telegraphs, Prisons, Police and Customs and Excise. Arrangements were carried out. With regard to the Colonial Civil Service, the

Report of the Gorsuch Commission of Inquiry Proposed and Government new changes which abrogated the centralisation formula and reintroduced decentralisation arrangement based on a Federal Civil Service with its own Civil Service Commission and counterpart Regional Civil Service Commission laid the foundation of a Federalised Civil Service to serve the needs of Federalism.

In continuation of the human relations change, three other major policies were also laid down to consolidate the new foundation. These conscious and planned programme designed to improve the quality and cost of Nigerian Officers and staff; creation of a new "Organisation and Methods for development of methods and techniques of managing public business" arrangement recently incorporated into the Planning, and Research Department under the 1988 Civil Service Reforms in Nigeria; and a restructuring of the Executive Class in such a manner as to create a new bridge between junior and super scale grades in the Civil Service.

Above all, these radical changes were accompanied by sweeping awards and grant of allowances to improve conditions of service of not only officers, but also Nigerian Officers and staff.

By far, perhaps, the most far-reaching step taken in 1954 to consolidate foundations of Nigerian Federalism concerned the policy for implementation of the Nigerianisation programme. Four aspects of this policy may be mentioned here:

a) Protection of Overseas Officers

In the light of these sweeping changes, it became absolutely necessary to make policy provisions for protection of overseas officers. In this regard, the policy reached at the Lagos Conference held in January 1954 was adopted for application as follows:

Overseas pensionable officers transferred to a regional service would retain their status as members of the Colonial Service, including their existing eligibility for consideration for transfer or promotion to colonial service posts in other territories. Arrangements would also be devised to enable officers who so desired to be considered for transfer and promotion to other Nigerian Public Services than, that to which they immediately belong.⁴⁰

In connection with the fear of victimisation of overseas officers, an agreement reached during the Lagos Conference of January 1954 reaffirmed that they would be fully protected according to the norms of the Civil Service in the following:

We fully support the principle that all public service questions including appointments, promotions, transfers, postings, dismissals and other disciplinary matters, should be kept completely free and independent of political control.⁴¹

Acceleration of the Recruitment of Nigerian Officers

Conditions were worked out for acceleration of the recruitment of Nigerians and reduction of recruitment of overseas services, except on contract basis. At this point, the handwriting was already on the wall that every arrangement possible would be made to recruit and train more Nigerian officers and staff to form the bedrock of the decentralised Nigerian Civil Service. A review of staff statistics in 1954 showed that so far, the policy of Nigerianisation had yielded minimal results and that something more radical must be done, if the foundations of the Civil Service under Nigerian decentralism would be sustained. In 1938 there were only 26 Nigerians in professional, administrative and higher technical grades of the colonial civil service. In 1948, there were only 172 Nigerians occupying similar posts out of 2,207 positions in the service. Other senior service posts were occupied predominantly by Europeans. In 1954, the situation had scarcely changed for the better. By the middle of that year, the total "Senior Service" establishments was 5,137, excluding such positions in the Railway Department. Of these, there were 824 Nigerians and 2,389 pensionable and 16 non-pensionable overseas officers. There were not less than 1,028 vacancies still unfilled and no Nigerians were available to fill them.⁴² The International World Bank Commission which verified the situation in its report that year, commented that for development programmes in Nigeria to be accelerated, Nigeria needed well over 1000 well-qualified and suitable Nigerians in Senior Service appointments. While on the one hand, some form of protection was being given to overseas officers, it was abundantly clear on the other hand, that the situation would not last.⁴³

Protection of Indigenous Officers

Consequently, decisions were taken in 1954 which afforded a measure of protection to Nigerian as well as overseas officers. It was approved that Nigerian officers should be accepted and appointed to positions which, through their qualifications, ability and experience, they could hold; the pace of implementation of the scholarship training scheme, initiated by Sir Hugh Foot Commission and expanded since 1950, should be accelerated; higher educational institutions in Nigeria should be encouraged to increase their output of qualified Nigerians who could be expected to work on their own in Government establishments and in private industries;⁴⁴ and the diversified field of recruitment in view, should be carried out in such a manner as to reduce or eliminate the existing rigidity of division between "Senior" and "Junior" grades in the services. With regard to the latter decision, an opportunity was taken to re-structure the emerging indigenous service and an intermediate grade of "Executive Class" was introduced and infused into the services to form a bridge between the administrative and professional classes.

The approved new structure was as follows;

Sub-Clerical	-	Minor Technical
Clerical	-	Technical
Executive	-	Higher Technical

Administrative	-	Professional
Super Scale	-	Super Scale

Thus, while the dichotomy between the generalists and the professional class rigidly maintained, an opportunity was created for Nigerian well-qualified graduate officers to enter the Executive or higher technical classes to form a bridge between the administrative and professional classes. The Super-scale grade was also re-structured and limited to eight salary groups. These were numbered from Group VII to Group I in descending order of importance.⁴⁵ These arrangements also helped to lay the foundations of a new and emerging Civil Service of the relations phase under Nigerian federalism.

d) Expatriate Officers Lump-Sum Compensation

It was also agreed that certain expatriate officers who might not feel comfortable under the new arrangement should exercise a continuing option to leave the service voluntarily. Those who opted to do so should be paid a lump-sum compensation in addition to accrued pension, as an alternative to accrued pension plus an allowance.⁴⁶ This policy was enforced.

On 1 October, 1960 Nigeria became an independent nation within the Commonwealth. The Colonial Civil Service, with all the foundations so far transformed into a Civil Service of post-independent Nigeria or the Nigerian Civil Service (Post Independence Phase). But, as had already been stated, that is important as it is, need not be regarded as the turning point of a new phase of the Nigerian Civil Service. Rather, as far as the Nigerian Civil Service is concerned that day should be regarded as very important for several reasons, three of which may be mentioned here.

The pace of the changes in the Civil Service in Nigeria, which had been on since 1950 was accelerated. The most remarkable of the changes was Nigerianisation or "a planned infusion of Nigerians into the Senior Service".⁴⁷ An important change was the implementation of the agreement between the Nigerian Government and the United Kingdom Government for a gradual release of overseas civil servants from the Nigerian Civil Service. Furthermore, another significant change concerned the implementation of policies and other arrangements designed to attract and accommodate overseas civil servants who opted to remain and work in Nigeria either alone or with their wives.

There was also a parting of the ways in 1960 between Nigerian Civil Servants and overseas civil servants of the Colonial Civil Service, but the progress of the Nigerianisation of the Civil Service, as H. M. Kirk-Greene had termed "the diaspora of the D.Os" was gradual.⁴⁸ Even in 1960, it continued. The movement of change under the human relations phase of the Civil Service continued, but as from 1960 it entered a new milestone.

Some Legacies

The debate as to whether the colonial civil service made enduring contributions left behind worthy legacies for the foundations of Federalism and nation-building

Nigeria may never have an end. So far there seem to be divergent views on this issue, two of which are most important. These are the views of the monists and those of the dualists. The monistic view seems to have at least two perspectives. The first perspective of this view is positive and therefore like those of Sir Hilton Pynton and other Ex-colonial Administrators at the Africa Symposium series held in St. Anthony's College, Oxford in 1978, already referred to above, insists that the Colonial Civil Service of the Westminster model was the only thing the British offered her colonies including Nigeria. Therefore, in their view, at the end of the colonial regime, there was nothing left behind which posterity could be proud of. N. C. Perkins, R. J. Graham and other Ex-colonial Administrators who remained behind in the Civil Service of the defunct Eastern Nigeria, for example, often lamented openly about the failure of the British experiment and the "best English traditions" which the Colonial Civil Service had offered Nigeria. One of them, Major E. S. James, returned to the Civil Service of the former South Eastern State of Nigeria after the Nigerian Civil War, in 1970 perhaps to help to "Salvage" what was regarded by Ex-colonial Administrators as an irredeemable situation. Though plausible, the positive perspective of the monistic view, is defective in at least one respect. The adherents of this perspective often forget that since 1950 the Colonial Civil Service had entered a new age, the age of human relations, with its trial and error approaches but, with increasing openness to workers in the management of public affairs; that the British officials spent less than ten years in Nigeria (1950 to September 1960) to prove their variant of the experiment correct; and that the Ex-colonial Administrators themselves who served in Nigeria had never had a sound experience of a Civil Service of a human relations age or phase with Ministerial or Parliamentary System anywhere else outside Nigeria which could have afforded them a basis for comparison. For example, at a meeting which was attended by the present writer in 1964, Chief Jerome Udoji, the Chief Secretary of the defunct Eastern Nigeria had an opportunity to offer one of the Ex-colonial Administrators, then a Provincial Secretary in one of the Provinces of Eastern Nigeria, a mild rebuke and an advice concerning the expatriate administrator's wrong interpretation and application of government regulations on rotation of quarters to Administrative Officers in Divisional Office. Certainly, what the Provincial Secretary had regarded as a normal and an innocuous procedure in the English tradition, was considered by the Chief Secretary as irrelevant and was no longer appropriate in the new age, an age that demanded more humane treatment of public servants and other men at work in the Nigerian Civil Service.

The second perspective, that is, the negative perspective of the monistic view, seem equally popular. The adherents of this perspective tend to regard Colonial Service experiments in Nigeria as a mere waste of time or one of the British aspects of exploitation of Nigerians and their resources; an unsuccessful attempt at transplanting aspects of the British model of the Civil Service to serve the Nigerian nation; an opportunity created for unemployed youths of British origin to have employment in the Colonial Service in Nigeria and to perpetuate British arrogance, discrimination and a false sense of white superiority. Three illustrations may be given to explain the attitude of mind of some of the leading adherents of this perspective. In attempting to discuss the contributions or legacies of the colonial civil

service to environmental protection and management in Nigeria Pius O. adherent of this perspective, summarised what may be regarded as the other adherents of the perspective in the following words:

The Colonial era will always be remembered as the period of devastation of the national environment. In the early colonial period which coincided with the early industrial revolution in Europe development with respect to the Colonies was defined and expressed in terms of increasing the raw materials as much as possible to feed the factories in the metropolis. The growth of cash crops, some of which were in fact new to the environment, was forced on the local population.⁵⁰

A similar perspective was also recorded by the Political Bureau Committee report. The Committee had encountered the perspective in the course of its "Debate" as well as from the contributions on Civil Service matters submitted by individuals. The Committee regarded the adherents of this perspective as typical of the Civil Service and summarised their conclusion thus:

The system was modelled on the Civil Service which existed in Britain. It should be recalled that in Britain, the major commercial, financial and technological developments had taken place originally in the private sector of the economy and it was here that complex managerial devices had been evolved to deal with the problems of industrialisation. The British Civil Service had only a housekeeping assignment in the situation. This lack of skill and experience with the managerial problems associated with industrialisation characterised the Nigerian Civil Service from the beginning. Thus, from the beginning, the Nigerian Civil Service concentrated attention on housekeeping functions of the State, such as the maintenance of law and order, the organisation of the resources of the country into a condition which could facilitate their exploitation by private British enterprises.⁵¹

Those who spoke and wrote to the Political Bureau in 1986 were mainly Nigerians. They were in thought, words and actions not too far away from their forebears who were encountered by I. F. Nicolson, an Ex-colonial Administrator, Scholar and writer in the 1950s. Nicolson had recorded their views also as follows:

Such interest as developed in the final years was an interest in getting rid of the white man's burden. With little understanding of how that burden had been carried in the past, or by what kind of men, wishful thinking about the bright prospect of it being borne onwards more happily without their help was easier. Doubt was taken as evidence of, at best, paternalism; at worst, of racism and

reactionary imperialism.⁵²

Perhaps, this is not the appropriate place for one to go on and on depicting the counter between the adherents of both perspectives or what Political Bureau had aptly termed the apologists and the critics. What may be noted is that, as A. E. Ibo once rightly put it in another context, "the answer returned on this question by each scholar would necessarily depend on his point of departure".⁵³

The second view, the dualistic view about the contributions or legacies of the Colonial Civil Service is equally interesting. This is the view that will be adopted in this study. According to this view, which is equally popular, as F. Maitland once put it in another context, the Colonial Civil Service we have buried, but it still rules us from its graves. It may be added, however that today it no longer rules imperiously.⁵³ The Colonial Civil Service, it may be noted had served the past. In many respects, it also left behind it, worthy legacies for the Nigerian Civil Service of the Post-independence and for the foundations of Nigerian Federalism. Here a few of such contributions and legacies will be highlighted.

Emergence of a Federal Civil Service

The Public Service reforms of 1900 as already mentioned above, introduced a centralised structure and organisation for the Colonial Civil Service in Nigeria. It recognised the need to maintain certain common services for the three arms of the civil service based in Lagos, Southern Nigeria and Northern Nigeria respectively. This arrangement may be regarded as the nucleus of what later became a Federal Civil Service, Regional Civil Services and from 1967, following the creation of States in Nigeria, State Civil Services. It is true to say that this early arrangement was preceded by the Amalgamation of 1906 (two civil services) and 1914 (a centralised or single civil service), these latter experiments did not long endure. After a space of about forty years (1914 to 1954), the centralised or single Civil Service system for the whole of Nigeria collapsed and with it the myth of Lugardian formula of a centralised Civil Service system in Nigeria. As from October 1954, following the introduction of the Lyttleton Constitution of that year and the acceptance of the Gorsuch Commission of Inquiry Report, the principles of unity in diversity and a true federal decentralised civil service were recognised as aspects of the foundations of Nigerian Federalism. These principles and the practices of a Federal Civil Service with its regional and later State counterparts have survived. One last attempt under the Iyayi-Ironsi regime of 1966 to reintroduce the old formula failed.

Emergence of a Modern Bureaucracy

The Colonial Civil Service also bequeathed to the Nigerian Federation, a modern bureaucracy for managing public business. That bureaucracy began with departmental organisations in 1900 but in 1951 became transformed into a bureaucracy with a modern organisation. It maintained the basic feature of a modern bureaucracy of Weberian type with organisation characterised by delimitation of functions, hierarchy of authority, unity of command, rules and regulations, controls and reward

systems for officers serving within it. From 1950 also, the bureaucracy was down and enabled to perform its functions more efficiently without interfering purely commercial and industrial functions.

c) **Emergence of a New Public Enterprise System**

Following a new colonial policy and guidelines, there began to emerge as first a public enterprise system of a new type, based on corporations and based on statutory legal authority, such as the then Nigeria Electricity Corporation (1951), Nigeria Coal Corporation (1951), the Nigerian Building Society (1956), the Radio Corporation of Nigeria (1957), the Nigeria Central Bank (1958) and the Airways Authority (1960).⁵⁵ Today in Nigeria, such corporations, boards and joint stock companies are numerous at Federal and State levels. They are not "Parastatals" and are warmly received everywhere as the main agencies enterprises co-operating with the Nigeria Civil Service. But, few Nigerians even over their origins or reflect on the fact that their accidental origins have to do with the Colonial Civil Service of the Unitary or Centralised type and its directly or indirectly to Nigerian Federalism.

d) **The Rise of a New Local Government System**

One other important legacy of the Colonial Civil Service was the rise of a new Government System, starting from the former Eastern Nigeria. It is true that a Select Committee of the Eastern House of Assembly had reported among things as follows:

The theory of Native Administration presupposes the existence of a growing inherent authority capable of development to such an extent that it can provide for the effective and efficient administration of the people at all levels of progress. After twenty years' experience, it is evident that the inherent authority in the Eastern provinces, extending as it does to little beyond the confines of the family is capable of such development.⁵⁶

As a result of the recommendations of the Select Committee, the traumatic of the November days in 1948, the Report and the views of the two Government White Papers on the Enugu Colliery Massacre, perpetrated by Colonial Civil Service by 1950, Government introduced the new Local Government system to further from the Civil Service, tasks relating strictly to local administration. Thus Administration System was readily abandoned starting from Eastern Nigeria had in 1929 and in 1949 suffered the worst massacres in Nigerian colonial at the hands of Colonial Civil Servants. Since then the Local Government though amended from time to time, has become a new machinery for administration at all levels under Nigerian Federalism. It has, however, continued to cooperate with the Nigerian Civil Service.

The Rise of a New Age

It is interesting though, another important legacy of the Colonial Civil Service for Nigerian Federalism, was the rise of a new age, the age of human relations or new humanism. In the course of its inquiry, the Fitzgerald Commission observed that what had occurred would not have occurred had there been a greater sense of humanness among workers in a changing age. The Commission lamented and called for change in the following words:

Occasions arise where demands of workers, which standing on their own merits constitute a strong case, are often rejected or postponed because of their alliance with political agitation. This state of affairs can not be allowed to continue. Nigeria is emerging in the industrial fields. It is essential, not only in the interest of the workers, but for the effective development of the country, that industrial relations between employer and employee should be established on a sound basis having its foundations dug firmly in our experience of the industrial development of England.⁵⁷

The Commission then drew attention to some of the outstanding ills of the old system and called for change. It advocated that mass retrenchment or dismissal of workers, which had bewildered the old system must stop, irregularity in the payment of workers arrears and a nonchalant attitude towards clear terms of negotiated agreements must be halted; safe and healthy places for workers must be provided; effective machinery for collective bargaining must be introduced; and training of workers and indeed more Nigerians in preparation for independence must be intensified. The old system under which workers were treated as thing or "res" collapsed. A new era with emphasis on good human relations began as a worthy legacy for Nigerian Federalism.

Integration Process

Another legacy which the Colonial Civil Service bequeathed Nigerian Federalism was the integration process, that is, the effort to weld together diverse elements and peoples who constitute the Nigerian Federation. A conscious effort was made in this direction throughout the period of the Colonial Civil Service. In doing so, several strategies were adopted as a matter of policy or rules of service by the colonial administration in Nigeria. Four of these strategies may be mentioned here briefly. First, transfer of civil servants from one part of Nigeria to another was adopted and practiced. Like the National Youth Service of today, the transfer system of the Colonial Civil Service was rigorously enforced to widen the views and understanding of civil servants about Nigeria. For Nigerian Civil Servants themselves, the practice had an added advantage, that is, integration with other Nigerians. Old fears began to disappear; new orientation, understanding of Nigerian environment, problems and the promise began to replace those fears; and above all, Nigerians were born who began to build a new social and cultural relationship through lasting friendship, inter-

group marriages, ownership and possession of land and property outside that of origin.

Second, Civil Servants were subjected to various forms of examination of the most important of which, was the language examination in Hausa, Yoruba, Igbo, Efik/Ibibio to mention but a few. Thus, Nigerian workers compelled through this examination to, not only learn the languages of other groups, but also to speak them and appreciate their values. Three of these languages that is, Hausa, Igbo and Yoruba have eventually emerged as the three official languages.

Third, another aspect of integration process may be seen from the form of Civil Service culture developed across Nigeria during the colonial period. Among other things, wearing of uniforms, that is, service uniforms of various hues and ceremonial uniforms. Messengers, Watchmen, Forest Guards, Foresters, Drivers, the Police, Customs Officials and so on had their uniforms. Administrative Officers had their uniforms mainly for ceremonial occasions. Service culture was also stamped on office procedure through forms of greetings, and mode of petitions and complaints. Everywhere the Civil Service existed, it radiated its peculiar culture, moulded the habit and entrenched and ways of life among its servants, that marked them out physically and from the rest of the society.

Fourth, the process of integration was also accelerated by the establishment of various controls of service among civil servants across the whole country. For example, personnel controls instilled in Civil Servants some mental control towards and response against the consequences of exceptional behaviour outside their work places. They feared dismissal, termination of appointment and endorsement of records of service as a part of personnel financial controls including audit queries reinforced their respect for accountability a directive principle of state policy. Furthermore, management controls of precedence and "Seniority List" kept civil servants in check and moulded their citizenship morals and respect for constituted authority. This colonial civil service legacies may have suffered severe shocks and erosion and large they still exist as a part of the foundations of Federal and State Services in Nigeria.

g) Law and Order

Both the critics and the apologists of the Colonial Civil Service, seem to agree at least one view, namely, that service concentrated its efforts on "Law and Order". The Colonial Civil Service therefore left "Law and Order" as a major legacy to Nigerian Federalism. The Colonial Civil Service adopted several strategies in the process of law and order in Nigeria, including the strategy of "adaptation" that is, acceptance and use of Nigerian resources for implementation of law and order in the society; the strategy of "tolerance", that is, improvisation by allowing resources which were not seen as harmful but best in the circumstances to exist the mean time, side by side with European models until the latter eventually displaced the former by a process of change and development through afflux of time.

tegy of "intolerance", that is, a direct and vigorous effort to eliminate Nigerian customs, practices and values and to substitute them with European models. For example, under the last strategy laws were made to enforce health, new medical practices and new currency, and to make illegal and punishable abortion, murder, witchcraft, administration of oaths or "juju", exploitation of mineral, forest resources, tribal wars, inter-group wars, riots and so on. Punitive measures were taken to enforce laws relevant to these and other issues in this group. Where necessary, but sadly enough, fire was opened to enforce the "peace preservation Ordinance" or in milder cases, collective punishment and fines or deportation. These Colonial Civil Service agencies though often lost sight of, are still immanent.

The Rise of a New Elite

A new Nigerian elite sprang up from the ruins of the Colonial Civil Service experiment. Most Nigerians who became leading politicians, administrators and professionals in Nigeria in the colonial and post-independence periods had Colonial Civil Service background. Many University teachers, legal luminaries, medical practitioners, engineers and members of various registered professions in Nigeria, led an early civil service career in one form or the other. Nigerians are proud today of former civil servants who had played or still play important roles in helping to mould the fortunes of Nigerian Federalism. Such mandarins are numerous, but a few may be mentioned here for guidance. In the Western States, one may recall personalities such as the late Chief Simeon Ola Adebbo former Chief Secretary of Western Nigeria Government who later became Nigeria's permanent representative to the United Nations from 1962-1967;⁵⁸ and Chief Augustus Oladipo Adebayo, former Secretary to the Military Government and Head of Service of the defunct Western State.⁵⁹ In the Government of the former Eastern Nigeria, the names of Chief Jerome Udoji and Chief Ntienyong Akpan, both Chief Secretaries and Heads of Service, (retired) are also memorable.⁶⁰ The former, later became the President of the Manufacturers Association of Nigeria while the latter became the Chairman of several Federal and State Parastatals and the Pioneer Director of the Institute of Public Policy and Administration, University of Calabar. Another memorable personality from the same area is late Chief Michael O. Ani, who was the first indigenous Permanent Secretary of the Federal Ministry of Establishments, the pioneer Chief Secretary to the Military Government of South Eastern (Cross River) State and later the Chairman of the Federal Electoral Commission, several Commissions and Boards of Federal Parastatals.⁶¹ In the Federal Civil Service, memorable personalities from the Northern part of Nigeria include Alhaji Liman Ciroma, and Alhaji Shehu Musa both of whom served as Secretaries to the Federal Military Government⁶² and Alhaji Ibrahim Maina Okanda, one of the "Super Permanent Secretaries" of the Federal Civil Service during the days of the Civil Service "Great Purge" of 1975 to 1976.⁶³ Allison Ayida Gray Longe from the Mid-Western part of Nigeria who were also former "Super Permanent Secretaries" in the Federal Civil Service eventually retired as Secretaries to the Federal Military Government of Nigeria.⁶⁴ These men have continued to serve the Nigerian nation in various capacities.

i) Economic Planning and Development

The contributions and legacies of the Colonial Civil Service may be marginal in respect. However, it is true to say that the colonial civil service began a process of economic planning (1946-1960) which has continued to influence economic development in Nigeria until today.⁶⁵ Though modified and restructured the Ten-Year Development Plan of 1946-1955 left for Nigeria, a human approach, full of fits and starts, forwards and backwards arrangements, in planning and development, that has survived until today in Nigeria.

Some Problems

There is no doubt also that the colonial civil service bequeathed on Nigeria Federalism and its civil service several (intractable) problems. Five aspects of these problems will be highlighted here.⁶⁶

a) Structural and Organisational Problem

There are several variants of this problem. Three of these may be noted here: the Colonial Civil Service left behind a bureaucracy ridden with conflict situations, for example, the "generalists versus the professionals" controversy, "executive versus the technical classes" controversy; and especially from 1960 the problem of the relationship between Ministers and Permanent Secretaries. As the *Political Bureau Report* rightly observed, the net results of all these controversies included "poor co-ordination and control and sub-optimal use of resources".⁶⁷

Secondly, the Colonial Civil Service also left behind the problem of poor methodology. In the last decade of its existence before Nigeria's Independence, the Colonial Civil Service, in the human relations phase, adopted the methods of case study associated with that phase, that is, over-emphasis on man at work and treatment of workers. The net results were equally unsatisfactory. Here at one encounters such familiar but characteristic problems inherited from the Colonial Civil Service, that is, poor attitude to work, delays and lack of time consciousness, low productivity, wastefulness, laziness, absenteeism and insensitivity, to mention but a few. operations research techniques; high premium on red-tapism, rigidity, conservatism.

Thirdly, the colonial civil service also left behind the problem of wrong and concepts about the roles of the civil service. For example, there was recently, over-emphasis on "administration" as a synonym for "management". The failure to distinguish between the two remained for long a cardinal problem of the Nigerian Civil Service even in its post-independence phase until the 1980s under the Babangida regime.

b) Elitist Orientation

This is another important problem left behind by the Colonial Civil Service. It has been observed in several authoritative and extant works, British Civil Servants in Nigeria distanced themselves so much from the Nigerian society. They lived

arters in Government Reservation Areas, received high salaries and allowances and enjoyed privileges which made them look like a special group in the society. On their departure, Nigerian Civil Servants who succeeded them, also inherited their conditions of service almost without serious modifications. The elitist orientation of the civil service has continued since then. There are apologists and critics of the system, but in the main, the civil service left a problem of elitism for Nigerian Federalism.⁶⁹ This problem should be tackled or drastically reviewed in subsequent civil service reforms in Nigeria.

Institutional Problem

Four aspects of this problem may also be noted briefly here. First, from 1954 when the ministerial arrangement of 1951 was fully consolidated, Ministers and Permanent Secretaries were placed in a position of discordant relationship. Most Ministers came to their posts as political "new men". Some were ready to learn new ways but others were not. Thus, Permanent Secretaries as trained and sometimes professional bureaucrats became the last port of call for the Federal and Regional Chief Executives especially with regards to policy formulation and project implementation, manpower development and training and the planning process and accountability. The strained relationship between the political head and the real and effective executive head of a Ministry remained unresolved until Nigeria's independence.⁷⁰ This problem was dealt with by the 1988 Civil Service Reforms and a single Chief Executive system was introduced to replace the moribund split executive system. However, executive dualists are up in arms and may reverse the policy, if given a chance to do so.

Second, Permanent Secretaries were objected to frequent transfers from one Ministry to Ministry and sometimes to the Cabinet or other Extra-Ministerial Departments. They remained generalist but they accumulated a wealth of experience in service matters that gave them an obvious advantage over their political heads, who were often regarded by them as "birds of passage". By the 1988 Civil Service Reforms, Permanent Secretaries were renamed Directors-General and subordinated Deputy Ministers, political appointees and birds of passage also. This further complicated matters.

Third, the posts of Secretary to the Government and Head of Service were combined in one person. The person so appointed had an accretion of authority from the former post of Permanent Secretary. However, he also faced problems in his conflict position. In certain cases, he paid more attention to political rather than to purely service matters and vice versa. In other cases, he tried to implement both responsibilities with equal emphasis. Few ended with success; several others ended in crisis and were treated as persons who attempted to solve practical political problems in an academic or civil service manner.⁷¹ The 1988 Civil Service Reforms reshaped the office of the Head of Civil Service instituted constitutionally since the 1979 constitution. There is pressure to reinstate the post to serve the needs of the new participatory democracy.

Fourth, the Public Service Commission, re-organised and established in 1954 with new responsibilities, was expected to represent a model of impartiality. Here and there however, it left behind gaps in its operation - frustration, meddlesomeness,

delays and sometimes mediocrity in approach. The question began to be asked its relevance in the Nigerian Civil Service of the new age even at Independence.⁷² In tackling this problem, the 1988 Civil Service Reforms reduced powers of the Civil Service Commission quite considerably, perhaps in future to be abolished as in Britain, America, France and elsewhere.

d) Evaluation and Reward System

This issue has been discussed elsewhere and so need not delay one here.⁷³ What may be noted is that the Colonial Civil Service left behind an odious system of confidential reporting and evaluation of serving officers. On completion of part of the Confidential Report, the officer handed it over to his superior officer. The officer reported upon, never knew the outcome of the Report until it brought to him some reward, reprimand or a more severe punishment. This problem was tackled by the 1988 Civil Service Reforms which has introduced an Open-Reporting system a current practice in Nigerian Civil Service. At the moment the system is being further modified to incorporate a continuous assessment in performance grading.

e) The Accounting System

The accounting system left behind by the colonial civil service depended on what may be termed "the split executive system". Under this system, the Minister remained the political head of the Ministry, the Permanent Secretary designated the "Accounting Officer" and therefore took responsibility for expenditures and accountability in the Ministry concerned. While the Minister gave directives on expenditure of funds, he remained completely insulated from accountability, except where the Permanent Secretary, exercising an independent courage, disagreed with expenditure directives in writing and also drew a corresponding reaction from the Minister in writing. The situation often led to awkward results-dichotomy of functions, poor relationship, interminable conflicts and confrontations sometimes transfers of the protesting Permanent Secretaries and lack of coordination of work, to mention but a few.⁷⁴ The 1988 Civil Service Reforms dealt with this problem and by law (now abrogated) tried to restore accountability of Chief Executives and their subordinate officials, made instructions mandatory in all financial matters and those leaving office responsible for their actions until they had accounted for them.

Prospects and Conclusion

As this study has amply illustrated, the Civil Service experiment in Nigeria as a Nation-wide Colonial Civil Service from 1 January, 1900 but later metamorphosed into a Federalised Nigerian Civil Service. At Nigeria's Independence on 1 October, 1960, there was a parting of the ways between colonial civil servants who were usually termed "Overseas Officers" and their Nigerian counterparts. The Nigerian Civil Service has become fully Nigerianised since then, though the "I

the D.Os" was more gradual than is often imagined.

As has also been emphasized above, the contributions of the Colonial Civil Service to the foundations of Nigerian Federalism should not be taken lightly. That is the service that offered Nigerian Federalism, a single most important macro-bureaucracy for managing public business. In doing so, however, as from 1950, it left behind the lessons that, however important, no single macro-bureaucracy could alone efficiently manage all the affairs of Nigerian Public Service which were being redirected towards the industrial sphere; that there was an absolute need to call into aid other micro-bureaucracies for managing other aspects of the foundations of Nigerian Federalism relating to commercial and industrial activities and local government; and that in any case, the Civil Service, rather than remain rigid and uncompromising, should learn to cooperate with other emerging micro-bureaucracies strengthening the foundations of Nigerian Federalism.

Furthermore, the Colonial Civil Service also helped to usher in a new phase in Nigeria, the age of human relations with its ups and downs in the management of public service affairs. That age has continued until now. What the Nigerian Civil Service of post-independence years has been doing has been to constantly reform its structure and machinery to adapt to the changing faces of that age in order to further strengthen the foundations of Nigerian Federalism. The public service reforms of 1974 and 1988, in particular, struck mild blows here and there on the hard crust of the vestiges of Colonial Civil Service. Nigerian revolutionaries and gradualists are still in utter disagreement as to the way forward in rescuing the Nigerian Civil Service completely from the clutches of the heritage of the colonial civil service, particularly from those aspects that had tended to impede the progress of the foundations of Nigerian Federalism. Hopefully, further reforms in Nigerian Civil Service will more boldly face and address this problem.

The Colonial Civil Service also taught the lesson that both the Nigerian governments and the governed should learn that for the success of Nigerian Federalism to be complete, Nigerian public service institutions must be decentralised and federalised. Since 1954 this practice will no doubt be further reinforced as Nigeria's 1995 Constitution, recently promulgated into law, takes root. It is also generally hoped that adequate care will have to be taken to reform the practice and to suit Nigeria's new model of participatory democracy backed by the principles of Federal Character and Zoning arrangements advanced by Nigeria's 1995 Constitution.

When future reforms are being made it is also hoped that an opportunity should be taken to move the Nigerian Civil Service away, possibly gradually, from the present frustrating human relations phase towards the systems phase now in vogue in industrialised countries of the world. To our mind, it was not enough for Nigeria to have adopted federalism based mainly on the American model in 1979 without adjusting the most important macro-bureaucracy for managing and supervising Nigerian public affairs, that is, the Nigerian Civil Service, towards the systems phase practices that today support American Federalism.

The Colonial Civil Service, it may be stated frankly here, was a good, but not the highest good. While it has helped Nigerian Federalism to acquire and retain a

single most important macro-bureaucracy for managing public business, nation institution and a new age, the age of human relations, it has left mixed bag. For Nigerian Federalism to move into the systems that are in vogue, that it has a duty to do. That duty is, among other things, to effect radical reforms that will help to adjust the Nigerian Civil Service from its present and practices to what will enable it to perform better and support Nigerian Federalism as it marches into the twenty-first century and beyond and as it seeks to serve well the needs of a Nigerian Federalism that is expected to support a model participatory democracy in Nigeria and the march towards a systems nation building.

In effecting new changes, however, in the civil service, it is suggested that Nigeria should guard against the rather confusing and unhelpful controversies and jealousies between gradualists who want civil service changes to take place at a snail's speed and the revolutionaries who demand rapid changes. Measured changes aimed at and directed to further strengthen the foundations of Nigerian Federalism and to move the Civil Service on to the present systems phase, we suggest, should be Nigeria's next goal in civil service. This should be accorded the priority it deserves.

Notes and References

T. O. Elias, *Nigeria: The Development of its Laws and Constitution* London: Stevens and Sons, 1967, pp. 60-1; G. O. Yellowstone, *The Evolution of the Nigerian Civil Service 1861-1960*, Lagos: University of Lagos Press, 1975.

The Texts of the Order in Council of 1899 were issued and Gazetted Separately for Southern Nigeria, Northern Nigeria and Lagos Colony and Protectorate in the London Gazette and also in Nigeria. For the Order in Council of Southern Nigeria See S. P. Vol. 91, p. 1147; *London Gazette* 5, January, 1990; *Southern Nigeria Gazette*. Vol. I, No. 31 January, 1900. C.O. 520/3, pp. 368-71.

Ibid.

The Order-in-Council for Lagos Colony and Protectorate makes this point clear.

N. U. Akpan, *Public Administration in Nigeria*. Ikeja: Longman, 1982, p. 164.

A. H. M. Kirk Greene (ed) *The Transfer of Power: The Colonial Administrator in the Age of Decolonisation*. Oxford: University Press, 1980.

Quoted in West Africa, No. 3287 of 21 July, 1980, p. 1347.

S. O. Jaja, "The Age of Reforms: The Nigerian Civil Service in Transition", in *Calabar Historical Journal*, Vol. 3, No. 1, September, 1985.

For more about classical approach and its main characteristics, See. J. O. Shaughnessy, *Business Organisation*, London: George Allen and Unwin, 1966, pp. 163-9; Lyman W. Porter et. al, *Behaviour in Organisations*, London: McGraw-Hall Ltd, 1975, pp. 252 and 262.

Ibid. See also Herbert G. Hicks and C. Ray Gullett, *Management*, London: McGraw Hill Ltd, 1976, p. 653.

Ibid.

S. O. Jaja, "Enugu Colliery Massacre: An Episode in British Administration of Nigeria", *J.H.S.N.*, Vol. XI, Nos. 3 and 4; December 1982-June 1983, pp. 86-106.

Peter F. Drucker, *The Effective Executive*, London: Pan Books 1967, p. 26.

S. O. Jaja, "The Age of Reforms: The Nigerian Civil Service in Transition", in

Calabar Historical Journal, Vol. 3, No. 1, September, 1985.

15. I. F. Nicolson, *The Administration of Nigeria. 1900-1960*. Oxford: Clarendon Press, 1969.
16. H. N. Nwosu, *Political Authority and the Nigerian Civil Service*. Enugu: Dimension Publishers, 1977.
17. G. O. Olusanya, *op. cit.*
18. J. F. Ade Ajayi, *Milestones in Nigeria History*. London: Longman, 1968 (2nd Edition), p. 1.
19. *Report of the Commission of Inquiry Into the Disorders in the Provinces of Nigeria*, London: 1950 (Colonial No. 256).
20. *Despatch Dated May 1950, from the Secretary of State for the Colonies to the Governor of Nigeria* (Colonial No. 257). It also contains the *Despatch of the Governor of Nigeria to the Secretary of State for the Colonies*.
21. S. O. Jaja, "Enugu Colliery Massacre", *op. cit.*
22. Fitzgerald Commission Report, Colonial No. 256, *op. cit.*, p. 12.
23. Orders-in-Council, *op. cit.*
24. J. E. Flint, *Sir George Goldie and the Making of Nigeria*. London, 1968, pp. 303-5. For the full text of the Report, see also G. N. Uzoigwe, "The Commission of 1989: Lord Selborne's Report", *J.H.S.N.* Vol. IV, December, 1968, pp. 469-70.
25. Perhaps, in this regard, it may be true to say that Sir Frederick Lugard was not as treacherous as I. F. Nicolson tends to depict him. He has acknowledged the contribution of other colonial administrators to the process of Amalgamation in Nigeria, see I. F. Nicolson, *op. cit.*, p. 193.
26. *Colonial*, No. 256, p. 46.
27. Harry A. Gailey, *The Road to Aba*. London, 1971; S. J. Coleman, *Background to Nationalism*. Berkeley: University of California Press, 1968; Michael Crowder, *The Story of Nigeria*. London: Faber and Faber, 1968; E. Afigbo, *The Warrant Chiefs: Indirect Rule in South Eastern Nigeria 1929*. London: Longman, 1972; and S. O. Jaja, "The Women's War of 1929", in *Calabar Journal of Liberal Studies*, Vol. 2, No. 2, December, 1977, pp. 22-34.

28. Nina Emma Mba, *Nigerian Women Mobilised: Women political Activity in southern Nigeria 1900-1965*, Berkeley, University of California, 1982.
29. S.O. Jaja, "The Enugu colliery Massacre", op. Cit. " milestones in Nigerian Civil service", Lagos: University press, (forthcoming); G. O. Yellowstone, "Nationalist Movements in Nigeria" , in O. Ikeme (ed), *Groundwork of Nigerian History*, Ibadan: Heinemann, 1998, pp. 545-69.
30. See Historical survey of the Origins and Growth of Manu, cmd. 1030, 1960; L S. B. Leakey, *defeating Mau*, London: 1954.
31. S. O. Jaja, "milestones, op. Cit see also sabastian Okon's Unpublished Thesis on the Ekpe Owo Movement in University of Calabar Library.
32. G.R.Y. Radeliffe and Geoffrey Gross, *The English Legal System*. London: Butter worth, 1954, especially pp. 66, 69, 91-2.
33. See for example chief commissioner, eastern provinces versus Ononye and others (1944) 17 N. L. R. P. 142; B .O Iluyomade and B.U. Eka, cases and materials on Administrative Law in Nigeria. Ile-Ife: University of Ife Press, 1980, pp. 101-2
34. For more detail on land matters, casements and other rights in Okirika and Kalabari areas of the Rivers province see 17 N.L.R., p. 142; T.O. Elias, *the Nigerian Land law custom*, London: Routledge and kegan Paul Ltd.. 1961, chapter 11; *The Nigeria legal system*, pp. 84-5; and pp. 151, 158-9 and chapter 1X.
35. T. O. Elias, *Nigeria: The development of its laws*, op. Cit p. 40.
36. Ibid.
37. L. H. Gorsuch, *Report of the commission on the public services of the Governments in the Federation of Nigeria 1954-1955*. Lagos, Government printer, 1955.
38. Ibid. sessional paper. No. 4 of 1956.
39. Ibid.
40. Ibid., p. 18.
41. Ibid.
42. Ibid., para. 72, p. 26.

43. *Ibid.*, para. 79, pp. 29-30 and Chapter XI, p. 144.
44. *Report of the Conference on the Nigerian Constitution 1954*; See also Nicolson, *op. cit.*, pp. 269-89.
45. L. H. Gorsuch, *op. cit.*
46. A. H. M. Kirk-Greene. (ed) *The Transfer of Power: The Colonial Administration in the Age of Decolonisation*. London, 1979.
47. S. O. Jaja, "Milestones", *op. cit.*
48. P. O. Sada, "Development and the Environment: A Conceptual Framework for Environmental management", in P. O. Sada and F. O. Odemerho. *Environmental Issues and Management in Nigerian Development*. Ibadan: Evans Brothers, 1988, p. 32.
49. *Report of the Political Bureau, Lagos*, Federal Government Printer: p.106 (Para. 7.078).
50. I. F. Nicolson, *op. cit.*, p. 306.
51. A. E. Afigbo, *op. cit.* p. 14.
52. F. W. Maitland, *The Forms of Action at Common Law*. Cambridge: Cambridge University Press, 1968.
53. T. O. Elias, *op. cit.* Chapter 6, pp. 94-116.
54. Quoted in T. O. Elias, *Ibid.*, p. 83.
55. Colonial No. 256, p. 46.
56. For Chief Simeon Adebo's Account of Aspects of his Career See *Unforgettable Years and Our International Years*. Ibadan: Spectrum 1988 (Especially the Biographical Notes).
57. Nyakno Osso, *Who's Who in Nigeria*. Ikeja: Newswatch Commu 1990 pp. 31-2.
58. The Present Writer served Under Chief Jerome O. Udoji, Chief N. U. Chief Secretaries to the defunct Government of Eastern Nigerian and M. O. Ani, Secretary to the Government of South Eastern State (now Rivers and Akwa Ibom States).

3. Nyaknno Osso, *op. cit.*, pp. 229 and 475.
0. For comments on the Great Purge See Allison A. Ayida, *Reflections on Nigerian Development*, Ibadan, Heinemann, 1987, p. 45; L. Ademokekun, *Politics and Administration in Nigeria*, Ibadan, Spectrum Books, 1986, pp.121-2; Adebayo Adedeji, "The Political Class: The Higher Civil Service and the Challenges of Nation Building", in *West Africa*, No. 3322 or March, 30, 1981, pp.686-7; *West Africa*, No. 3323 of April 6, 1981, pp. 742-5.
1. Nyaknno Osso, *op. cit.*, pp. 191 and 438.
2. T. O. Elias, *Nigeria: The Development of Its Laws, o. cit.*, pp. 104, 113 and 308. For further comments see A. A. Ayida and H. M. A. Onitiri (eds) *Reconstruction and Development in Nigeria*. Ibadan, Oxford University Press (NISER) Publications, 1971.
3. *Political Bureau Report: op. cit.*
4. *Ibid.*
5. *Ibid.*, p. 107.
3. *Ibid.*
7. *Ibid.*
3. *Ibid.*
1. A. H. M. Kirk-Greene and Douglas Rimmer could not help drawing attention to the past in a Book that Address the Post-Civil War Year in Nigeria. See Anthony Kirk-Greene and Douglas Rimmer, *Nigeria Since 1970: A Political and Economic Outline*. London: Hodder and Stroughton, 1981, especially Chapter Two.
1. S. O. Jaja, "Performance Evaluation in Management", in *Development Digest*, Vol. 3, No. 9. January/March, 1981, pp. 229-300; See also Lyman W. Opiter *et. al.*, *op. cit.* Chapter 11 and 12; Herbert A. Simon, *Administrative Behaviour: A Study of Decision-Making Processes in Administrative Organisation*. New York, The Free Press, 1976, p. 231-4.

LOCAL GOVERNMENT ADMINISTRATION 1900-1960

U. D. Anyanwu

Perspectives

Local government administration during the colonial period was an important factor in the evolution of federalism in Nigeria. The structure, organisation, theories and working of local government administration in the period, in various ways, influenced the nature of the federal system of government in the evolving colonial state of Nigeria with both short and long term effects on the system. It is, therefore, understandable when we assert that the prime purpose of this chapter is to identify the issues and trends which affected the evolution of local government administration in colonial Nigeria with a view to explaining how that tier or level of government facilitated and or impeded the quest for federalism in the country.

Furthermore, there is much good reason to stress the importance of focusing on the contributions of local government administration to Nigerian federalism. It is a fact that it reflects our awareness of some of the key expectations that justify the adoption of federalism. These include the allocation and distribution of power and authority in a manner that enables constituent tiers of government in the federal structure to be integrally involved in national development; the acceptance of responsibility for diverse units that make up the country; the capacity to accommodate cultural and value conflicts in interrelationships among tiers of government and/or the respective units; and the recognition of national unity as a by-product of the consensus of all tiers of government as representatives of the constituent group in the country. Obviously, therefore, a federalist structure reckons with the relative autonomy of the constituent units.¹ This study of the organisation and working of local government administration thus serves as a mirror on the imperatives of federalism in Nigeria during the colonial period. The mirror may, as already stated, indicate how local government administration contributed to the foundations of Nigerian federalism and with what results.

Conceptual Clarification

Be that as it may, there is still need to clarify the basic concepts on which the study is based, namely, local government and federalism. These concepts like other social science terms have been open to a plethora of definitions and interpretations by scholars. Even so, it is unnecessary to embark on any detailed theoretical review of such definitions. We only rely on a few of them and in particular utilize the ones to achieve the clarification appropriate to our emphasis in this contribution. We

to attempt to place the definitions within appropriate or relevant historical contexts by stressing the dynamic nature of the concepts.

The Concept of Local Government

The concept of local government has attracted several definitions because of logical, historical, political, socio-economic, philosophical and other influences on scholars, theoreticians, leaders and governments. The variations (at least of degree and of kind) apply to all countries and often within the same country on the bases of regions. That is, within and among countries, the definition of local government is affected by the factors of space and time already mentioned. For our purpose, it ought to be noted that local government as conceptualised here refers more to the type which had its beginning and nurturing in the colonial period and thus had other variants expressed in nomenclatures like indirect rule, native administration, local administration, local authority and native authority.² Later, we shall make brief comments on the implications of this view of local government in Nigeria. An early definition of the local government system states that it is

... a system of administration which leaves in existence the administrative machinery which had been created by the natives themselves; which recognises the existence of Emirs, Chiefs and native Councils, native courts of justice, Muhammadan courts, pagan courts, native policy controlled by a native executive, as real living forces, and not as curious and interesting pageantry; by which European influence is brought to bear on the native indirectly, through his chiefs, and not directly through European officers - political, police, etc., and by which the European keeps himself a good deal in the background, and leaves the mass of native individuals to understand that from their own chiefs rather than from the all-pervading whiteman. The underlying policy of this system is to develop that civilization which he can himself evolve.³

The more global and 1949 definition sees local government as the government of defined territories of a state, carried out under the general jurisdiction of the government of the whole territory, by authorities representative of their localities and exercising a measure of discretion in the execution of their powers and duties.⁴ It has been conceived as the system of subordinate local authorities which has developed in many modern states whose main characteristics are "a given territory; a population; an institutional structure for legislative, executive or administrative use; a separate legal identity; a range of power and functions authorized by delegation from the appropriate central or intermediate legislature; and lastly, within the ambit of such delegation, autonomy - including fiscal autonomy".⁵ Yet for N.U. it means the breaking down of a country into small units or localities for the purpose of administration in which the inhabitants of the different units or localities should play a direct and full part through their elected representatives; who exercise powers or undertake functions under the general authority of the national

government. Alex Gboyega's definition as well as that of the United Kingdom are marked by similar features as the ones already presented though Gboyega does not specify how the membership of local government institutional structures should be composed.⁹ The latest official view of local government in Nigeria is expressed in the famous 1976 *Guidelines for Local Government Reform* which defines local government as

government at local level exercised through *representative councils* established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the staff and institutional and financial powers to initiate and direct the provision of services and to determine activities of the State and Federal Governments in their areas, and to ensure through devolution of functions to the councils and through active participation of the people and traditional institutions that local initiative and response to local needs and conditions are maximized.

Finally, for G. N. Uzoigwe local government in the context of a three-tier system means simply home rule for the first tier (local government).³ A few of these definitions seem apposite at this stage. We can conclude that local government is the tier in the governmental structure in a given state or polity which exercises economic and political functions and powers in its area of jurisdiction according to an instrument establishing it, which instrument or law also specifies the method and personnel involved in the exercise of the powers and functions. This means that we consider the other definitions presented in this context as somewhat misleading in an important sense (at least within the Nigerian colonial historical context) - namely, the erroneous, even if unintended, impression that precolonial Nigerian political organisation had no idea or concept of local government. Agreed, the dominant theory and practice of local government in colonial Nigeria are explicable in terms of the colonial impact, yet it must be noted that the idea and practices of local government or decentralisation in Nigeria predated British rule. As is well known, respective Nigerian political systems in pre-colonial times of the size of state evolved governmental structures which corresponded to tiers or units which made up the states. The more celebrated cases include those of old Oyo, Benin, Borno, and the Sokoto Caliphate - all of which belong to the category of so-called centralised states. The less visible of this reality (discernible by the investigator) exists among the so-called decentralised or non-centralised states including most of Igboland. One noteworthy emphasis, however, is that the pre-colonial political cultures had traditions of local government or decentralisation of the type introduced by the British which came to dominate the Nigerian political system because of the colonial situation. Indeed, it is our view that the planting and the spread of the British introduced system was (in principle) readily accepted by the Nigerian peoples because the pre-existing system had enshrined in the leaders and institutions a local government system as a welcome aspect of governmental structure. As can be easily recalled, the political officers who introduced the new system

med (even if erroneously) that they were utilizing the pre-existing system to run a new one. Clearly, we are safe in the assertion that there were traditions of local government in Nigeria before colonial rule, which traditions were later to affect the organisation and working of the system introduced by the British colonial authorities.

Other points in our observations must however be spelt out. First, local government is usually created by the higher tier of government – either the central or subordinate. Second, and closely related to the first, we note that the autonomy of local governments is contingent on the laws establishing them and which usually emanate from the higher tiers of government or legislature. Obviously, the autonomy is highly circumscribed, without sovereign rights and determined by the dominant policies, objectives and philosophies advocated by the higher tier(s) of government at a given time. The degree of autonomy thus determines the level of corporate personality enjoyed by the local government and defines the extent to which it exists as a legal personality. Ultimately, it is reasonable to argue that the level of autonomy enjoyed by local governments markedly affects their contribution to the social, political and economic life of the state – a point worthy of recall in subsequent discussions which formally address how the local government administration in colonial Nigeria served as a factor in the foundations of Nigerian federalism.

Concept of Federalism

Perception of federalism is expressed along the insights provided on the matter by the former Secretary General of the Commonwealth – Shridath S. Ramphal, whose attempt to define the concept was prefaced with accurate reflections or observations. He rightly states that "federalism did not begin as a concept of social or political organisation evolved by reflective philosophers or postulated by didactic political scientists. It did not sprout from a process of *a priori* reason; [. . .] is not a political ideology". It was borne out of attempts to respond to practical necessities posed by national circumstances and these, not rigorous academic reasoning, defined it for its content and form. Stressing that it is a methodology of limited union aimed at the production of limited unity, Ramphal concludes that federalism is a pragmatic method of organising Government so that sovereignty and political power are combined within a single nation of several territorial units but are so distributed between national and unit governments that each, within its own sphere, is substantially independent of the others".³ The noteworthy points for our purpose are a realisation that the concept of federalism is borne out of contingent circumstances in the evolution of nation-states. These circumstances could be socio-ethnic, religious and historical. The realisation of these facts led Uma Eleazu to federalism as having three levels of evolution – "first as a social fact, secondly as a legal fact and thirdly as a political force". The socio-cultural conditions of a unitary system unacceptable, independent existence unviable and compel the federal option. As a result, federalism becomes "a residual means whereby differences are harmonized and difference accommodated".¹⁰ Valid as these conceptions of federalism may be, as in the case of local government, we wish to note that traditions and practices of federalism existed in several parts of Nigeria during the colonial period. The various forms and levels of inter-group relations among

Nigerian cultural areas in the period pointed very much towards federalism and resisted the unitarist ones." Thus, both before and during the colonial circumstances (socio-cultural, historical, religious, etc.) made it necessary and people to tend towards federalist ideals in their efforts to achieve effective governments.

Symbiotic Link of Federalism and Local Government

It is easy to see that the concepts of federalism and local government share a number of common features. Both are concerned with the area distribution of authority in states. Both are expected to assist in the sharing of power and authority among the constituent units in a given socio-political entity. In other words, both are concerned with the whole issue of decentralisation in the government. This implies that each reinforces the other. That is, just as federalism could reinforce local government principles and practices so could the latter also reinforce federalist ideals and practices. Indeed, in federal structures, devolution is usually in the form of decisions of allocation and implementation can both be taken at the lower levels of the governmental structure.¹¹ These lower levels usually refer to regional and local governments which in the process are substantially independent of the national government. Therefore, the close link between local government and federalism is an indication of their symbiotic functions in the process of decentralisation and local identities in a nation-state like Nigeria.

Socio-Cultural and Historical Antecedents

Implicit in the preceding discussions is an awareness that federalist government administration in colonial Nigeria had socio-cultural antecedents which need to be emphasized. The socio-cultural aspects of the Nigerian state with the fact that the Nigerian state which evolved under colonial rule was composed of peoples of diverse cultural values, principles and institutions. As at the time of British occupation, there were variations in political systems and cultural systems among Nigerian groups.¹² Some were cultures which operated state systems in which many were the motive force and in which power and authority were distributed with little or no concentration of same in persons or groups. These states did not have much space for ascribed or inherited positions in the leadership and so power could be acquired within defined or accepted terms on the basis of attributes like wealth, courage, high morality. In a somewhat uncritical manner, these states have been erroneously described as stateless or acephalous in the process of centralisation. The Igbo (excluding states like Onitsha, Aboh, Asaba and Osomari) are said to be among this group along with the Tiv of the Middle Belt. This type of state organisation was also widespread among the Ibibio groups in the Cross River valley as well as among the Ijo of the Niger Delta. As it may be, we also had states in which the one or few held the reins of power by ascription or hereditary principles justified by factors like history, descent, religious belief systems, myths, and conquest. These were the so-called centralised states in which leadership was usually reposed on well defined persons, families and

either as kingdoms or empires, such states had rulers (monarchs or kings) supported by hierarchies of other titled or chiefly elite. Many of them including Oyo, Benin, Onitsha, Nri and Idah had divine or semi-divine kings who in principle were the "lords of life and death". Succession to office in these states was essentially hereditary.¹²

Though there was some overlapping in these state systems yet the dominant bias on political culture in Nigeria at the onset of British rule pointed more towards diversity than to uniformity of political systems or arrangements. Also, most of the state systems represented independent and sovereign communities of varying sizes. None of them exercised political jurisdiction over most of what became Nigeria. The point to note here is that the relations economic, social, cultural which existed among the different groups were such that each group successfully guarded its independence while protecting mutual advantages accruing from their relationships. Thus the socio-cultural environment encountered by the British at the time of the conquest was not unused to some concepts and practice of local government and federalism. This familiarity meant that there was an indigenous background within which the British introduced forms of federalism and local government administration were to be nurtured. That background was ultimately to affect the character of the new forms.

Understandably, the respective groups were at different levels of political and social development when the British attacked them in the last quarter of the nineteenth century. The situation in each of them effected the pattern of the British conquest just as it affected the resistance offered. As autonomous and sovereign states, they saw no need; in the circumstances, to form coalitions or surrender their sovereignties to a united state for the purpose of the resistance. The wars of resistance did not thus provide a context for the unification of the various states that came to constitute the colonial state of Nigeria. The result was that at the beginning of colonial rule the only unifying political element among Nigerian groups was the colonial administration. Attempts to accommodate these diverse groups led the colonial administration to take steps that were to result in what Akpan has aptly described as the "accidental foundations of Nigerian federalism."¹⁴ Yet, to some extent the so-called *accident* could be described as the logical consequence of indigenous and colonial issues that determined the political geography of the emergent colonial state of Nigeria. This means that the *accident* in the foundation may best be seen as an admission of the fact that in terms of constitution-making, the colonial authorities (including Lord Lugard) had no clear or conscious choice for Nigeria. Federalism became an unintended result of the amalgam of the indigenous socio-cultural factors and those occasioned by the nature of colonial occupation and administration.

The socio-cultural dimension has already been highlighted. So also has the historical side in terms of the colonial presence. However, it should be noted that since there was no 'Nigeria' in the age of the scramble, European powers including Britain did not look for one. Instead they sought for the Niger districts and the hinterland of the Atlantic Coast. The result of the search by 1900 as we saw, was that various territories which later came to constitute the colonial state of Nigeria were under different (even if of common source) political masters, and existed as separate and mutually independent territories.¹⁵

The point to note here once more, is that despite amalgamation, and in keeping with its spirit, the constituent governments and groups in continued to operate almost like autonomous and independent administrations. Colonial authorities pointed to both indigenous factors (like geography and diversities) and economic factors (like reducing the cost of running the territories) as the main reasons for this administrative arrangement. Lugard's successors – Clifford, Cameron and Bourdillon, continued with this administrative arrangement which ensured that the component units remained substantially independent of central administration in ordering their respective affairs. The break up of the into the Western and Eastern provinces in 1939 further strengthened the arrangement.¹⁶ Then came the Arthur Richards's Constitution of 1946 which introduced regionalism and, among other things, created Regional Houses of which also revealed an abiding commitment to ensuring that the pre-existing of policy was not abandoned. Arthur Richards was explicit on this issue and asserted that his aim was to create a political system which is "itself an advance and contains the living possibility of further orderly advance – a within which the diverse elements may progress at varying speeds, amicably smoothly, towards a more closely integrated economic, social and political without sacrificing the principles and ideals in their divergent ways of life".¹⁷

Indeed, the constitution was designed to encourage regional thinking involved the political and budgetary regionalisation of the country. Regional Councils were made up of delegates elected or selected by constituent native authorities. Members of the Central Legislative Council were themselves Regional delegates. The spirit of regionalism was so alive that even the nominated or official members sided with their respective regional delegates.¹⁸ As it therefore happened, it is not surprising that by the 1950s Nigerian nationalist and political leaders were generally advocates of federalism – a fact best attested to by the historic Ibadan conference of 1950 as well as the 1954 constitution which formally declared Nigerian federalism. This position remained the dominant one in Nigeria up to 1 October 1960 when the country gained independence.

Apart from the constitutional base of Nigerian federalism, another aspect of the historical context had to do with the fact that even the politics of national independence re-inforced the federalist impulse in Nigeria. The three dominant political parties, notably, the NCNC, the AG and NPC were regionally based and controlled affairs in their different regions. Each advocated principles which promoted regional interest. Thus as at October 1960, the federalist option had triumphed in Nigeria. That is, the so-called accidental foundations of federalism had become the chosen path for Nigerian nationalist and political leaders as well as their fellow citizens. As a result, it is in the context of the constituent provinces (which became the Regions from 1946) that we can best appreciate the issues and trends in local government administration in the country during the period. Yet, because of the significance of the Lugardian era in the fashioning of local government administration, it is necessary to focus on it formally.

The Lugardian Era in Local Government Administration

The Lugardian era as used here refers to the period when Lugard's ideas and policies formed the cornerstone of local government administration in Nigeria. This era lasted with varying degrees of intensity up to the 1940s. The theories, structure and working of local government in the period manifested how the evolving federal state which we have already sketched was affected. Lugard, contrary to some other impressions or even claims, was not the sole originator of the idea or concept of local government in colonial Nigeria. His pre-eminence lies solely in the fact that he stoutly articulated policies on the subject and insisted with considerable vigour that his policies were ideal for Nigeria. As it developed, for most of the colonial period, discussions of the local government question took the form of debates – either for or against Lugard's positions. This is not too surprising when we recall that Lugard was the first Governor-General of Nigeria and the one who executed the amalgamation of the Northern and Southern Protectorates in 1914. But we know also that prior to 1914, British rule in Nigeria was already in existence in the territories already indicated in this contribution. Consequently, for each of the territories there had also evolved some idea of and attitudes to local government administration. Thus, the pre-1914 local government system in colonial Nigeria was Lugardian only in the Protectorate of Northern Nigeria where Lugard was at the helm of affairs as the High Commissioner from 1900 to 1906. It is no longer necessary to attempt to justify this assertion. Pioneer scholars such as Afigbo, Ikime, Atanda, Okonjo and Okafor have addressed the issue most fruitfully and no serious scholar now doubts the view.¹⁵

Indeed in both the Colony of Lagos and the Oil Rivers Protectorate (later Niger Coast Protectorate) the political officers, namely, H.E. Mc'Callum and William MacGregor (for the former) and Claude Macdonald and Ralph Moor (for the latter) introduced the indirect rule (native administration) system in their territories even before 1900. Ralph Moor's case for this was typical:

if the tribal system of government is allowed to fall into decay, it will be necessary to increase to an extent beyond the resources of the protectorate to administer the staff necessary for doing work which is now done under the tribal system.²⁰

Macdonald did not put the case in as many words but he did see the need (as the Commissioner and Consul-General), to use existing indigenous authorities for the purpose of local government. But it was Ralph Moor, his successor, who gave legal backing to the system which was designated the Native Court system by the Native Courts proclamation of 1900. The proclamation provided for two classes of native courts. (i) Native Courts presided over by a native authority which were called Minor Courts and (ii) those presided over by European officers which were called Native Councils.²¹ A Minor Court consisted of three or more members; had an elected president (who presided at all meetings) though the senior member present could substitute for him if he was absent. The tenure of office in Minor Courts was three months and sessions were held "at such places and at such times as the High Commissioner or his authorised representative" might by public notification appoint.

The minor Courts had jurisdiction in cases and matters in which the parties were indigenous though a non-indigene could have his case tried if he had a consent.

Native Councils were all located at district headquarters; had the Commissioners (European political officers) as ex-officio Presidents, and were appointed by the High Commissioner. They had the power of supervision of activities of Minor Courts, notably, the inspection of their records. Its members had a note of authority (the warrant) from the High Commissioner. This practice meant the ratification of the appointment made by the Commissioner.

The 1900 Native Courts Proclamation was amended before 1914, 1903 and 1906; the amendments generally brought the local government (Native Councils and Minor Courts) under closer supervision by the political officer. That of 1906, for instance, brought the Native Courts under the jurisdiction of the Supreme Court - the supreme Court or any of its judges could uphold, dismiss or amend decisions taken by Native Courts. However, only the High Commissioner could dismiss any members of the courts. Further more, each native court had a clerk and a messenger. The clerk was literate in the English language. He prepared the records of cases, summoned members to meetings, ensured that the judgement be signed and kept record of the financial transactions of the Native Court. On the messenger served process-papers and carried executive messages for the Commissioner and the court. The practice by which messengers served summons directly to affected persons was stopped in 1902; thereafter it was done through Warrant Chiefs under whose jurisdiction the affected person lived. Warrant Chiefs were in charge of their areas of jurisdiction yet for executive purposes they acted through the heads of wards called the *udumani* or headmen.

Evidently, in the pre-Lugard era in the Eastern Provinces, the Government through the Political Officers exercised close supervision over local government affairs. The idea of local government autonomy was not a concept; there was not much separation between the executive and the judicial arms of local government administration. Native Courts were fully under the supervision of the central judiciary with the District Commissioners offering invaluable advisory capacity as presidents. But we must still stress that though this was the case, it was taken to relate the working of local government to the social environment. In instance, messengers delivered summonses through Warrant Chiefs who on their part utilized the services of the *udumani* or headmen. Thus, although the system was designed to promote local government autonomy it was implemented in a way that showed concern for preserving the identity of the peoples in the area. The guiding the structure, organisation and working of local government came from the political officers who exercised jurisdiction in the area, a reflection of the belief on the part of the administration that they were best placed to address local government questions in the area. In retrospect, it can be argued that even in the pre-Lugard pre-1914 era, local government theory and practice in colonial Nigerian were still the prerogative of the component administrative units in the country. In consequence, the structure, organisation, and working, the local government system in the

contributed to the sowing of the seeds of federalism in Nigeria.

Developments in the other territories show what was true of the Eastern provinces in the period was also true of the rest of what became the Nigerian State. In the Western Provinces, for example, the trends in local government were like those prescribed for the Eastern provinces. Governor H. E. McCallum, Governor of Lagos Colony initiated indirect rule in Yorubaland in 1897, thereby matching practice with his declared belief that "he preferred most thoroughly in governing through the governed".²³ He utilized the political officers in charge of the provinces (the Residents) for this purpose. One of them was F.C. Fuller, Resident for Oyo Province. He established councils with Residents as Presidents. The Ibadan Council was the first of these councils; it was followed by that of Oyo in 1900. Membership of the councils included senior chiefs and in the case of Oyo, the Alaafin. In some places, such as Ibadan-Ekiti, for example, the district Commissioner was the President of the council. The Councils carried out legislative, executive and judicial functions such as the administration of justice, road-making, trade, agriculture, sanitation, land and trial of order cases and served as courts of appeal. British officials assisted with the supervision of council affairs but in 1901 Governor Macgregor devised the Native Councils Ordinance. The Ordinance, *inter alia*, provided for provincial, district, town and village councils. The Governor established the councils but had to respect the wishes of the principal chiefs and people. The Ordinance barred Residents from presiding over council meetings; the paramount chief did so; with the political officer "assisting" by "giving advice". The Ordinance was designed to strengthen the power of the paramount Chiefs. These then were the main features of the local government system in the Western Provinces in the period before amalgamation. They confirm our earlier view that as in the Eastern provinces, the orientation of the system as manifested in structures, organisation and practice was towards laying foundations for a federal state in Nigeria.

But what was the situation in the North where Lugard was in charge? In the North, Lugard as the High Commissioner enunciated strong arguments in favour of indirect rule or what was also called native administration. Lugard's prominence in the development of indirect rule in Nigeria is legendary. It is perhaps well deserved that it is no longer necessary to dwell much on the various declarations made either by Lugard himself or others to elucidate the point. All we need to say is that for Lugard, indirect rule was almost an article of faith in colonial administration. In Northern Nigeria he enacted a number of Ordinances including the Native Courts Ordinance of 1900; Native Revenue Proclamation of 1907. Generally, the main thrust of the local government system initiated by Lugard was one which accepted the use of indigenous rulers and or institutions in ruling the territory. According to his 1918 report, "The policy of Government was that these (native) chiefs should govern their people, not as independent but as dependent Rulers [. . .] While they themselves are controlled by Government in matters of policy and of importance, their people are controlled, in accordance with that policy, by themselves".

The broad features of the system he advocated include the fact that government officers were banned from issuing direct instruction to the people, and village heads. Native courts had indigenous presidents who were to ensure

that they implemented indigenous laws and customs divorced of objectionable to the ordinances of Government. But, District Officers could not make their decisions or judgements. Native authorities initially served as revenue collectors for the Central Government, but later they served the same purpose for themselves in fact their rulers or emirs. The resident was the adviser to the local authorities.²⁴

A number of features in the evolving British introduced local government administration indicate federalist inclinations on the part of the authorities at the stage of the colonial state of Nigeria. They deserve formal attention. Each component government or leadership was responsible for issuing the guidelines and regulations on the structure, organisation and working of local government. There was no 'Nigeria-wide' approach to the local government question at that time. Each of them also asserted that local government was aimed at preserving and utilizing indigenous rulers in their areas of jurisdiction. There was thus an attempt to use local government administration to preserve the local identity of the respective Nigerian groups. They all exercised supervisory, legal and fiscal control over the local government units, indicating that local governments were created with the understanding that they were subordinate to the higher tiers of government without any reserved sovereign or independent rights within the colonial system.

True, there were differences of degree in these features, particularly between the protectorate of Northern Nigeria and the rest of the country; yet, if desires, orientations and approaches (and ultimately *kind*), the features were indeed common and lead us to the view that *the federalist inclinations of political and crucial influences on the nature of local government administration* at this stage of colonial Nigeria. Thus, even before 1914 when Lugard's ideas on local government administration were extended (by legislation) to the rest of the country, our view that there is a symbiotic link between local government on the one hand and federalism on the other was already manifested. How far, if at all, these features continued in the succeeding decades or so would be part of the investigation in subsequent sections of this contribution.

The amalgamation of the Northern and Southern Protectorates in 1914 technically meant that the three territorial areas which had been under different British political administrations were brought under one political administration, namely, F. D. Lugard. Lugard, at the level of local government, took some steps to show that he was ready to use the new status to effect changes. He made it clear that he had not been satisfied with the structure, organisation and working of the government (or the indirect rule or native administration) system in the Southern Provinces. He argued that what existed was faulty. He therefore moved on, despite opposition from political officers in charge of the Southern Provinces, to extend the system of local government operative in the Northern Protectorate to the rest of Nigeria. The opposition to his measures from officers in the southern provinces was, in fact, a reflection of their belief that amalgamation did not mean loss of identity and development for the component units in Nigeria. As will soon be indicated, Lugard could not be deterred from issuing Proclamations or Ordinances for the introduction of local government in the whole of Nigeria, the actual mode and

Implementation was left in the hands of the respective Lieutenant-Governors in collaboration with other political officers. This, of course, showed that despite amalgamation or Lugard, the federalist inclination in the administration of local government in Nigeria continued.

Now, a quick summary of the details. Lugard's dissatisfaction with the local government administration in Southern Nigerian was because of some arrangements and practices which he considered inappropriate. In the case of the Eastern Provinces, he denounced the use of political officers as Presidents of native courts and took exception to the involvement of court messengers in the arrest of offenders because, in his view, the practice diminished the authority and influence of the chiefs. Additionally, he opposed the control which the Supreme Court exercised over the native courts. His main source of dissatisfaction in the case of the Western Provinces was that paramount chiefs were not made *sole* native authorities just as there was no direct taxation at the local government level in the area. In short, Lugard advocated the extension of the form of local government in Northern Nigeria to both the Western and eastern Provinces.²⁵

To effect these reforms, he issued some Ordinances of which one was the Native Courts Ordinance of 1914 which ended the Supreme Court's jurisdiction over native courts, and established a four-tier native court structure categorised as Grades A, B, C, D. He also ended the practice whereby political officers served as the Presidents of native courts – they only provided guidance, Courts were empowered to keep surveillance over the court clerks who were to be treated as servants and not the master of courts. Court messengers were disallowed from arresting offenders and serving summonses on people without going through the Warrant Chiefs. A corollary enactment was the October, 1914 Provincial Courts Ordinance which spelt out the relationship between provincial courts on the one hand and the native courts on the other. The Provincial Courts had both superior and concurrent jurisdiction in relation to the native courts. One aspect of local government which Lugard could not (by legislation) take on had to do with his intention to introduce direct taxation in the Western Provinces. Both the Colonial Office in London and the Political Officers (including the Lieutenant-Governors/High Commissioners and District officers) in the area were, for various reasons, including the possibility of violent resistance by the people, successfully opposed it. Additionally, the other crucial Ordinance was the Native Authorities Ordinance of 1916. This and the Native Courts Ordinance gave impetus to the separation of the judiciary from the executive arm of the local government administration.²⁶

As a firm believer in the emirate traditions in the North, Lugard's native authorities were designed to instal strong or sole rulers. This was the background to the administration's rather desperate policy of creating *Warrant Chiefs* and endowing them with powers and authority that were not only alien but also injurious to the socio-political psyche or disposition of the people. The details of the chequered history of the *Warrant Chieftaincy* in the local government system based on Lugard's policies and inspiration are already well known. All that we may do now is to note that it was resisted by the people in various ways, the peak being the Women's War (erroneously called Aba Riots in colonialist literature) of 1929. This shows

that the working of the Lugardian system of local government in Nigeria varied because of differences in socio-cultural values and principles. To the people's view point Lugard's uniform or 'Nigeria-wide' measures were allowed to wipe off or diminish their respective identities. Therefore amalgamation at both the subordinate and local government levels did not result in the adoption of *unitarist positions* in the administration of the country. This was manifested in the reactions of both the people and even the political officers in each administrative or political area that made up colonial Nigeria. The situation in the Western Provinces, including Oyo, was marked by similar issues and trends. Captain Ross, Resident of Oyo Province at the time, believed in Lugard's view that the British should be the sole native authority and took various measures to attain this goal and in the process made Ibadan a sub-ordinate in the Oyo Native Authority. The resistance of Ibadan to the arrangement notwithstanding. The Iseyin Rising (which led to the murder of a district head and a native court judge) in Oyo Province deterred the implementation of Lugard's scheme largely because Captain Ross opposed it earnestly. Thus, although direct taxation and/or native treasury projects for local governments had not been executed by the time his tenure ended, yet we reaffirm the validity of the conclusion that the "amalgamation of Nigeria meant the extension to the South of principles of Native Administration which had been worked out in the north".²⁷

This conclusion supports our earlier assertion that Lugardism (the policies of Lugard) lasted up to the end of the 1940s when fundamental principles based on the elective ideals became the key determinants of the membership of local government councils, a designation which replaced the term, "native authorities". Admittedly, succeeding Governors and other political officers had a mind of their own on local government administration, but their ideas and policies on the subject were not abandoned. Quite often, however, when they (the successors) queried were the methods and pace of implementation, they did not touch the essence of the Lugardian objectives. Sir Hugh Clifford, for example, while accepting Lugard's policy of separate development for various Nigerian colonies, as well as linking the native administration to the national legislature still introduced measures which constituted departures from Lugard's arrangements. He was also critical of the principle of *extra-territoriality* in the structure of local government in the North. By the principle, people (usually non-Northerners) who lived in so-called *Sabon-Garis* were exempted from the jurisdiction of the native authorities concerned, being considered as living outside the same.²⁸ This division of the people into indigenes and non-indigenes was partly influenced by Lugard's policy for the preservation of the Islamic and cultural inheritance of the indigenes. The use of the native administration to foster it was considered unwholesome since it sowed the seeds of distrust among the constituent groups. Similarly, the British did not quite accept Lugard's policy of excluding the educated element from the native authorities and consequently in the South West allowed for the non-educated "sons of the soil" as members of same as well as their representatives in the Legislative Council. The issue being raised here is the daunting one of how to reconcile indirect rule with the demands for representative government.

confirmed subsequently, this remained a critical issue in federalism and local government administration in Nigeria throughout the native authority phase of the colonial local government system.

Both in laws and actual developments, Clifford did not change the structures he inherited from Lugard. Indeed, in principle, despite other reforms introduced by his successors, the Lugardian arrangements (as already stated) persisted in various parts of the country up to 1949. The three administrative divisions on which the local governments, namely, the Northern, Western and Eastern rested, remained the base for the implementation of local government reforms. As it therefore happened, only a few 'Nigeria-wide' guidelines were issued by the Central Authorities during the governorships of Graeme Thompson, Donald Cameron and Bernard Bourdillon. It was under Graeme Thompson that direct taxation was introduced in the Eastern Provinces despite opposition by Residents. The enabling law was the 1927 Native Revenue (Amendment) Ordinance. The crises which the implementation of the Ordinance provoked in the Eastern Provinces is a well known aspect of the history of local government administration in colonial Nigeria. Two notable rising caused by it were the 1927 Anti-Tax Rising in Warri and the Aba Women's Rising of 1929. Despite the indigenous opposition, and armed with the results of intensive investigations into the rising as well as detailed study of the socio-political organisation of the communities which resulted in the well known intelligence Reports, Cameron who succeeded Thompson saw no need to stop taxation. His discovery was that the people were not opposed to taxation *per se* but that problems arose because the people were not satisfied with the existing structures with a number of reforms. In his view, local government should be traditional, representative, and acceptable to the people. In what seemed a radical departure from the *sole* native authority position, he enjoined his

build from the bottom: do not attempt [...] to make a crown or king at the top and then try to find something underneath on which it might, perhaps, appropriately be placed.²⁶

The legal basis of the reforms or reorganisation envisaged by Cameron was provided by three ordinances: the Native Courts Ordinance (Number 12) of 1930; the Native Courts Ordinance (number 44) of 1933, and the Native Authority Ordinance (Number 3) of 1933. The ordinances laid down the law as to how native courts and native authorities were to be established, membership of these bodies as well as their powers.³⁰

With regard to the native courts, it was provided that the Resident of a province with the governor's approval should "establish at such places within his jurisdiction as he shall in his discretion select, native courts as may be defined by the warrant establishing same".³¹ The working of the local government units thus informed to the federalist structure, within the three administrative divisions, Bourdillon continued with this structure and in 1939 issued the *Bourdillon Minute* in which he examined the relationship between the Government and the Native

Administrations. Opinions differ on whether Bourdillon's deductions are accurate or not³² However, for our purpose what we emphasize is that with the breaking up of the Southern provinces into the Western and Eastern provinces, Bourdillon contributed in a specific way to the strengthening of the separate development of Nigerian groups which the local government system had been fostering. On the other hand also, his administration by that same measure strengthened the tradition which local government was controlled more by the sub-ordinate government than by the central government. The Richards Constitution of 1946 by various devices also added fillip to the tradition. Other influences including political parties helped ensure the continuation of this tradition which began in the pre-Lugard era (but which the 1914 amalgamation solidified) and sustain it as a key determinant of views and approaches to local government administration in Nigeria.³³ The point had earlier been made that the Richards Constitution which legally regionalised the country made the native authority area the basic unit for representation in the regional legislatures; which legislatures also sent delegates to the central legislature. In effect the local government units were made "handmaids" of the regional administration whose interest they had to serve. Without any intention of being cynical, we assert that local governments by the 1940s had become 'captive' of the respective regional governments.

Decolonisation Era

The context within which these interests were served was the decolonisation politics of the 1950s which were, of course, rooted in developments which started in the 1940s. As is well known, a major result of the second world war in Nigeria and rest of British West Africa was the intensification of colonial exploitation on the one hand and of anticolonialism (with independence as the foremost objective) on the other hand. In the case of Nigeria, a critical issue in decolonisation politics had to do with the rivalry among the Regions over succession to national leadership at the end of British rule. This rivalry markedly influenced the three main political parties (NC, Action Group, and Northern Peoples Congress) who were in varying degrees rooted on the regional base of their respective leaders to drum support and following to achieve this, the local governments were utilized and compelled to accept and perform the roles expected of them. This was how their position as "captives of Regional governments" became consolidated in the 1940s and 1950s. Constitutionally, this position was further strengthened by the 1954 Constitution which formally established Nigeria as a federation. Subsequent constitutional amendments as well as related measures had similar impact. The constitutional arrangements themselves were largely a function of the interest and desires of the Regional leaders and nationalists who, for various reasons, had common belief in federalism for Nigeria. It is thus no surprise that the main ideas with which decolonisation politics were associated were these which championed the protection of Regional (ethnic) identities, loyalties and interests. Local governments were utilized by each of the Regional governments in the process. The federal structure thus rested on the foundations provided by the local governments while the local governments developed as allowed by the structure.

As at 1960, therefore, there were three foci of power (one in each of the Western, Eastern and Northern Regions) which had separate and distinct legislations in the structure, organisation, powers and functions, and working of local government administration in the country. Beginning with the 1950 Eastern Region Local Government Ordinance (subjected to amendments thereafter) and followed by the Western Region Local Government Law of 1952 (with ancillary amendments subsequently), the local governments in the South were composed of councillors who had contested and won elections for that purpose. But except in the non-emirate areas of the North, native authorities were retained in that region though since the late 1940s (in response to nationalist [cum] democratic pressures) some native authorities also had appointed representatives who did not belong to the traditional ruling elites.³⁴

The point was that attempts to use the elective principle as the major yardstick for recruitment of councillor was vehemently and successfully opposed by the traditional ruling elite in the North and since there was no over-ruling national regulation on the matter, the regional government(s) which were themselves heavily dependent on the native authorities and which were also their veritable offsprings found it irrational to force the native authorities to adopt the principle. But the pressures of tradition in this matter were not limited to the North. In fact, in the Eastern Region, similar pressures compelled the regional government from 1955 onwards to allocate some percentages of council membership (including the presidency in some cases) to the traditional or natural ruler. The Western Region, on its part, in response to similar pressures also had councils made up of elected persons on the one hand and selected chiefs on the other. Also in terms of control, local governments all over the country were subject to judicial, administrative and financial (budgetary) controls of the respective Regional governments. None of the regional governments considered it necessary to give 'autonomy' or even very high degree of the power of initiative to the local governments under its jurisdiction. Thus, as it was at the beginning of colonial rule, by its end in 1960, local government administration in Nigeria remained a virile instrument for the sustenance, and defence of regional interest, values and aspiration. As a result, local governments were greatly involved in the promotion of federalist impulses on the one hand and the opposition to the unitarist ones on the other.

Summary and Conclusions

Local government administration in colonial Nigeria contributed to the evolution of federalism in Nigeria largely because of two sets of actors: the internal and the external. The internal had to do with the plurality of cultures, peoples and even geography which made it necessary for the colonial authorities to adopt the indirect rule system which to some degree preserved the respective identities of Nigerian peoples. That is, it was the local government system which was used to make each Nigerian group feel that despite colonial rule as well as the evolving colonial state of Nigeria, their respective aspirations and values were to be preserved. This internal aspect affected not only the British political officers and officials who were in charge of the component units that made up Nigeria but also the emerging nationalist and

political leaders whose activities contributed to the successful decolonisation of Nigeria. In fact, throughout the colonial period, the dominant opinion among leaders and people was that the local government system should keep to the principle of separate development espoused by the colonial authorities. By the time of independence, this internal consideration had also involved the aspect of the local government system had to serve in the power struggle among the regional political parties.

The external dimension had first to do with the way Nigerian was acquired separately (in parts), phases and instalmentally by different units of the colonial power. Thus, though the invaders and colonisers belonged to the same country, Britain, yet they initially settled in different geographical and cultural areas and became independent rulers. Some vested interest developed in the process and so even when amalgamation came up, there were significant variations in their views on how the government and indeed the entire colonial administration should be organised. Largely because of this, the respective colonial administrative regimes of the British in Nigeria found it plausible to insist on a local government system whose common feature was the achievement of separate development for a colonial area of divergent cultures. Since these positions espoused by both the internal and external agents were also translated to arrangements at the higher tier of government (namely the central and the regional), the result was that the local government administration became essentially the concern of regional governments. The other related result was that the regional governments gave their respective local governments the character considered appropriate to the region. This was why local government administration played crucial roles in the forging of federalism in Nigeria.

A number of conclusions are derivable from all these. Local government administration in colonial Nigeria in theory and practice was designed to promote federalism. In the process it also became a promoter of regional thinking often at the expense of the country. In fact, it was not organised to promote the sense or the unity of one country among the component citizenry. Therefore as at independence in 1960, local government administration was a sort of mixed blessing for Nigeria. At one level it enabled the policy of separate development to prosper and thus fostered federalist impulses. At another, it became the captive of regional governments and forces, championing essentially regional aspirations and interests with little or no care for federal ones. It can also be seen that the "accidental" foundations of federalism and its corollary, local government (native administration) in Nigeria under Lugard had become consciously pursued foundation by the end of colonial rule, leaving the country with the dilemma posed by the legacy of this mixed blessing since then. The unanswered dimensions of this dilemma include the nature of governmental relations, the status of local government, and its role in the federal system.

Notes and References

Cf. Victor U. Nwankwo, "Foreword", in U. D. Anyanwu, *Local Government Democracy in Nigeria*. Onitsha: Midfield Publishers, 1992, pp. vi-vii.

Cf. Lord Hailey, *Native Administration and Political Development in Tropical Africa*. London: Oxford University press, 1940, pp.1-10; Robinson, "Why Indirect Rule has been replaced by Local Government in the Nomenclature of British Administration". *Journal of Africa: African administration*, Volume 10, April 1950, pp. 79-85; and U.D. Anyanwu, *Local Government: Its Changing Nature and Role in a Nigerian setting (a case study of the Imo State area. 1930-1966)* Ibadan: Ph.D Thesis, 1984, pp. 29-33.

C. L. Temple, *Native Races and their Rulers: Sketches and studies in Official Life and Administrative Problems in Nigeria*. Cape Town: Argus Printing and Publishing Co., 1918, p. 30.

J. Gould and W. L. Kolb (ed), *Dictionary of the Social Sciences*. London Tavistock, 1964, p. 395.

Hugh Whalen, "Ideology, Democracy and the Foundations of Local Self Government", in L. D. Feldman and M. D. Goldrick (eds), *Politics and Government in Urban Canada: Selected Readings*. Toronto: Methuen, 1969, pp.311-332.

N. U. Akpar, *Epitaph to Indirect Rule: A Discourse on Local Government in Africa*. London: 1956, p. 50; Alex Gboyega, *Local Government and Political Integration The Western State, 1952-1972*. Ibadan, Ph.D. Thesis 1975, p. 27.

Federal Republic of Nigeria, *Guidelines for Local Government Reforms*. Kaduna: Government Printer, 1976, p.13

G. N. Uzoigwe, "Local Government and Home Rule", *Focus Magazine*, 1988

Shridath S. Ramphal, "Keynote Address" in A. B. Akinyemi, P. D. Cole and Walter Ofonagoro (eds) *Readings in Federalism*. Lagos: Nigerian Institute of International Affairs, 1979, pp xiii-xv.

Uma O. Eleazu, *Federalism and Nation Building: The Nigerian Experience 1954-1964*. British: Arthur H. Stockwell Limited, 1977, p. 21.

Cf. J. A. Egonmwan, *Principles and Practice of Local Government in Nigeria*. Benin City: S. M. O. Aka and Brothers Press, 1984, p. 20

12. Except where otherwise indicated, most of the information on this matter in the subsequent sections is derived from the adequate summary treatment of E. J. Alagoa, "Precolonial State Systems". (Paper presented at the Seminar on the Historical Roots of the contemporary Nigerian Nation Held at Durba, Kaduna, 3-7 June, 1986), pp. 3-17; and "Traditional Political Culture of the Nigerian's Third Republic". (Paper presented at the 34th Annual Congress of the Historical Society of Nigeria held at the University of Benin, Benin City, 15-19 May, 1989), p. 2-14.
13. Elizabeth Isichei, *History of Nigeria*. London: Longman, 1983, pp. 180-181.
14. N U Akpan, "Nigerian Federalism: Accidental Foundations", *Journal of the Historical Society of Nigeria*, Volume ix, No. 1, June 1978, pp. 1-20.
15. Cf. James O. Ojiako, *Nigeria: Yesterday, Today and . . . ?* Onitsha: African Educational Publishers, 1981, pp. 9-13.
16. S. O. Okafor, *Indirect Rule: The Development of Central Legislation in Nigeria*. Africa: Nelson, 1981, pp. 1-40.
17. As in the Despatch from the Governor of Nigeria to the Secretary of State for the Colonies, December 6, 1944 cited in James O. Ojiako, *Nigeria: Yesterday, Today, and . . . ?* Onitsha: African Educational Publishers, 1981, p. 13.
18. Okwudibia Nnoli, *Ethnic Politics in Nigeria*. Enugu: Fourth Dimension Publishers, 1978, pp. 140-56; and also James S. Coleman, *Nigeria: Background to Nationalism*. Berkeley & Los Angeles: University of California Press, 1958, pp. 113-415.
19. See A. E. Afigbo, *The Warrant Chief Indirect Rule in Southeastern Nigeria 1891-1929*. London: Longman, 1972, pp. 37-77; in *Journal of the Historical Society of Nigeria*, Volume iv, No. 3, December 1968, pp. 421-5; J. Atanda, *The New Oyo Empire Indirect Rule and Change in Western Nigeria 1894-1934*. London: Longman 1973, pp. 85-98; I. M. Okonjo, *British Administration in Nigeria 1900-1950*. New York: Nok Publishers, 1974, pp. 25-55; and Okafor, *Indirect Rule*, pp. 1-18.
20. H. A. Gailey, *The Road to Aba; A Study of British Policy in Eastern Nigeria*. London: 1971, pp. 31-2.
21. NAL Calprof 10/2 Volume 1: Southern Nigeria Papers-Proclamations enclosure No. 9, Native Courts proclamation, 1900; Clause 111 (a) (b). Except where there is a contrary indication, subsequent details on the native courts are drawn from this source, notably, clauses iv; v; vi; viii; vx and xviii.

NAI CSO/26 File No.27937: Intelligence Report on Ezinihitte Clan, Owerri Division, Owerri Province, 1933, para.27. See also Afigbo, *Warrant Chiefs*, 103-104; and Margery Perham, *Lugard The Years of Authority 1889-1945*. London, 1960, p. 466.

The Lagos Weekly Record the leading article captioned "Governor Macallum and Lagos", in the issue of 13 March 1897, as cited Atanda, *New Oyo empire*, p. 89. Most of the information on developments in the Western Provinces are from Atanda's *New Oyo Empire* as well as his article "indirect Rule in Yoruba land" in *Tarikh*. Vol. 3, No.3, 1970, pp. 16-28.

- 1 C. Obaro Ikime, "The Establishment of Indirect Rule in Northern Nigeria" in *Tarikh* Vol. 3 No. 3, 1970, pp. 1-15, and Perham, *Lugard: Years of Authority*, pp. 450-70.
 25. F. D. Lugard, *Report on the Amalgamation of Northern and Southern Nigeria and the Administration of Nigeria, 1912-1919*. London: 1920, p. 8; NAI: CSO/26 File No.61/1929: *Annual Report on Owerri Division, 1915*, para.2; and A. H. M. Kirk-Greene, *The Principles of Native Administration in Nigeria*. London: Oxford University Press, 1965, pp. 5-45.
 6. NAI CSE 1/85, 1984: *Owerri Province, Annual Reports, 1914*, para. 2 and Native Courts Ordinance, 1914, *Nigerian Gazette*, January, 1914.
 7. As cited in Okafor, *Indirect Rule*.
 9. Except otherwise indicated, information on this is derived from S. O. Okafor's work cited in footnote 27 above.
 - 3 Donald Cameron, *Principles of Native Administration and their Application*. Lagos:Government Printer, 1934, p.11.
 2. Detailed comments on these are in U. D. Anyanwu, "Local Government: Its Changing Nature and Role in a Nigerian Setting: A Case Study of the Imo State Area, 1930-1966". (Ibadan, Ph.D Thesis, 1984), pp. 75-86.
 - *Sessional Paper of the Legislative Council No. 12 of 1930*, p. 15; also *Native Courts Ordinance No. 12 of 1930* section 2.
- Bernard Bourdillon, *Minute on Appointment of Revenue and Duties as between Central Government and the Native Administrations*. Lagos: Government Printer, 1939. For some critique of Bourdillon's View, see, G. O. Orewa and J. B. Adewumi, *Local Government in Nigeria the Changing Scene*. Benin: Ethiope Publishing Corporation, 1983, p. 7.

33. Comprehensive insights on these issues are in Coleman, *Nigeria, Back to Nationalism*, pp. 169-408 and Jeremy White, *Central Administration in Nigeria 1914-1948. A Study in Polarity*. Dublin: Irish Academic press,
34. Alex. Gboyega, *Political Values and Local Government in Nigeria*. Malthouse Press, 1987, pp. 24-51; and A. D. Yahaya, *The Native Authority System in Northern Nigeria*. Zaria: Ahmadu Bello University Press, 1987, pp. 92-215.

INTER-GOVERNMENTAL FISCAL RELATIONS, 1900-1960*

Adedotun O. Phillips

Introduction

Nigeria's inter-governmental fiscal relations experienced significant structural changes between 1900 and 1960. The fiscal developments during this period were influenced largely by the constitutional developments in the country. Prior to the amalgamation of the North and South, the two areas were administered separately, and issues of public finance were therefore treated independently. The South was able to generate adequate revenue, mainly from customs duties, and experienced budget surpluses before 1914. By contrast, the North relied heavily on grants from the British Government to meet its expenditure requirements. Indeed, persistent budget deficits were a common feature of the North before the administrative integration in 1914.¹

Between 1914 and 1926, there was limited centralisation of the fiscal system. Thus, each of the governments of the North and the South still had separate budgets approved for them by the central government. However, the central government took over from the South the collection of customs revenue and it was the central government which now funded the separate budgets of the North and South. The take-over of customs revenue by the central government from the South was not accompanied by a corresponding transfer of expenditure responsibilities to the central government.² Consequently, the South experienced persistent budget deficits during 1914-1926, in contrast with the surpluses during 1900-1914.

Between 1926 and 1948, there was complete centralisation of the budget. Nigeria, as no distinction was now made between the revenues and expenditures of the North and South. It was also during this period that Nigeria became a country of three provinces when the Protectorate of Southern Nigeria was divided into Western and Eastern Provinces in 1939.

Between 1948 and 1960, following increased decentralisation of the governmental system and the introduction of full-fledged federalism during the second half of the period, there was a high level of fiscal decentralisation. Consequently, issues of fiscal federalism formed the core of intergovernmental relations between the central government and the three regional governments during this period.

During the reference period, the fiscal relationship between the Native

* I gratefully acknowledge the assistance given me by Dr. F. Egwaikhide of the Nigerian Institute of Social and Economic Research, Ibadan, in the preparation of this paper. This, however, does not diminish my responsibility for the content of the paper.

Authorities and the central government and later, the regional governments changed significantly. This is in spite of the fact that the Native Authorities differed significantly among the three provinces (later regions).³ The fiscal concentration was more on tax reforms and expenditure approval powers and less on governmental revenue allocation. In contrast with the period between 1948 and 1960 when provinces/regions dominated issues of inter-government fiscal relations, the period 1914-48 witnessed the greater prominence of Native Authorities' matters.

The developments summarised in the foregoing will be discussed in detail in the remainder of this chapter. Section II of the chapter reviews the system of the Native Authorities. Section III describes the revenue allocation schemes between the Native Authorities and the central government. Section IV discusses revenue allocation schemes between the regions, and between the central and regional governments. Section V examines the implications of the revenue allocation schemes, while Section VI focuses on fiscal policy.

The Revenue System of the Native Authorities

The taxes imposed by the Native Authorities varied widely across the country. In order to ease of comprehension, the revenue developments in the North and South are examined separately.

Following his appointment in 1900 as the High Commissioner of the Northern Protectorate, Lugard introduced direct taxation (also called general taxation) in the North. The legal basis of the new tax system was provided by the Land Proclamation No. 4 of 1904, and the Native Revenue Proclamation No. 2 of 1906. The intention was to replace the multiplicity of taxes and levies which existed then at the local level. Under the new direct (general) tax system, the power to impose the tax was vested in the central government, whilst the authority to collect the revenue remained with the Native Authorities.

The most common method of assessing the tax was to treat the village as a unit of assessment. Administrative officers provided data on the size of cultivated land, market prices of produce, and earning capacity of traders and craftsmen in the village. Based on these data, aggregate village income was estimated. The general tax was then imposed on this aggregate village income. Thereafter, to collect the tax, the village head would divide the assessed tax equally among adult male taxpayers who would pay the village head.⁵ The general tax thus ended up being like a per capita tax, although individual liability differed among villages and communities. The essential characteristics of the tax remained virtually unchanged until the 1950s. However, there was a tendency for the level of individual liability to rise from the early 1940s, reaching an average incidence of 3 shillings and 3 pence per head of population in the late 1950s.⁶ Revenue derived from the direct tax is shared equally between the collecting Native Authorities and the central government. Table 6:1, which covers the whole of Nigeria, shows that the Native Authorities in the North retained annually between ₦1.45 million and ₦2.0 million between 1950 and 1946.

The success of indirect rule in the North motivated the extension of

system of administration to the South by Lugard. Consequently, the pre-existing system of administration before the advent of the British was retained. Specifically direct taxation was formally introduced in Western Nigeria in 1916 and this was effected by the amendment to the Native Revenue Ordinance that was originally applicable only to the North. Like the North, local chiefs, baobabs, Ogbonis, etc., played important roles in the collection of direct taxation in the West. Thus, direct taxation replaced the various tributes and levies that were collected in the past. It may be relevant to note that direct taxation took the form of a poll tax and income tax.

With time, there were revisions to the tax system so as to make it more progressive. Reference to the Direct Taxation Ordinance of 1940 is basic.⁷ This Ordinance which retained the basic principles of the past revenue ordinances recognised four sources of local revenue. These were: (i) flat rate; (ii) income tax rate; (iii) trade taxes; and (iv) taxes on unearned income. The flat rate was paid by every adult male whose income was less than £30 per annum. And for those with income above this amount, they paid income tax that was graduated. For persons who engaged in certain trades such as blacksmiths, goldsmiths and cattle dealers, they paid trade taxes in addition to the flat rate. This was practiced mainly in Oyo and Ijebu provinces. In addition, a tax of between 2.5 and 5 per cent was imposed on the total income derived from rents, securities, etc. (also called unearned income).

By 1952, Local Government Councils took the place of the Native Authorities. This development did not alter the functions of this level of government since the Councils inherited the direct tax powers and the expenditure responsibilities. Indeed, the revenue base of the newly created Councils was broadened, as they were empowered to levy special rates for the purpose of providing education and water supplies. They were also authorised to impose tenement rates. The incidence of direct taxation in the West was put at two and half crown (i.e. 2s 6d,) per head of population.

On the introduction of direct taxation to the Eastern Provinces of Southern Nigeria, its implementation met with resentment because the colonial government paid scant attention to the socio-political systems of the Eastern peoples. It thoughtlessly proposed the imposition of poll tax rather than income tax on adult males. This proposal which was put forward in 1924 was expected to be implemented with the apparatus of indirect rule, following its success in the North and South-West.

Foundations of Nigerian Federalism: 1900-1960

Table 6:1
Revenue Obtained From Direct Taxes Between, 1928/29 and 1945/46, N million.

	1928/29	1929/30	1930/31	1931/32	1932/33	1933/34	1934/35	1935/36	1936/37
General Tax and Jangali	1.84	1.92	1.87	1.87	1.9	1.5	1.45	1.46	1.49
N.A Share-Northern									
2N.A Share-Eastern	0.74	0.79	0.74	0.65	0.64	0.55	0.57	0.57	0.62
N.A Share-Western									
N.A Share Colony									
Total N.A Share	2.57	2.71	2.61	2.52	2.54	2.05	2.02	2.03	2.11
Government Share	1.6	1.65	1.58	1.47	1.47	1.54	1.55	1.59	1.63
Total General Tax and Jangali	4.17	4.36	4.19	3.99	4.01	3.59	3.57	3.62	3.74
Non-Native Colony Income Tax	0.05	0.04	0.04	0.07	0.08	0.07	0.07	0.07	0.08
Income Tax: Individuals and Companies									
Total Direct Taxes	4.22	4.4	4.23	4.06	4.09	3.66	3.64	3.69	3.82

Table 5:1 (contd.)
Revenue Obtained From Direct Taxes Between, 1928/29 and 1945/46, N million.

	1937/38	1938/39	1939/40	1940/41	1941/42	1942/43	1943/44	1944/45	1945/46
General Tax and Jangali	1.79	1.57	1.60	1.56	1.62	1.73	1.63*	2.11*	1.49*
N.A Share-Northern									
2N.A Share-Eastern	.68	.72	.31	.32	.33	.34	.49	.62	.61*
N.A Share-Western			.42	.42	.43	.49	.56	.57*	.59*
N.A Share-Colony			.01	.01	.01	.02	.02*	.02*	.02*
Total N.A Share	2.47	2.29	2.33	2.31	2.39	2.57	2.90	3.32	3.00
Government Share	1.63	1.68	1.68	1.71	1.77	1.78	1.73	1.67	1.67
Total General Tax and Jangali	4.10	3.97	4.01	4.02	4.16	4.35	4.637	5.19	5.27
Non-Native Colony Income Tax	.08	0.07							
Income Tax: Individuals and Companies			.20	.56	.53	1.73	3.03	2.74	4.99
Total Direct Taxes	4.18	4.04	4.21	4.59	4.69	6.08	7.66	7.93	10.26

Note: * Indicates estimates. Figures were reported originally in the Nigerian Pound. They are converted to Naira by multiplying by a factor of two. This applies to other Tables.
Philipson (1947: 170).

Source:

The poll tax was eventually introduced in 1928 under the Native R Ordinance. But this was preceded by detail explanation and propaganda ab need and relevance of the tax; and tax assessment was simultaneously pursu the assessment, information relating to the taxable capacity of male adul sought with the object of generating adequate statistics that would provide for fairness and equity in the distribution of the tax burden.³ On the b comprehensive assessment report, every male adult was required to pay 2.5 p of gross income as tax annually. It has been acknowledged that the r generated from this tax in 1928/29 substantially surpasses the expected am £357,267 dollars as against the estimated amount of £288,630.⁵

The Aba Women's uprising of late 1929 is too important to be ignore was directly linked with the imposition of direct taxation. The cause of th disturbance has been attributed to speculations among the people that women sooner or later be required to pay direct tax. This supposition gradually lexicographic currency in the vicinity and the uproar was the climate c development.¹⁰

Following the Direct Taxation Ordinance of 1940 alluded to earlie income tax was added to the poll tax. The income tax was graduated and in s respects, the method of assessment was quite similar to that of the West increases in the prices of palm produce in 1946/47 precipitated the up adjustment of direct tax rates for most parts of the East. But, the traditional s of administration was replaced by the local government system, fashioned British tradition in 1949. Thus, the collection of direct taxes was now conduct the local government. It should be noted that these local councils had the pos impose special rates for free primary education introduced in January 1957.

Revenue Allocation Between Native Authorities and the Govern

The apportionment of the proceeds from direct taxation between the Native Authorities and the central government (later regional governments) was share largely by the changing economic conditions of the time. Prior to 1927, the ear obtained from direct taxes were generally shared equally between the two lev government. There is not sufficient evidence to indicate that this allocative sch generated serious problems then. However, there was a modification to the pr of equal sharing of direct tax receipts in 1927. As part of the idea to devel Native Authorities, the central government proposed that the "fully organised" administrations should retain 70 per cent of the proceeds from direct taxation this financial allocation system, the unorganised Native Authorities were disadvantage and it could have fostered uneven development.

Provided in Table 6:1 are stylized facts regarding the relative shares Native Authorities in direct tax revenue in the various parts of the country bet 1928/29 and 1945-46. In the first five years, the share of the Native Autho the North averaged about N 4.7 million annually. Comparatively, the share of Authorities in the South was N .71 million during the corresponding period. The Great Depression of the 1930s (particularly between 1933 and adversely affected the revenue of the central government.¹² This was because

Inter-Governmental Fiscal Relations, 1900-1960

heavy reliance on trade taxes for revenue generation. Native Authorities' revenue was less adversely affected since they depended largely on internally generated revenues. The fiscal profile then was a situation in which the central government was unable to balance its budget, while the Native Authorities generally recorded budget surpluses. The financial constraint of the central government was largely eased through the reduction of the share of the "fully organised" Native authorities direct tax revenue from 70 to 60 per cent. Concurrently, the government transferred certain services and public works to the Native Authorities.¹³ Thus, it is not surprising as Table 6:1 shows that the relative shares of the Native Authorities direct tax revenue declined after 1932/33.

A development soon after was the approval of the request of the Chief Commissioner of the Northern Provinces in 1935 that the share of some Native authorities in direct revenue be raised from 50 to 60 per cent.¹⁴ The justification for this concession was based on the fact that these Native Authorities were very poor. There is little doubt that this occurrence was founded on the principle of needs and even progress in revenue allocation. It is evident from this that the earlier revenue sharing arrangements which more or less reflected the principle of degree of organisation of the Native Authorities was de-emphasized. The grant system introduced in late 1935, doubtlessly, was based on the principle of need and even progress.

The central government also had financial difficulties at the start of the second World War as it registered huge budget deficits. It would be recalled that the central government had reduced the share of direct tax revenue to the Native authorities and transferred to them certain services and public works. Sir Bernard Bourdillon recognised that the persistence of this trend could generate a non-correspondence problem, particularly for the Native Authorities. Thus, the form of financial assistance required from the Native Authorities this time did not follow this arrangement; rather, Native Authorities were directed to surrender to the central government a part of their emergency reserves. Unexpectedly, however, the government's financial situation improved considerably in 1940/41; and in 1942 the government refunded to the Native Authorities the contributions made from their reserves.

A direct consequence of the war was the acceleration of the cost of living. Consequently, organised labour demanded a new remuneration compatible with the cost of living index. In response to this, the government raised the basic rates of pay to labour and the payment of the cost of living allowances to workers. This decision, taken at the central level, was applicable to the Native Authorities. It is generally reported that between October 1941 and 1945/46, the cost of this policy to the Native Authorities was borne by the government through grants.¹⁵

Constitutional Developments and Financial Arrangements, 1948-

1960

From 1946, the issue of inter-government fiscal relations between the central government and the regions has been the subject of fiscal commissions. Thus,

between 1946 and 1960, four fiscal commissions were appointed to review possibly make recommendations on the existing fiscal arrangements. This suggests that the issue of fiscal federalism was accorded a monumental status in constitutional and political developments during this period. For analytical convenience, only the salient points of the financial commissions, as they relate to the theme are discussed.

The 1946 Richards Constitution provided some measure of responsibility to the regional governments. Since each region was to now have its own budget, it was expedient to make funds available to them to meet expenditure requirements. The importance attached to this led to the appointment of Sir Sydney Phillipson in June 1946 to comprehensively examine the issue of revenue allocation scheme to be adopted. Thus, the criteria for declaring revenue being regional and the determination of the magnitude of grants from centrally collected revenue and the guiding principles for allocating such grants to the regions were the focal points of Phillipson's enquiry.

It was recommended that, for revenue to be declared regional, it must be obtained from the region and should be collected by the regional authorities. In addition, it was essential that the revenue must not have any significant national policy entanglements. Annexure 2 of the Phillipson report lists direct taxes contained in the Direct Taxation Ordinance and subsequently amended), receipts from licenses, fees of courts, mining rents, rents from government property, earnings of government departments and miscellaneous sources of revenue which satisfied the basic requirements.¹⁶

There was the question of how to determine the magnitude of the revenue going to the regional governments from the non-declared revenues. There was also the question of what should be the criteria for allocating the determined revenue among the regions. Although the 1946 Constitution provided essentially for a unitary system of government, it provided some measure of devolution of responsibility to the regional governments.¹⁷ But, the regions had no legal power to appropriate revenue for regional expenditure. Indeed, all revenues to be used by the regions (regionally declared revenues and other revenues) were made available by the central government. In this sense, the first question did not pose any serious problem for Nigeria's fiscal sphere.

Two principles were evolved to deal with the second question which related to the allocation of revenues to the regions by the central government. The principles were: (i) derivation; and (ii) even progress (see Table 6:2). Quite simply, the principle of derivation suggests that the receipts from some taxes should be shared among the regions in proportion to the contribution made to the total revenue by each of the regions.¹⁸ This recommendation was influenced largely by the need to instil fiscal discipline on the regional governments so that they could align their expenditures with the available revenues.¹⁹

The principle of even progress derives from the need to maintain unity in a country, and it combines the elements of needs and national interest. The thrust of this principle, therefore, was balanced development with the underlying assumption that even-paced progress would promote stability and unity. It was thus the view

Inter-Governmental Fiscal Relations, 1900-1960

the Phillipson Commission that the revenue allocation formula should be such that existing levels of regional services were maintained, while adequate allowance should be made for future expansion.

Although, these conflicting principles were proposed in the distribution of interregional revenues, in practice, derivation was the only criterion used to allocate revenues among the regions in the 1948/49 and 1951/52 fiscal years. The data on revenues distributed to the regions provided in Table 6:3 are informative. Taking the fiscal year 1949/50 and utilizing the principle of derivation, the absolute shares of the North, West and East were ₦ 4.2 million, ₦ 3.4 million, and ₦ 4.6 respectively. By this statistics, the relative share of the North was 35 per cent, West, 28 per cent, and East, 37 per cent. This contrasted sharply with the recommended figures, East, 26 per cent; North, 45 per cent; and West, 29 per cent.²¹ It is generally acknowledged that the Eastern region received more than what it contributed to total revenue and even the amount obtained exceeded the expenditure on regional services.²²

Although this allocation applied only to one fiscal year, it unequivocally provoked interregional misunderstanding and hostility which grew with rapidity. It was argued by the other regions that the development of the East was being fostered by the financial resources generated from both the North and West. The favourable effect of this revenue allocation scheme on the Eastern region engendered it to indefatigably support the use of the derivation principle.

The 1946 Constitution came under review in 1950. This provided an ample opportunity to review some of the recommendations of the Phillipson fiscal commission since there was a general resentment particularly to the principle of derivation. The new constitution proposed the adoption of a quasi-federal system of government. This was one potent factor which also made it imperative to re-examine the country's fiscal arrangement. As a by-product of these, the Hicks-Phillipson fiscal commission was appointed in 1950 to determine the division of fiscal powers and jurisdiction between the regional and central governments as one of the main terms of reference.²² Some aspect of the report are quite revealing.

For the first time, the principle of independent revenue was evolved for the regions. By this principle, regional governments would now have full control over those revenue which have been declared regional. This included general tax, jangali, produce sales tax, license fees, and rents from government property. The principle of independent revenue had become necessary because it was desirable for the regional authorities to have proper financial responsibility. The principle of independent revenue was also justified on grounds of regional fiscal autonomy and efficiency of tax administration. Thus, under this principle, regional governments had the power to impose these taxes and the rights to revenues therefrom.

Unitarism versus Federalism: A British Dilemma

service and judiciary were created. This was clearly the triumph of federalism. But it was a federation that was to continue to be hunted by the twin forces of regional imbalance and the quest for sectional security.²³

Table 6:2
System of Revenue Allocation to the Regions States of Nigeria, 1941

Year of Introduction	Commissioner	Principles	System of Alloc
A. 1948/49	Philipson	Derivation Even progress	Not specified
B. 1952/53	Hicks Philipson	Derivation Needs National Interest	<ol style="list-style-type: none"> 1. 50% of import duties on and 100% on motor fuel. a consumption 2. Capitation grant: 13s. P 3. 100% education and pol 4. Special equalisation gra
C. 1954/44	Chick	Derivation fiscal Autonomy.	<ol style="list-style-type: none"> 1. 50% of the import and ex on tobacco, and 100% of im on motor fuel, according to consumption. 2. 50% of other import duties than on alcohol, tobacco and fuel) to be distributed: East 3, 40%, North 30%. 3. 100% of income tax (except companies), according to res 4. 100% mining rents and roy according to extraction. 5. 50% export duties, accor origin.
D. 1959/60	Raisman Tress	Derivation fiscal Autonomy United National Policy.	<ol style="list-style-type: none"> 1. 100% of import duties and duties on tobacco, and 100% duties on motor fuel, accord consumption. 2. 100% export duties, acco origin. 3. 50% mining rents and roya according to extraction. 4. 35% of other import duties than on alcohol, tobacco, an fuel) and 30% of mining rents royalties, to be paid into the Distributable pool Account: N 40/95; East, 31/95.

There were those revenues collected and retained by the central government. Some of them were export duties, mining royalties, license fees and fees for services provided by the central government, import duties other than those on tobacco and motor spirit, and 540 per cent of import and excise taxes on tobacco. There were those taxes whose powers were excisable by the central authority, but the revenue obtained was assigned wholly or partly to the regional authorities. Here, 100 per cent of the earnings from import duty on motor fuel was assigned to the regions, while only 50 per cent of the proceeds from import taxes and excise duties on tobacco accrued to the regions.

As demonstrated in Table 6.2, three principles for interregional revenue sharing were suggested in the Hicks-Phillipson report, namely, derivation, needs and national interest.²³ Taking into account the principle of national interest, grants were made to each region by the central authority to cover the full cost of regional police forces, 50 per cent cost of the native Authority police forces, and 100 per cent of the educational grants incurred by regional governments in respect of Schedule A of the Education Ordinance (these were voluntary agencies and local authorities).

A statement on the relative benefits from each of these principles may be insightful.²⁴ The Western Region now benefitted most, as it received a monumental sum annually from the application of the principle of derivation to the distribution of gross proceeds from import duties on motor spirit, and education grant. With respect to the principle of needs which was applicable to capitation grant, the Northern region was the most favoured, as it received over ₦4 million annually in the fiscal years 1952/53 and 1953/54, and more than ₦2 million in six months (March to September) in 1954. It was in the area of education grant that the Eastern Region led, an indication that it benefitted most from the principle of national interest.

It is now convenient to present the statistics on the regional shares of the federal statutory allocation during this period. With reference to Table 6.3, in 1953/53 and 1953/54, the absolute shares of the West were ₦ 8.6 million and ₦10.4 million respectively thereby representing relative shares of about 38 and 39 per cent in the respective years. Evidence shows that not less than 50 per cent of the revenue allocation to this region was obtained through the use of derivation principle. From ₦ 1.8 million in 1952/53, the revenue allocated to the North increased to ₦ 8.4 million the following fiscal year. A deeper examination shows that the percentage distribution to this region declined from 34.2 to 31.8 per cent. Comparatively, the share of the Eastern Region climbed from 28 to 29 per cent.

The use of derivation, need and national interest (in horizontal revenue allocation intensified interregional conflict and friction. While the West favoured and frowned at the limited use of the derivation principle, the North preferred the use of needs as the main criterion for revenue allocation. And since the principle of national interest benefitted the Eastern Region most, it was favourably disposed to its use rather than the other two criteria.²⁵

The 1951 Constitution was short-lived and it came under review, following the conference on the Nigerian Constitution held in London in July and August, 1953. The new constitution envisaged the devolution of more powers and autonomy to the regions. Sir Louis Chick was appointed to work out fiscal arrangements under the

new constitution.

By his terms of reference, the Chick fiscal commission was specifically required to review the existing fiscal arrangements with a view to reallocate funds between the central and regional governments. He was also demanded to focus on the horizontal revenue sharing arrangements with regard "to the important ensuring that the total revenues available to Nigeria are allocated in such a way that the principle of derivation is followed to the fullest degree compatible with meeting the reasonable needs of the center and each of the regions".²⁶ From this, it was clear from the outset that the fiscal commissioner was required to make radical changes to the revenue allocation system by stressing the use of the derivation principle.

Two principles are generally identified with the Chick report: devolution of fiscal autonomy. The report did not alter those revenues which the Hicks-Phillips fiscal commission had declared regional. There were those revenues collected by the central government but were wholly or partly allocated to the regions (see Table 1). As part of the attempt to increase the revenues accruing to the regions, the report recommended that 50 per cent of the net proceeds of import duties on all commodities other than motor spirit and tobacco should be distributed in the following ratios: North, 30 per cent; West, 40 per cent; and East 30 per cent including the Southern Cameroon.²⁷

The West, being the richest of the regions, was outstandingly favoured by the dominance of the principle of derivation in revenue allocation. From about 38 per cent in 1954/55, the share of the Western Region in total statutory allocation to the regions rose to almost 44 per cent in 1958/59. In the corresponding years, the share of the North generally fell from about 35 to 30 per cent; and the East taking the balance which averaged about 26 per cent annually.

This revenues sharing scheme enhanced the financial profile of the regions while that of the central government diminished. Between 1948/49 and 1953/54 the mean annual share of the regional governments in centrally-collected revenues was about 21 per cent. This, however, climbed to about 42 per cent in the five years 1954/58.

Perhaps, it may be of interest to point out that the Produce Marketing Boards were regionalised in 1954. It has been argued credibly that this development benefited the fiscal status of the regions by raising their finances and simultaneously enhanced their fiscal powers. Conversely, it limited the scope of export duties as a principal instrument of fiscal policy of the central government.²⁹ The fickleness of international markets for primary products meant that the revenues from Produce Marketing Boards would oscillate over time. As the regions now depended on earnings from the Marketing Boards, there was also the possibility of exacerbating the unequal fiscal capacity of the regions.

Nigeria derived a sizeable proportion of its revenue from foreign trade items on which the derivation principle were applied were principally foreign products. This suggests that the extensive use of derivation, together with the regionalisation of Produce Marketing Board meant that the regions had exchanged assured revenue, which prevailed under the grant system with limited use of derivation, for variable revenue. Thus, regional budgets and, therefore, develop-

ter-Governmental Fiscal Relations, 1900-1960

programmes were directly tied to the random behaviour of the international economic environment.

One major criticism levelled against the recommendations of Louis Chick was that he did not relate the needs of each region to their fiscal capacity by emphasizing derivation.³⁰ (This was not his creation as seen from the terms of reference). Thus, with the intensive and extensive use of this principle, uneven regional progress was accepted explicitly as a development policy. This boosted interregional friction that was reinforced by political rivalry. It was the view of the North and East that the derivation principle should be de-emphasized.

In 1957, Jeremy Raisman and R. C. Tress were appointed by the Secretary of State for the Colonies as fiscal commissioners to review the revenue allocation system. It was basic for this commission to re-examine the division of fiscal jurisdiction between the regions and the central government, particularly as it relates to the power to impose and collect taxes, and the rights to the revenue therefrom. They were expected to take into account the national and interregional policy implications in their recommendations.

The Raisman-Tress Report was published in 1958 and it was proposed that the central government should continue to exercise fiscal powers over customs duties, sales taxes, and mining rents and royalties. In order to broaden the scope of independent regional revenues, the commission submitted that the regions should obtain revenues from regional income tax, sale taxes on hides and skins, taxes on wealth and property, etc. The regions could also obtain revenue from taxes levied by the central government. These were export duties, taxes on motor fuel, and excise and customs duties on tobacco (see Table 6:2 for details).

It was the view of the commission that there was too much emphasis on the principle of derivation in revenue allocation by the preceding fiscal commission. As part of the attempt to de-emphasize its use, the Distributable Pool Account was established consequently, 30 per cent of the revenues collected from general customs taxes, mining rents and royalties were paid into the Account and shared among the regions in fixed proportions: North, 40/95; East, 31/95; and West, 24/95.³¹ It has even been expressed that this percentage distribution largely reflects the principle of needs and national interest.³²

The Raisman-Tress fiscal proposals were accepted, but with minor modifications; and hence, the report formed the basis of revenue allocation between 1959/60 and 1964/65. Two points are discernible during this period. First, was the rapid increase in the statutory allocation to the regions. Between 1958 and 1960 the total revenue distributed among the regions surged from N62 million to N84 million. This is attributable to the growth of the petroleum industry, together with huge revenues collection from import tariffs that were mainly *ad valorem* in nature.

Second, was the rapid decline in the relative shares of the West from about 40 per cent in 1959/60 to 24 per cent in the 1964/65 fiscal year. On the average, the annual share of the North was the highest, averaging about 36 per cent. Due to the rising contribution of oil receipts to total revenue, the position of the East became second. The collapse of primary commodity prices, particularly those of cocoa, in the world market partly explain the relative decline in the revenue shares of the Western

Region.

In sum, the observed pattern of revenue allocated to the regions presents a number of points. Statistical evidence reveals that in 1948/51, the Western Region received the least statutory allocation from the central government; and there became the most favoured. The use of derivation as the main principle for revenue allocation accounted for this trend. Between 1945/49 and 1953/54, it is noticeable that the average annual percentage of the centrally collected revenue which was allocated to the regions climbed from about 21 per cent to 41 per cent over the rest of the review period. Parallel to this was the increased share of regional statutory allocation in all Nigerian revenue.

The heavy reliance on the receipts of the central government is particularly striking. One direct interpretation from this is that only a small amount of income is obtained from regional independent revenue sources. The inequality of interregional revenue share appeared to have widened during the application of Chick's proposal (i.e., 1955/56 to 1958/59), as demonstrated by the increased percentage value of the coefficient of variation (see last column of Table 6.3). Thus, the more we lay stress on the use of derivation, the higher the interregional inequality with respect to allocation of centrally-raised revenue.

Interregional Revenue Allocation, Fiscal Equity and Integration

It is evident from the development of Nigeria's fiscal federalism in the review period that there was less emphasis on fiscal equity, both in the vertical and horizontal revenue allocation scheme. Instead, the colonial administration laid stress on national integration for the rapid socio-political and economic development of the country. It is doubtful if some of the principles employed to share revenue among the regions actually fostered national integration, interest and cohesion.

With particular reference to the principle of derivation, this was first introduced in the country's interregional revenue allocation by the Phillipson Commission in 1946.²⁹ This principle was proposed to inculcate fiscal discipline in the regions so that each region should align its expenditure with the available revenue. Derivation stipulated that all revenues which a region contributed to the central government should be allocated to it. From the point of view of fiscal equity, fiscal federalists generally agree that this principle is not only right-thinking, but desirable. But the derivation criterion was applied to revenues generated from import duties (import duties on tobacco, cotton, salt, spirits and motor spirit), export and excise duties according to regional consumption of the commodities on which taxes and duties were imposed. Statistics regarding the regional distribution of import duties were highly deficient then. Therefore, it should not be surprising that criticism which has been levelled against the use of derivation has concentrated mainly on the distribution of the receipts from other import duties other than those of tobacco and motor spirit.³⁴ It was indeed exceedingly difficult to trace imports from the various regions and to ascertain the shares of each region of the proceeds from these taxes. It is for this reason that the principle of derivation, as applied then, violated the twin principles of fairness and equity often stressed in federal finance.

Due to the weak statistical base on which the principle of derivation was

ased, it was logical for its use to excessively favour one region at the expense of others. From the available data, the Western region (the richest), received the largest revenue from total statutory allocations to the regions for the period between 1952/53 and 1959/60 as a result of the principle of derivation. It can be summarised from the reliance of this principle as the sole determinant of interregional revenue allocation that it completely ignored the fiscal needs of the regions and even the needs of the entire country. Accelerating uneven development and disunity were some of the direct consequences of the intensive and extensive use of the derivation principle. Even the argument has been posited that the sole application of derivation placed undue emphasis on regional self-reliance, a principle that may be more relevant under a loose federation.³⁵ On these counts, derivation was essentially a distabilsing principle.

The principle of need also attracted some criticisms. This criterion was first introduced in 1935 when the shares of some Native Authorities from direct taxation were raised in the Northern provinces because they were very poor. A measure devised for this principle in the 1950s was adult male tax-payers instead of population weighted by the demographic characteristics.³⁶ In the Hicks-Phillipson report, this was rationalised on the assumption that the population statistics of the 1931 census were not accurate. But, in the North, while attempts were made to conduct a complete head count, the population of the West and East was determined by multiplying the number of taxpayers in each of the regions by a factor. It would be recalled that the system of direct taxation was not as developed in the East as was the case in the North and West in the 1930s. Thus, needs of the East would have been grossly underestimated based on the statistics used. Despite the in-built bias and the possibilities of manipulating both adult males and adult male taxpayers, the allocation of capitalisation grant was based on adult male taxpayers.³⁷

The principle of need, if it was properly defined and measurable, would probably have been the most appropriate criterion for interregional statutory allocations. Since needs vary across space (i.e., regions) and over time, the application of this principle may not have generated any major criticisms, even if the revenue share of a particular region was substantially higher than each of the other regions. In this sense, balanced growth and development which was central to the design of Nigeria's fiscal arrangement by the colonial administration would have been relatively feasible and possibly achievable, *ceteris paribus*. The potency of the principle of need lies on the fact that, to a large extent, it takes account of the unequal fiscal capacity usually associated with fiscal decentralisation.³⁸

The choice of the principle of need was appropriate, but its definition for practical applicability was highly defective. Therefore, the revenue allocation scheme rooted in the principle of need could not have satisfied equity considerations. The use of population as a proxy for need in horizontal allocation (from the 1970s to date) is thus traceable to the 1950s. One major problem associated with population as a principle for revenue allocation is easily appreciated and it concerns the difficulty of conducting (and even accepting the results of population census) a credible population census in the country.

Next is the principle of independent regional revenue. The power to raise such

revenue was not vested in the regions under the 1946 Constitution. However, it was modified in the 1951 Constitution and thereafter, as the region now has power to impose the taxes and the rights to the revenue therefrom. Additional sources of independent revenue were also sought. Despite this, revenue collected from these sources by the regions were suppressed by statutory allocations from centrally-collected revenue. The point that is obvious from this was the disconnect between internally generated revenue and expenditure responsibility of each region - the so-called non-correspondence problem in Nigeria's fiscal federalism. Even the dominance of the derivation principle between 1948 and 1960 could have been positively harmful to the development of independent regional revenue sources.

Given the composite origin of Nigeria, to have stressed the principle of derivation that was predicted on static objectives, together with the crude use of the principle of need, was the failure to appreciate the compelling financial imperative of the amalgamation of the North and South in 1914.

Trend in Central Government Revenue and Fiscal Policy

Part of this story has been told in the preceding sections. We shall, therefore, concentrate on the central government. The government generated part of its income from the share of direct tax revenue collected by the Native Authorities, customs duties and other sources. Between 1900 and 1913, Southern Nigeria collected the bulk of its revenue from customs duties, while the North relied largely on grants from the British government. In this early period, the customs revenue were obtained mainly from trade in tobacco and spirits.⁴⁰ Specific attention is paid to revenue from trade taxes for which relatively reliable data are available.

Reported in Table 6.4 are receipts from trade taxes and total revenue for the period 1914 through 1960. Quantitatively, the revenue from trade taxes which recorded about ₦ 3.0 million in 1914 declined in the next three years before it rose again and peaked at ₦ 6.2 million in 1920. This declined to ₦ 3.3 million in 1921 and started to increase from then on. By 1930, the revenue from customs duties recorded about ₦ 6.6 million. The depression of the 1930s adversely affected revenue from external trade expanded vastly from 1939. From about ₦ 5.1 million in 1940, this revenue had by 1960 registered ₦ 132.4 million.

The magnitude of total revenue of the central government have been on the increase as statistics reveal. But, there was a decline in the 1930s and thereafter it rose imperceptibly. Statistically, aggregate revenue recorded ₦ 5.8 million, ₦ 10.5 million and ₦ 230.8 million in 1914, 1940 and 1960, respectively. The relative share of revenue from customs duties had fluctuated widely in the reference period. There was no single year the contribution of trade taxes to total revenue was below 30 per cent from 1914 to 1945. Between 1946 and 1959, the relative share of trade taxes increased from about 40 to 65 per cent.

Arising from this is the revelation that foreign trade represented the single most important source of revenue in the reference period. This may not be surprising since it is consistent with the theory of tax structure development.⁴¹ What is perhaps, surprising is the degree of dependence on foreign trade revenue which intensified through time. It can be inferred from this that because the fiscal vari-

were directly linked to the external sector, movements in such variables may not necessarily have been policy-driven, as it is the case in most developing countries.⁴²

Table 6:3

Total Revenue and Revenue from Trade Taxes in Nigeria, 1914 -1960

Year	Import Duties N'000	Export Duties N'000	Total Custom Duties N'000	Gross Revenue N'000	Custom Duties as % of Gross Revenue
1914	2986	--	2986	5896	50.6
1915	2752	--	2752	5206	52.9
1916	2174	116	2290	5686	40.3
1917	1724	680	2404	6834	35.0
1918	1792	982	2774	7928	35.0
1919	2442	1324	3766	9918	38.0
1920	4558	1676	6234	13638	45.7
1921	2118	1212	3330	9752	34.1
1922	3264	1556	4814	11124	43.3
1923	3686	1676	5362	12522	42.8
1924	4076	1358	5434	13888	39.1
1925	5520	1414	6934	16538	41.9
1926	5080	1138	6218	15468	40.2
1927	5528	1108	6628	12610	52.6
1928	5828	1170	6998	11790	59.6
1929	5278	1246	6524	12090	54.0
1930	5398	1192	6590	11244	58.6
1931	3238	870	4108	9716	42.3
1932	3618	1002	4620	9970	46.3
1933	3518	920	4438	9774	45.4
1934	3015	948	3960	9922	40.0
1935	4516	674	5190	11992	43.3

Table 6:3 (contd.)
Total Revenue and Revenue from Trade Taxes in Nigeria, 1914-1960

Year	Import Duties N' 000	Export Duties N' 000	Total Custom Duties N' 000	Gross Revenue N' 000	Custom Duties as % of Gross Revenue
1936	6012	818	6830	12520	54.6
1937	6790	804	7594	14684	51.7
1938	4304	716	5020	16622	30.2
1939	3860	774	4634	12226	37.9
1940	4210	868	5078	14546	34.9
1941	4088	1142	5230	15950	32.8
1942	5532	1230	6762	18068	37.4
1943	6494	1288	7782	21826	35.7
1944	7490	1282	8772	22890	38.3
1945	7296	1342	8638	26400	32.7
1946	10418	1556	11974	29664	40.4
1947	13872	1414	15286	36808	41.5
1948	16482	3888	20370	47622	42.8
1949	22274	7768	30042	61530	48.8
1950	23166	8448	31614	65588	48.2
1951	29394	21640	51034	100654	50.7
1952	34242	29118	63360	101812	62.2
1953	40056	25558	65614	118512	55.4
1954	44292	42586	86878	124962	69.5
1955	53338	27832	81170	119900	67.7
1956	66022	26950	92972	141182	65.9
1957	65838	24422	90260	144114	62.6
1958	70244	29300	99544	156238	65.1
1959	80126	36878	117004	179650	65.1
1960	101392	30980	132372	230798	57.4

Note: Gross revenue excludes grants in aid for the period between 1887 and 1919.

Source: Obtained from Helleiner, (1956) Tables V-E 3 and V-E 4, pp. 557-60.

From 1900 to 1945, import duties were imposed mainly for revenue purposes and the tariffs were specific rather than *ad valorem*. It has been pointed out that luxury goods imported into the country attracted higher taxes during this period⁴³. In this way, trade taxes were even desirable on equity considerations. For the remaining period, the duty rates were generally converted from specific to *ad valorem* levies.

Two principal objectives influenced fiscal policy since the late 1940s. These were the foreign exchange problem (the episodic balance of payments difficulties) and the need to protect domestic industries which were at their threshold. Also, from the late 1940s, Import Substitution Industrialisation (ISI), a logical outgrowth of the declining terms of trade thesis became central to Nigeria's economic development. Consequently, high trade taxes were imposed on competitive imports, particularly on beverages and tobacco; raw materials; and some manufactured goods. Trends in Nigeria's implicit import duties (i.e., nominal tariffs on imports), desegregated into the United Nations 1-digit Standard International Trade Classification (SITC), for the recent years, are contained in Table 6:5.

Between 1916 (when export duties were first introduced) and 1950, export taxes were specific in nature. Thereafter, export taxes have tended to be *ad valorem* and the rates have been reviewed upwards frequently. Revenues from excise and sales taxes were quite negligible due to the low level of manufacturing activity in the country. The scope for these taxes has expanded through time.

Table 6:5
Average Nominal Tariff on the Composition of Imports by SITC Classifications, 1954-1962

	1954	1955	1956	1957	1958	1959	1960	1961	1962
- Food	6.3	6.5	4.3	4.1	4.3	4.6	5.4	15.7	21.6
-Beverage and tobacco	118	105	123	121.8	119.2	112.5	132.8	133.1	159.6
-Minerals, fuel, lubricants, and related materials	42	40.2	43.2	38.3	41.2	63.9	70.2	74.1	82.5
-Animal and vegetable fats and oil	15	18.9	18.5	18.0	17.6	19.6	20.5	22.1	26.3
-Chemicals	18	16.7	16.2	16.9	15.8	15.2	13.8	14.7	15.8
-Manufactured goods classified chief by materials 05-textile yarn, fabric made-up articles, etc	17	19.8	23.2	2.9	24.4	24	25.8	29.5	31.1

Table 6:5 (contd.)
**Average Nominal Tariff on the Composition of Imports by SITC Classifications,
 1954-1962**

	1954	1955	1958	1957	1958	1959	1960	1961	1962
Machinery and transport equipment	20.3	24.0	31.2	35.2	35.5	38.5	38.9	n.a	n.a
Miscellaneous manufactured article	4.4	4.6	5.7	5.1	6.8	8.0	12.0	10.7	
Miscellaneous transport and commodities not elsewhere specified	15.3	16.3	15.6	8.1	14.8	11.1	9.2	10.5	13.4
TOTAL	19.4	19.6	21.6	21.8	21.1	22.5	23.5	27.9	29.8

Source: Helleiner, (1966 : 216)

A statement on government expenditure is basic. Revealed in Table (the Appendix) are statistics on the composition of central government's expenditure for selected years between 1930 and 1960. The aggregate expenditure tended to increase during this period; and it was generally dominated by development with government spending on health, education and public works given priority. Perhaps, suggests that the development of human capital and infrastructure for economic growth was considered within the broader perspective of the overall policy. There was also the consciousness to relate the size of government to available revenue. However, long term development projects were often financed through external loans, while periodic budget deficits were a common phenomenon of the 1930s and late 1950s.

Conclusion

This study has examined the salient features of Nigeria's fiscal system as it related to the cognate issue of fiscal policy and federalism between 1900 and 1960. The points are discernible from this historical sketch. It is noted that prior to 1914 the Colony and the Protectorate of Southern Nigeria, and the Protectorate of Northern Nigeria each operated a separate budget. In particular, while the South recorded annual budget surpluses with revenue generated largely from customs duties, the Protectorate of Northern Nigeria found it difficult to balance its budget and relied mainly on grants from the British government as well as from the Protectorate of Southern Nigeria. It follows from this that the fiscal developments of this period were a major contributory factor to the political unification of the North and South in 1914 by Lord Lugard. But, between 1914 and 1926, only very limited fiscal centralisation was achieved, as the budgets of the North and South were prepared separately. From 1926 to 1948, there was complete fiscal centralisation. Thereafter, there was limited fiscal decentralisation and the horizontal revenue sharing arrangements generated tension and regional friction because of the unevenness of derivation that was rooted in a structurally weak statistical base.

Two levels of government - the Native Authorities and central government - existed between 1914 and 1946. From 1947, the regional governments came into being, interposed between the Native Authorities and the central government. The primary source of revenue for the Native Authorities was from direct taxation which was implemented through the apparatus of indirect rule. Half of the receipt from taxes were initially assigned to the collecting Native Authority. This was adjusted to reflect the degree of organisation of the Native Authorities and the principle of need formed the basis of the revenue sharing system between the central administration and Native Authorities. The principle of need was followed because it recognised the unequal fiscal capacity of the Native Authorities across regions and so the objective of balanced development was central to it.

The constitutional developments of the late 1940s which agitated the devolution of some powers to the regions meant that the existing fiscal arrangements had to be altered. Consequently, several fiscal commissions were appointed to meet up this challenge. Evidence suggests that fiscal equity was not at the heart of Nigeria's fiscal federalism in the period reviewed. Instead, emphasis was on the

migration and cohesion.

Although, the vertical revenue sharing arrangement between the central and regional governments did not generate any substantial problems, there is nothing in the statement which says that the revenue allocation scheme which prevailed then (especially from 1948) was near optimal. The misalignment of revenue and expenditure responsibilities of the regions – the so-called non-correspondence problem – was identified by all the fiscal commissions mentioned herein. This is an indication, perhaps, that the revenue sharing arrangement between the regions and the central government could not have been satisfactory.

The horizontal revenue allocation precipitated interregional friction and conflict due to the sole reliance on the principle of derivation. The intensive and extensive use of this principle was even incompatible with the principle of dependent regional revenues (fiscal autonomy) and negated the whole idea of balanced development. Even the principle of need that is right-thinking, was not properly measured and applied, as it was proxied by adult male taxpayers. Given the history of direct taxation in Nigeria, the use of this surrogate certainly underestimated the needs of some of the regions.

On fiscal policy, it was noted that the import and export tariffs which were initially specific in nature, implemented basically to raise revenue, shifted to *ad valorem* rates, particularly from the 1950s to protect domestic industries which were their threshold. High tariffs were also adopted to correct the episodic balance of payments difficulties.

Notes and References

1. It is important to note that prior to 1914, the fiscal year of the North was from 1st of April, while that of the South was from 1st of February.
2. By this trend, the North felt that they were unfairly treated in the past respect to revenue sharing from foreign trade taxes.
3. This was effected by the erection of a common superstructure of different types of administration which operated in the various parts of the country. The use of superstructure is elaborated upon by J. S. Cole in *Nigeria: Background to Nationalism*. Berkeley: University of California Press, 1958, pp. 45-6.
4. A comprehensive discussion of the historical evolution of the system of taxation in the North and South during the reference period is well presented in Sydney Phillipson, *Administrative and Financial Procedure under the Constitution: Financial Relations Between the Government of Nigeria and the Native Administration*. Lagos: Government Printer, 1947, pp. 47-82; P. O. Okigbo, *Nigerian Public Finance*. Evanston: Northwestern University Press, 1965, chaps. 1 & 11; L. Rowland, "Is an Independent Source of Tax Revenue Essential for Nigerian Local Government?", in A. Adedeji and L. Rowland (eds), *Local Government Finance in Nigeria: Problems and Prospects*. Ibadan: University of Ife Press, 1972, pp. 79-90; and G. Oka Orewa, "Taxation in Western Nigeria: The Problems of an Emerging State", *Nigeria Social and Economic Studies*, (No. 4) London: O.U.P., 1962, which deals with taxation in the West.
5. For details see Phillipson, *Financial Relations*, pp. 84-5.
6. Phillipson, *Finance Relations*, p. 81.
7. The Native Revenue Ordinance of 1906 was re-enacted in 1917 so that it could apply to the South. As this was originally designed to suit the needs of the North it could not but generate problems. To take account of the problems generated by past Revenue Ordinances, the Income Tax Ordinance, 1919 and the Direct Taxation Ordinance, 1940 were passed. The coverage of the various Ordinances are summarised in Phillipson, *Financial Relations*, pp. 65-6.
8. For Fuller discussion see Okigbo, *Public Finance*, p. 91 and Phillipson, *Financial Relations*, pp. 52-3.
9. Phillipson, *Financial Relations*, p. 53; Okigbo, *Public Finance*, p. 91.
10. This distribution occurred between November 1929 and January 1930.

Details of the the Aba uprising are contained in the Aba Commission Report and some of the important aspects of the report were summarised by Phillipson *Financial Relations*. 1947, *op. cit.*, pp. 51-4. Part of the discussion can also be found in Okigbo, *Public Finance*, *op. cit.*, pp. 90-4.

11. The notion of "fully organised" Native Authorities connotes the relatively more developed of the Native Authorities.
12. The adverse effects of this depression on Nigerian revenue is discussed by Gerald K. Helleiner *Peasant Agriculture, Government and Economic Growth in Nigeria*. Homewood, Illinois, Richard D. Irwin, Inc., 1966, Chap. 8.
13. Phillipson, *Financial Relations*, p. 57; Okigbo, *Public Finance*, p.13.
14. This request was granted by the late Sir. John Maybin who was then temporarily administrating the country. This approval benefitted Bussa and Kaiama Native Treasuries in Borgu Division of Ilorin Province. But, Sir Bernard Bourdillion later became the Governor in November, 1935.
15. On this see Phillipson, *Financial Relations*, p. 75.
16. *Ibid.*, pp. 167-8, and also see Ekpo and Ndebbio, 1991.
17. Under the 1946 contitution, there was the Northern Regional Council and Houses of Assembly for the Eastern and Western Regions. These councils only had deliberative functions and not the power to enact legislation.
18. On this see Hicks and Phillipson, *Revenue Allocation*, p. 77.
19. See Phillipson, *Finanancial Relations*, p. 20.
20. These are obtained from Hicks and Phillipson, *Revenue Allocation*, p. 58.
21. For further discussion on this, see A. O. Phillips, "Nigerian's Federal Financial Experience" *Journal of Modern African Studies (JMAS)*, IX, 3(1971), p.395; A. Adedeji, *Nigeria Federal Finance*. London: Hutch Educational, 1969, pp. 556. Okigbo, *Public Finance*, p. 21.
22. On the other terms of reference see Hicks and Philipson, *Revenue Allocation*, p.5.
23. *Idem*
24. Statistics on each of these principles are available in O. Teriba, "Nigerian Revenue Allocation Experience," *The Nigerian Journal of Economic and Social*

Studies, Vol. VIII, 1966: p. 365.

25. Despite all this, The Hick-Phillipson revenue allocation system was encl in the Nigerian contitution with the implication of not being altered wi going through the complex contitutional processes. But, this was not the case as events showed later.
26. Louis Chick, *The Report of the Fiscal Commission on Financial Comm; Effects of Proposal New Constitutional Arrangements*. Lagos: Govern Printer, 1953, p. 1.
27. *Ibid.*, p. 26.
28. A comprehensive discussion of the fiscal role of the Marketing Bo: Nigeria's economic development is in G. K. Heileiner, "The Fiscal Role: Marketing Boards in Nigerian Economic Development, 1947-1961", *Ecc: Journal*, LXXIV, (September) 1964, p. 295.
29. Phillipson, *Financial Relations*, p. 339.
30. Adedeji, *Federal Finance*, p.120; Okigbo, *Public Finance*, p. 43.
31. The distribution from this account was previously as follows: North, cent; East, 31 per cent; West, 24 per cent and Southern Cameroon, cent. By 1961, the Southern Cameroon left Nigeria and it was a subsequently that the remaining three regions should share the re payable into the DPA in this proportion.
32. This distribution has been attributed to four factors. These were: (i) ne the regions, proxied by population; (ii) continuity of government service balanced development of the federation; and (vi) minimum responsibility government which later became the principle of equality of states. Eve weight attached to each of these factors in determining the re; percentage shares was not made explicit. On this see Teriba, "Re Allocation", p. 37 and Phillips, "Federal Finance", p. 42.
33. However, Phillipson reported that the allocation of revenue betwee central government, North and South in 1919 reflected the princ; derivation. (See Phillipson, *Financial Relations*, p. 7).
34. Jeremy Raisman and R. C Tress, *Report of the Fiscal Commission*. Lo: HMSO, 1958, p. 5.
35. This is the view of Teriba, *Revenue Allocation*, p. 363

er-Governmental Fiscal Relations, 1900-1960

A statement of this can be found in the report of *The Presidential Commission on Revenue Allocation*, Lagos: Government Printer, 1980, p. 33-4.

On this see Hicks and Phillipson, *Revenue Allocation*, pp. 98-100.

3. The sensitive issue of unequal fiscal capacity characteristic of fiscal decentralisation is well discussed in basic text books on public finance. The problem of unequal fiscal capacity is often dealt with through the grant system. On an elementary treatment of this, see Richard A. Musgrave and Peggy B. Musgrave, *Public Finance in Theory and Practice*. London: McGraw Hill, 1980, pp. 32-3; and John F. Due and Anne F. Friedlander, *Government Finance: Economics of the Public Sector*. Homewood, Illinois: Richard D. Irwin, Inc., 1977, pp. 462-70.

1. This point has been dealt with extensively in Gini. F. Mbanefoh, "Military presence and the future of Nigerian Fiscal Federalism", *Faculty of Social Sciences Lecture Series*. No. 1, 1986.

3. Phillipson, *Financial Relations*; and Helleiner, *Peasant Agriculture*, p. 209.

This theory argues that as economic development progresses, the tendency to rely on foreign trade taxes peters out, while the scope for sales and income taxes becomes broadened. For a theoretical discussion on this see H. Hinricks, *A General Theory of Tax Structure Change During Economic Development*. Cambridge: Harvard Law School, 1966; and R. A. Musgrave, *Fiscal Systems*. New Haven: Yale University Press, 1969, Chap. 5. Empirical verification of this proposition is in S. R. Lewis, "Government Revenue from Foreign Trade: An International Comparison", *Manchester School*, 31 (1963), pp. 39-46; D. Greenaway, "Trade Taxes as a Source of Government Revenue: An International comparison", *Scottish Journal of Political Economy*, 27, 2 (1964), pp. 175-82; and D. Greenaway and D. Sapsford, "Further Econometric Analysis of the Relationship Between Fiscal Dependence on Trade Taxes and Economic Development", *Scottish Journal of Political Economy*, 42, 2 (1987) pp. 309-19.

This point is well discussed in V. Tanzi, "Fiscal Response to Exogenous Shocks in Developing Countries", *American Economic Review*, 76 (1986), pp. 88-91.

1. See Helleiner, *Peasant Agriculture*, p. 214.

Appendix B
Expenditures of the Regions, 1950/1960: North

Year	General Expenditures		Development Expenditures		Transfer of Local Govt.		Others		Total	
	Nm	%	Nm	%	Nm	%	Nm	%	Nm	%
1950/51	2.60	32.9	4.97	60.1	0.55	6.9			7.92	100
1951/52	3.02	32.2	5.71	60.9	0.67	7.1			9.39	100
1952/53	5.06	34.5	8.99	61.2	0.66	4.5			14.7	100
1953/54	6.17	37.3	10.00	61.2	0.66	4.5			14.7	100
1954/55	6.27	36.7	9.50	55.5	1.34	7.8			17.1	100
1955/56	9.14	38.7	12.80	54.3	1.69	7.1			23.6	100
1956/57	11.87	36.6	18.18	56.0	2.37	7.3	.08	0.2	32.5	100
1957/58	12.22	34.9	21.15	60.4	1.36	3.9	.28	0.8	35.01	100
1958/59	12.05	32.2	23.68	63.3	1.14	3.0	.56	1.5	37.4	100
1959/60	13.55	32.1	25.54	60.4	.68	1.6	2.48	5.9	42.35	100
1960/61	11.92	26.0	30.40	66.0	.89	1.9	2.65	5.8	45.86	100

Notes: Other expenditures are transferred to individuals and interest payments on public debts.
Sources: Helleiner, (1960), Table V-E-10.

Appendix C
Expenditures of the Regions, 1950/1960: West

Year	General Expenditures Nm	%	Development Expenditures Nm	%	Transfer of Local Govt. Nm	%	Others Nm	%	Total Nm	% ^b
1950/51	1.71	28.5	4.16	69.6	.11	1.9			5.98	100
1951/52	2.04	32.8	3.98	64.0	.20	3.6			6.22	100
1952/53	4.84	38.1	7.52	59.3	.32	3.5			12.67	100
1953/54	4.84	30.5	9.90	62.5	1.12	7.0			15.86	100
1954/55	4.90	22.8	15.56	72.3	1.07	5.0			21.53	100
1955/56	9.63	33.7	17.90	62.5	.98	3.4	.09	0.3	24.51	100
1956/57	9.29	28.2	21.81	66.4	1.36	4.1	.40	1.2	37.85	100
1957/58	8.36	25.7	22.53	69.0	.90	2.7	.88	2.0	32.68	100
1958/59	9.56	24.3	28.29	72.0	.34	0.9	1.07	2.8	39.25	100
1959/60	11.20	23.0	35.57	72.8	1.01	2.1	1.05	2.2	48.83	100
1960/61	12.77	18.9	50.46	34.0	3.40	5.0	1.15	1.7	67.77	100

Notes:
Source:

Other expenditures are transferred to individuals and interest payments on bonds.
Helleiner (1960), Table V-E-10.

Appendix D
Expenditures of the Regions, 1950/1960: East

Year	General Expenditures		Development Expenditures		Transfer of Local Govt.		Others		Total	
	Nm	%	Nm	%	Nm	%	Nm	%	Nm	%
1950/51	2.33	33.2	4.61	65.5	.08	1.1			7.02	100
1951/52	2.56	32.1	5.20	65.1	.23	2.8			7.99	100
1952/53	3.70	36.5	6.20	61.2	.24	2.3			10.14	100
1953/54	3.6	31.2	7.66	66.6	.26	2.2			11.52	100
1954/55	3.84	32.6	7.77	66.0	.16	1.4			11.77	100
1955/56	4.55	34.0	8.63	64.3	.15	1.1	.08	0.6	13.41	100
1956/57	4.85	18.8	16.44	63.8	4.38	17.0	.09	0.4	25.78	100
1957/58	5.17	19.2	18.08	67.3	2.98	11.1	.63	2.4	26.86	100
1958/59	5.05	21.1	15.82	65.8	2.33	9.7	.80	3.4	24.00	100
1959/60	6.99	21.5	22.43	69.0	2.66	8.2	.38	1.2	32.45	100
1960/61	9.51	24.1	26.80	68.0	2.77	7.0	.35	0.9	39.42	100

Notes: Other expenditures are transferred to individuals and interest payments on public debts.
Sources Helleiner (1966), Table V-E-10.

ETHNICITY, NATIONALISM AND FEDERALISM

Fred I. Omu

Introduction

The concept of ethnicity is of critical importance in the analysis of Nigeria's political and constitutional development in the colonial and post-colonial period. The character of the nationalist movement which eventually lost its initial unity of direction to federalist pressures and the evolution of the federal principle which was encouraged and reinforced by the emergence of separatist and regional political outlooks, all have roots in the intrusion of ethnic identifications into practical politics. Indeed, it can be said that ethnicity, nationalism and federalism, constitute an interactive trinity of relations which provide a useful framework for the understanding of colonial and modern Nigeria.

What is Ethnicity?

The basic questions that arise are: What is ethnicity? What factors promote or intensify ethnic passion? What are the characteristics of ethnic groups in Nigeria? Ethnicity is a complex phenomenon and it is not surprising that it is a source of much controversy. Our intention here is not to join in the theoretical debate; rather, it is to adopt a working definition in the context of the Nigerian colonial experience. Thus, it can be said that the concept of ethnicity applies to the consciousness of belonging to, identifying with, and being loyal to a social group distinguished by shared cultural traditions, a common language, in-group sentiment and self-identity. In the past, it was the concept of "tribalism" which found favour with European writers in defining the same social reality. In recent times, however, the universality of ethnicity has become increasingly recognised such that we now hear about ethnic Hutus and Tutsis in Rwanda as well as ethnic Albanians, Serbs, Croats and Greeks in Eastern Europe.

A sense of ethnic affiliation is not inherently a threat to harmonious inter-group relations. People in one ethnic group may be aware of socio-cultural differences with other groups but they continue to live together in peace. Indeed, ethnocentrism and devaluation of other groups is common; groups describe one another with some derogatory epithets but they appreciate a sense of harmonious interdependence. Ethnicity acquires passionate and aggressive attributes when certain new elements enter into relationships. These include socio-economic and political competition, feelings of domination and closer group interaction fostered by the logic of urbanisation and internal migration. Political competition and rivalry seems to be the most inflammable instrument of ethnic aggression. Ethnic consciousness is deliberately propagated

achieve selfish and narrow objectives. Ethnicity, therefore, can undergo an evolutionary process whereby it starts as latent and accommodating feeling and later becomes stigmatized or propelled as a weapon of hostility, conflict and bitter tensions.

The term ethnic group, conjures up the image of a long-established and homogenous entity, but although some groups may answer to this description there are many others that do not. The issue can be examined at three levels. In the first place, many ethnic groups are historically recent accretions. For example, most Igbo groups entered into the colonial period as an assortment of independent villages and village groups. They never came under the political control of one state even though there were strong links established through the process of trade and ritual traditions. Similarly, the kingdoms of present-day Yorubaland were independent states without a consciousness of oneness and of a common destiny besides the tradition of a common ancestry linked to Ile Ife. It has been claimed that the word "Yoruba" was originally applied to the Oyo people but gradually assumed a wider frame of reference in the wake of Christian missionary influences. With the Hausa-Fulani the situation is not very different. The Fulani were a minority migrant group in Hausaland. In the 19th century they carried out the Jihad which led to the emergence of the Sokoto Caliphate. Since then there has been a cultural fusion between the Hausa and Fulani which makes little allowance for any dichotomy by the beginning of the colonial period. In the second place, the accretions have not removed or dissolved the sense of identity among the previously independent kingdoms or villages. Sub-ethnic divisions remain quite strong particularly among the Yoruba where the Oyo, Egba, Egbado, Ijebu, Ijesa, Ekiti, Ondo, Ioko, Owo and Ife retain a strong consciousness of their separateness. In the third place, some ethnic groups have been elevated by historical processes into a much wider category. For example, the Hausa-Fulani occupied a dominant position in the Sokoto Caliphate and this dominance has been reinforced by the unifying bond of Islam and the consolidation of Muslim culture in both Hausa and non-Hausa areas. Furthermore, the wide penetration of the Hausa language had further reinforced the hegemony of the Hausa-Fulani in the North. It therefore made sense to talk of a regional or Northern perspective given the reality of a certain degree of cultural homogeneity in a section of the North. The Hausa-Fulani most exemplified the Northern viewpoint.

Nigeria is a plural ethnic society with over 400 groups. Many groups came into prominence during the colonial period and were visible in the arena of political contention. But the centre stage was occupied by the Igbo, the Yoruba and the Hausa-Fulani whose rivalry coloured the direction of political and constitutional development. Coming to their relative isolation in the coastal hinterland, the Igbo emerged into the national stage with a disadvantage in the level of Western education and trained manpower. Their struggle to eliminate this disadvantage was an important factor in the evolution of relations between them and the Yoruba people. The Yoruba, with a concentration in Lagos, had embraced Western education in the wake of Christian missionary activity during the 19th century. By the end of that century, they had attained impressive heights in various fields including the legal profession and the media. The challenge which began in the 1930s precipitated a rivalry which had serious implications for the encroachment of ethnicity in politics. In the North, exclusive

attitudes fostered by the Muslim culture and isolationist colonial policy blocked road to national political activity for a long time. When Northerners came mainstream in the 1950s, their attempt to safeguard what they perceived to primary interests was to confound an already confused political situation.

Early Manifestation of Ethnicity

The earliest manifestations of ethnic identification in Nigeria were the well improvement unions which began to emerge in the post-1914 amalgamation. They sprang up in both urban and rural areas. The colonial urban setting pre-created conditions which encouraged internal migrations and brought about ethnic interactions, but the ensuing tensions and stresses do not entirely explain phenomenon that was quite complex. There were broader factors of inspiration linked various social, economic, cultural and political interests. M. E. Noah has for example, that the formation of ethnic unions was not an urban phenomenon associated with the uncertainties of shelter, food and jobs, but that unions provided a platform for cooperative action in the face of the social and cultural dislocation brought about by colonial rule.² These dislocations assumed a new dimension with amalgamation of 1914 and the outbreak of the First World War. These developments would seem to have aroused anxieties about the social, cultural, economic and political well being of the people.

Certainly, the political marginalisation created by the restriction of democratic privileges and outlets to only Lagos and much later Calabar was an important factor to enlightened communities in the provinces. It can thus be said that it was in order to create a place of refuge against the new storms of colonial life and a platform for cooperative action in the face of local and international uncertainties that ethnic unions were formed.

In 1918 the Egba Society was formed in Lagos to promote the interests of the Egbaland which had lost its independence a few years earlier. During the next few years, similar associations were formed in Lagos and elsewhere by the Yoruba, Urhobo, Itsekiri, Ibibio and other peoples. Some of these were the Union of Ijebu men formed in 1923, the Yoruba Union established in 1924, the Egbado Union, the Ekiti National Union, the Ife Union, the Ijaiye National Society, the Offa Descender Union, the Ogbomosho Progressive Union, the Owo Progressive Union, the Progressive Union, Owerri Improvement Union in Port-Harcourt (1918), Calabar Improvement Union Lagos branch (1920), Calabar Improvement League, Calabar Progressive Union, Urhobo Renascent Convention and the Ibo State Union, (1936).³

One of these unions which most symbolised the objectives and ideals of the founders was the Ibibio State Union which was inaugurated at the Qua Iboe in Calabar on April 28, 1928. Unlike the kinship and communal unions which included segments of either the Yoruba or Igbo peoples, the Ibibio Union embraced all the people. On its origins, Noah states that "the Ibibio Union was not born out of demands but out of the totality of predicaments created by colonial presence in the enforcement of their strange and obnoxious laws, the acceptance of un-just chiefs who bore the title of warrant chiefs, tax demands, forced labour and

pleasant aspects of colonial presence".⁴

The Constitution of the Ibibio Union enunciated the following aims and objectives:

To foster humanitarianism, cooperation, unity, goodwill and self-help among the Ibibio people;

To encourage and advance education and learning generally among the Ibibio people . . . to plan for improved educational facilities, to encourage the pursuit of higher as well as elementary education and to award or cause to be awarded scholarships to deserving Ibibio youths . . . to establish or cause to be established educational institutions at various centres in Ibibioland;

To endeavour to promote the social and economic well being of the people by . . . providing or causing to be provided medical facilities in certain remote areas of Ibibioland and financial aid to genuine and honest Ibibio entrepreneur of proved business acumen and fidelity;

To promote the study of the Ibibio language, culture and history with a view to bringing about the integration and fusion of various Ibibio elements and communities everywhere.

To endeavour to preserve and to reform wherever necessary the national culture and the ancient institutions, traditions, laws and customs of the Ibibio people . . . and so enhance the reputation of Nigeria and be a definite contribution to the culture of the world;

. . . to assist the government in the effective administration of the Ibibio state by means of . . . constructive representation in matters affecting the welfare of the Ibibio people.^{4a}

The Ibibio charter of objectives and ideals was comprehensive covering such concerns as educational advancement, social development, promotion of economic opportunities, rural reform and integration, contribution to human civilization and effective political participation and democratic representation. The Constitution brings into focus the ability of thought and aspiration which underpinned many unions. This goes a long way to show that the union were not mere responses to urban demands and pressures but were important instruments in the overall growth and development of the emerging Nigerian nation.

By the early 1940s, many ethnic unions had begun to witness a shift in orientation. As their leaders became involved in political competition and rivalry, the unions began to assume a more political role serving as vehicles of separatist indoctrination and constituting the nucleus of ethnic conflict and confrontation.

Genesis of Ethnic Politics

A common interpretation of the genesis of ethnic politics is that it had its roots in the 1941 Akintola election crisis in 1941 which led to the virtual collapse of the Nigerian Youth Movement. The 1941 episode, it is asserted, witnessed the employment of ethnic propaganda which laid the foundation of ethnic assertiveness that was built on by others. Given the importance of the 1930s and 1940s in the history of inter-

group relations in Nigeria, it is necessary to critically examine political developments during this period so that the role of ethnicity can be seen in its correct perspective.

The Nigerian Youth Movement (NYM) was formed in 1936. It grew out of the Lagos Youth Movement which was founded in 1934 to canalize opposition to the establishment of Yaba Higher College which had doubtful tertiary credentials. From the movement the organisation assumed a national character. It began to express its commitment to the development of a united nation and to the promotion of 'a sense of common nationalism'.

Almost from its inception, the NYM was riddled with incompatible ideologies and methods. One group led by the Secretary-General, H. O. Davies, favoured a militant and confrontational approach in which goals would be attained 'by the rights of our people, by pressing for those rights, sacrificing for them and doing them if need be'.⁵ The other group under the leadership of K. A. Abayomi, later made a member of the Executive Council, preferred a more accommodationist constitutional path. This group reflected the traditions of old-time nationalism and saw the cultivation of friendships and the establishment of contacts with government authorities as the hallmark of leadership. These divisions were deepened by personal clashes and conflicts of financial interests. There was very little love lost between O. Davies and Ernest Ikoli on the one hand and Nnamdi Azikiwe on the other. Davies, Ikoli, Azikiwe and Akinsanya have been referred to as "the volcanic quartet" in the NYM⁶ but they were a volcano that erupted both outward and inward. Davies and Ikoli had unsuccessfully sought employment in Azikiwe's *West Africa* founded in 1937 and their very active and desperate involvement in the launch of the rival *Daily Service* as the official organ of the NYM in June 1939 did not help their inter-personal relations with Azikiwe. Ikoli was editor and Davies Business Manager. Although the *Daily Service* folded up in October, 1938 soon after the Legislative Council elections, it was revived as a much reorganised and renovated form in 1940 with Davies and Ikoli still in control. Ernest Ikoli, distinguished journalist and nationalist from the time he founded the *African Messenger* in 1921, had a successful career in the management of newspapers and was fading into oblivion. It was difficult to see here some of the elements in the professional rivalry and animosity between the ageing Ikoli and emerging Azikiwe.

There was another dimension of disagreement which had important consequences for the encroachment of ethnic loyalties into politics. Although the NYM acclaimed itself as the first truly national political organisation, some well-established families in Lagos dominated the affairs of the Movement, and saw outsiders as intruders capable of threatening their privileged positions in the society and politics. Their influence was demonstrated in 1938 when they imposed a non-member, Olayimika Alakija, on the Movement as its candidate for the Legislative Council elections in place of Samuel Akinsanya who was on the verge of being nominated. What was more, their indifference to the plight of Azikiwe when he was taken to prison by Adetokumbo Ademola in 1938, did not reflect a sense of comradeship. After then a Crown Council took legal action in a magistrate court against Zik's *West Africa* Limited, in which he complained that the noise and vibrations of Azikiwe's printing machines endangered his health and his adjacent house. Ademola was awarded

guineas cost by Magistrate O. Jibowu who also ordered Azikiwe to quit the premises at 100 Broad Street within three months. Ademola was connected to influential members of the NYM who failed to stop the nuisance case or ensure an out-of-court settlement.⁸ Azikiwe was faced with the prospect of closing down his business establishment. However, he subsequently moved his newspaper business to Yaba which was at the time an undeveloped area.

It would appear that in the uncertain and unsettling political terrain in Lagos, Azikiwe adopted a cautious attitude in his public expression of support for the NYM. The *Pilot* alternated between vacillation and partisanship. One day it would affirm its independence and the next day it would sing the praises of the NYM whose opponents in Herbert Macaulays Nigerian National Democratic Party (NNDP) he painted as a "lost generation" and as representing "a passing phase in the political history of Nigeria". This apparent inconsistency did not help in building mutual trust and confidence. In February 1939, Azikiwe tendered his resignation from the Movement's Executive Committee just before the court verdict in the Ademola case. He was later persuaded to withdraw the resignation. However, intrigues persisted which led to Azikiwe's humiliation in 1940. He was one of the contestants during the selection of the Movement's candidate to contest the bye-election caused by the death of Olayimika Alakija. The votes were Jibril Martin 90, Akinola Maja 87, H. O. Davies 86, Ernest Ikoli 80, Samuel Akinsanya 68, Nnamdi Azikiwe 33. Thus Azikiwe brought up the rear in a line-up of six potential candidates. It is an understatement to say that Azikiwe did not like his defeat at this selection.⁹ It was a humiliation which must have been planned by those who were "deeply troubled" by his journalistic and political achievements.¹⁰

In 1941, K. A. Abayomi's seat on the Legislative Council became vacant. He had gone to the United Kingdom to do a specialist course in an aspect of medicine on Government scholarship and special study leave and would be away beyond the period of absence allowed by regulations. In an attempt to select a candidate to contest the bye-election on the platform of the party, the NYM came to serious grief. The choice was between Ernest Ikoli, newly elected President of the Movement and Samuel Akinsanya newly elected Vice-President. In a crucial test of popularity at the level of the General Meeting, Akinsanya got 108 votes to Ikoli's 60. As was the established practice, the result was referred to the Central Executive Committee which considered the nomination and varied the decision in favour of Ikoli who got 30 votes to Akinsanya's 25.¹¹ However, when the Executive Committee presented its report to the General Meeting, the choice of Ikoli provoked an uproar which was apparently mollified. But when nominations closed for the March bye-election, Akinsanya's name was on the list of candidates. A general meeting was called to resolve the crisis but it broke up in disorder. Other peace efforts failed.¹² Apparently the rival Democratic Party was out of reckoning at this time and so the seat was a safe one for the NYM, hence the keenness of the nomination contest. At the end, Ikoli won with 523 votes to Akinsanya's 411.

In the nomination contest, Azikiwe gave strong support to Akinsanya. He stood on a precedent whereby the General Meeting once overruled the Executive Committee in 1938 and therefore argued that Ikoli's selection was unconstitutional. In the election campaign, he employed both press and platform in the fight for Akinsanya. It was in

the course of this campaign that the *Pilot* accused the Executive Committee of discrimination against Akinsanya because he was from Ijebuland. What the *Pilot* saying was that the general dislike of Ijebu people who were seen as the Jews of Yorubaland¹² had expressed itself in the rejection of Akinsanya. Akinsanya's departure was as much a defeat for Azikiwe who saw the results as "a political disaster" and resigned from the Movement and Akinsanya also left. The Schism in the party led to its virtual disintegration.

Azikiwe's reference to discrimination against Akinsanya seems to be the source of the accusation that he introduced "an element of ethnicity" in his campaign. The apparently secondary point has also been made that with the resignation of Azikiwe and Akinsanya from the Movement, "all the Easterners excepting a handful of non-Ibo intellectuals and most of the Ijebus, left the organisation".¹³ The interpretation of the election crisis by the *Pilot* was not an invention by the newspaper but a reflection of a particular perspective at the time. Akinsanya himself felt that he had been discriminated against on the basis of historic prejudice and his supporters, many from Ijebuland, were vehement in their opposition to the rejection of their leader. They were very visible and clamorous at meetings and it did not require the propaganda of the *Pilot* to outrage and mobilize them. The Ijebu revolt was an intra-Yoruba affair which had nothing to do with the relations between the major ethnic groups. The evidence is scanty. In the first place, it is obvious that Azikiwe's resignation was a sudden and masterful withdrawal designed to achieve a hidden objective. It was a predictable response to the totality of his political experience in the NYM and remarkable that he did not explain his departure in terms of ethnic prejudice; nor did he seek to inflame Igbo ethnic passions in order to mobilize support. In the second place, we do not know how significant was the Igbo membership in the NYM. Apart from Azikiwe and Ogugua Arah in the Central Executive Committee, it is doubtful if there were other Igbo of prominence at that level of leadership. Given the reality of the low level of Igbo educational attainment by the early 1940s, the reference to an "element of 'Igbo intellectuals'" may be an exaggeration.

What this analysis suggests is that the NYM collapsed because, in the first place, it lacked a singleness of purpose. Disagreements over principles and tactics linked with intrigues and self-seeking maneuvers, worsened internal divisions which required a serious crisis to produce external disruptions. Secondly and more importantly, the Movement lost its moral energy when it progressively ceased to be a unifying national organisation. Before 1941, it had virtually ceased to be a national ancestry. In the thinking of many people outside Lagos, the NYM had become "a Lagos Affair", its leaders having contempt and hatred for the people from the provinces. The 1941 crisis helped to unmask a pretence which was already palpable even by the time when the maiden editorial of the *Pilot* on 23 November drew attention to the "tribal heads" of "tribal prejudice" which needed to be swept away.

It is in this context that we can see the coming of ethnicity into politics. In 1937 when Azikiwe returned to Lagos, his impact on journalism and society was extraordinary. The general public admired him but not those politicians and nationalists who felt challenged and unsettled by his ambitions. In the emergence of the new dimension

Ethnicity, Nationalism and Federalism

of competition lay the taproot of ethnic politics. Ethnic prejudice already in the air now gathered momentum as it crept into inter-personal relations in national politics. From this perspective, it is possible to conclude that the politicization of ethnicity began not in 1941 but in 1937. The 1941 crisis thus deepened and extended ethnic consciousness with important consequences that revealed themselves in the rise and solidification of regional nationalism.

The Regionalisation of Nationalism

Although the NYM ideal of a "sense of common nationalism" was undermined by the election crisis of 1941, it was captured in the agenda of the NCNC when it was formed in 1944 with Herbert Macaulay as President and Nnamdi Azikiwe as General Secretary. The objective was to form a body consisting of representatives of all political parties, the press, ethnic groups, various trading bodies, market women etc. However, Azikiwe's call for a common political front was opposed by his political enemies who accused him of insincerity. They argued that the NYM had embraced his call for a national front and had offered him the post of NYM President or Vice-President but that he had declined the offer ostensibly because of the demands of his crowded schedule whereas he found it convenient to accept the post of NCNC General Secretary. This parade of disunity did not impress the youth whose imagination was captured by the vigour and dynamism of Azikiwe's nationalist propaganda. Anthony Enahoro has observed of the competing interests at the time that "Azikiwe appeared to possess the advantage of being better equipped professionally, more popular and colourful and more responsive to the mood and temper of youth and of the times than his rivals".¹⁴

The NCNC was a broadly based organisation but it excited the almost fanatical enthusiasm and support of the Igbo people, a development which reinforced growing suspicions of an Igbo scheme to dominate. The NCNC completely dwarfed the NYM and was elevated to a new height of influence by the frontline role which it played in the protest campaign against the Richards Constitution of 1946 and its nation-wide political tour aimed at mobilising public opposition against the Constitution and raising funds to finance a delegation of London the following year. The strong backing which the party gave to workers during the general Strike of 1945 also contributed in no small way to the democratisation and expansion of political and nationalist consciousness. Those in the NYM who could not offer a viable response to the challenge posed by the political achievements of the NCNC appeared to have taken refuge in destabilisation and sectional mobilisation. They turned political differences into a war of ethnic rivalry. An editorial of the *Daily Service* in October 1944 sounded the primordial clarion for the war to begin:

We anticipate, and in the immediate future, an era of wholesome rivalry among the "Principal tribes of Nigeria. Therefore while not being chauvinistic and rabidly tribalistic, the great Yoruba people must strive to preserve their individuality"¹⁵

In 1945, the *Egbe Omo Oduduwa* was formed in London by Obafemi Awolowo and others. Among its aims was the infusion of the idea of "a single nationality" throughout

the region. The Egbe was advertised as a Pan-Yoruba cultural organisation similar to the Ibo Federal Union which was already in existence. It is remarkable however that unlike other ethnic unions in the country, the inauguration of the Omo Oduduwa was widely viewed with suspicion. Awolowo relates that when the union was founded, "the reactions of practically all the students from the Eastern Region and some from the Western Region ... was a hostile one".¹⁶ He was "accused of tribalistic and of having a design to wreck the unity of Nigeria". Even within Yorubaland the idea of the Egbe was coldly received. Mobilisation appeals sent to "outstanding Yorubas" were snubbed. To quote Awolowo, "apart from His Highness Sir Adesola Aderemi ... and three other persons there was no response from the scores of people to whom we had written and nothing at all was done at home to start the Egbe something similar to it"¹⁷ And when he returned to Nigeria in 1946 and began to propagate the ideology of the Egbe, people listened to him "either with concealed indifference or undisguised boredom".¹⁸

The general rejection of the Egbe must have arisen from the perception that Yorubaland was generally more advanced than other parts of the country and therefore did not need to further reinforce its advantage. However, of more relevance to this study is the fact that the cold response to ethnic propaganda seems to indicate that up to that time the sense of ethnicity in politics was still within restrained limits. It had not become widely associated in the public mind with bitter contention and brutal confrontation.

The Egbe was finally launched in Lagos two years later with the achievement of regional nationalism as a principle objective; namely

... to accelerate the emergence of a virile modernised and efficient Yoruba state with its own individuality within the Federal State of Nigeria ... to unite the various clans and tribes in Yorubaland and generally create and actively foster the idea of a single nationalism throughout Yorubaland.

Nationalism had thus moved from a broad national goal into a narrow regional purpose. This negative transformation was celebrated by the *Daily Service* which at this time enjoyed the support of the foreign-owned *Daily Times*. In an unprecedented campaign of ethnic hatred, the two newspapers urged the Yoruba people to resist those who sought to reduce them to second class citizens. The political atmosphere was so focused with stifling ethnic effusions that the Officer Administering the Government of Nigeria, G. B. Stooke, took the opportunity of his New Year Message to issue this warning:

We cannot afford to dissipate our energies in inter-tribal, inter-communal or inter-racial quarrels ... frankly I confess that I have been not a little perturbed by recent signs of inter-tribal dissension.

The intervention of government may have influenced the *Daily Times* to shift its position, albeit temporarily. It decided to point accusing fingers:

We are . . . pained at the discovery that this . . . war of attrition is being carried on unnecessarily and with all the full armament of the written word by the Yorubas. Letters written to this office for and against the projected all-Yoruba Union, the Egbe Omo Oduduwa, point an accusing finger at Yorubas for building their Union on a foundation of hate as an incentive to recruit supporters for their cause.²⁰

At this time the Zikist Movement had been formed by a coalition of militant nationalists and one of the objectives of the organisation was to stem the tide of ethnicity.

The programme of Governor John Macpherson in 1948 for the review of the various Provinces was critical in establishing the conditions in which ethnic and regional orientations gained momentum. There was a popular demand for a Constituent Assembly but the Governor, ostensibly acting on the advice of a Select Committee, anxious to avoid the authoritarian approach of his predecessor, decided that the people as a whole should be involved in the determination of their political future. Accordingly, discussions and consultations were to start from the village level and lead through the divisional, provincial and regional levels to the national level where regional commendations would be reconciled. The emphasis on regional perspectives and the lengthy consultative process enabled separatist interests to consolidate their plans and undermine the sense of a common national outlook.

The situation which began to unfold in Northern Nigerian was significant. The North came late into the mainstream of national politics and administration. James Okeke and Sa'ad Abubakar have provided explanations for the delayed nationalisation and the issue need not delay us here.²¹ What is important is that although the Richards Constitution which provided a Legislative Council for the whole country, had broken the tradition of isolation imposed on the area by history and colonial policy, there was hardly any remarkable follow-up organisational activity. Thus while the drama of ethnic politics and regional nationalism played itself out in the South, the situation in the North was that of aloofness and indifference. It was Macpherson's constitutional reform agenda which removed the attitude of complacency among the Northern leadership class. In particular, the fear of possible Southern domination, which had been the cornerstone of Northern exclusiveness, stimulated greater interest in the political process and encouraged more effective participation in such a way that the various interests of the North could be adequately identified and safeguarded.

A significant consequence of the introduction of the Macpherson Constitution in 1951 was the emergence of two major political parties, the Action Group and the Northern Peoples Congress (NPC). Nnoli has said of the Action Group that it "became the first party . . . to be inspired by, founded on and nourished by ethnic chauvinism and regional parochialism".²² The NPC did not have a more cosmopolitan support base. It had been founded in December 1949 by Mallam Aminu Kano and a few others as a Northern cultural association with the name *Jamiyyar Mutanen Arewa* (Northern Peoples Congress). Aminu Kano later broke away in August 1950 to found the more radical Northern Elements Progressive Union (*Jamiyyar Neman Sawaba*) leaving behind a prostrated congress which took advantage of the introduction of the Macpherson Constitution to metamorphose into a political party. The Action Group and the NPC

were now pitted against the NCNC which was the closest approximation to a national political party. It was dominant in the Eastern Region and was evenly matched with the Action Group in the Western Region.

The Macpherson Constitution came into effect in June 1951. In the elections that year to the three Regional Houses, the NPC and NCNC won clearly in the Northern and Eastern Regions respectively. In the Western Region, the NCNC was under the impression that it had won the election with 41 members out of 80. Subsequently, it was found that 20 persons who were thought to have won the election on the platform of the party had aligned with the Action Group which emerged as winner. In his autobiography *My Odyssey*, Azikiwe has provided information on each of 16 persons who were disappointed the hopes of the NCNC.²³

Azikiwe had won the election to the Western House of Assembly as a representative of Lagos. His ambition was to represent this constituency in the House of Representatives. By the new constitutional arrangements, Lagos was administered as part of the Western Region and in accordance with the principle of regional nomination to the House of Representatives, Azikiwe had to obtain the endorsement of the Western House of Assembly. Azikiwe appears to have been outmaneuvered and he failed in his attempt to go to the Central Legislature. The details of this episode have been provided by Kalu Ezera.²⁴

Azikiwe's political setback in the Western Region, eventually led to his movement to the Eastern Region where he would occupy an appropriate leadership position. The road to this alternative solution was strewn with rocks and thorns. An attempt by the NCNC to instal Azikiwe in power in his own region was strongly resisted by those who had climbed to positions of power on the platform of the party. The struggle evolved as a contest between the leaders of the party and the representatives of the party occupying ministerial positions in the House of Representatives and the Eastern House of Assembly. The main outcome of the Eastern Regional Crisis was that Azikiwe was elected into Eastern House of Assembly where he became Minister of Local Government and then Premier of Eastern Nigeria in October, 1954.

Azikiwe's movement from the Western Region to the Eastern Region in 1954 marked the final chapter in the evolution of ethnic politics and regional nationalism in Nigeria. For a man who had lived and worked in Lagos for 16 years in the vanguard of African emancipation, the experience of 1953 must have brought him to the nadir of idealism. To all intents and purposes, the last nail had been driven into the coffin of unionist politics.

A tradition of disharmony and distrust between East and West is a sad legacy of the colonial period and would later lead to a call for "a handshake across the Niger". But the division between East and West paralleled that between South and North. The concession to the North of parity representation with the South in the House of Representatives under the Macpherson Constitution signalled its determination to outflank its rivals. They came late on the political scene but quickly gained considerable advantages including the winning of central power. The struggle for power between North and South would plague Nigerian politics for a long time.

Background to Federalism: Accentuation of Diversities

Although the colonial authorities did not chart a clear pattern of constitutional development at least up to the middle of the century, they nevertheless took actions and implemented policies which had the unintended effect of emphasizing differences and distinctions that predisposed Nigerians to the choice of a federal system. A survey of major policies from the Amalgamation of 1914 would suggest that the accentuation of diversities was a more attractive desire than the promotion of national unification.

The 1914 Amalgamation has been the basis for the co-existence of Nigeria's diverse ethnic groups, but it was carried out in an inequitable manner. In many ways, it was a grand deception because it did not result in a merger or fusion as many had been led to expect. What emerged was more like a loose union of two groups of provinces in which each enjoyed a measure of separate identity and autonomy. Lugard retained the division between North South and rejected proposals for dividing the area into four or seven provinces. He also refused to extend the jurisdiction of the Legislative Council to cover the whole country in keeping with the precedent of 1906 when the Legislative Council in the colony of Lagos was extended to cover the whole of Nigeria. Lugard defended his action by enunciating a principle which rejected the notion of a community of interest between educated and non-educated Africans. He averred:

It is a cardinal principle of British colonial policy that the interest of a large native population shall not be subject to the will either of a small European class or of a small minority of Europeanised natives who have nothing in common with them and whose interests are often opposed to them.²⁵

Lugard disliked the educated elite. "His loud and arrogant conceit", he wrote in 1912, "are distasteful to me, his lack of natural dignity and of courtesy antagonise me". The dignity and courtesy that impressed him were those he found in Northern Nigeria where aristocratic traditions were entrenched. Therefore, Lugard and other British officials in the North encouraged a rigid adherence to traditions and prevented the possible penetration of Western European influences from the South. Hence Christian missionary activity was discouraged. The promotion of Northern conservatism and exclusiveness owed much of its vigour to British colonial policy.

Governor Hugh Clifford, who succeeded Lugard, has acquired some notoriety for pontificating on differences among Nigerian people and for expressing contempt for the idea of the possible evolution of a Nigerian nation. His address to the Nigerian Council on December 29, 1920 was a bitter and caustic attack on the National Congress of British West Africa. Some extracts:

Assuming . . . that this collection of self-contained and mutually independent Native States, separated from one another, as many of them are, by great distances, by differences of history and traditions, and by ethnological, racial, tribal political, social and religious barriers, were indeed capable of being welded into a single homogenous nation

- a deadly blow would therefore be struck at the very root of national self-government in Nigeria, which secures to each separate people the right to maintain its identity, its individuality and its nationality . . . ²⁶

Clifford's concept of "national self-government" was a recipe for the balkanisation of Nigeria and can be said to be of importance in promoting an exclusive orientation towards the Northern parts of the country. This is all the more so as there was no state policy which sought to modify Clifford's position throughout the inter-war period. Indeed, the Constitution introduced by Clifford in 1922 applied only to Southern Nigeria. Although the Constitution conceded the principle of democratic representation, the Legislative Council made laws for the South while the Governor issued proclamations for the North. Accordingly, Northern Emirs maintained an isolationist attitude and resisted any effort to associate them with the Southern Legislative Council. In 1937, a proposal to seat the Sultan of Sokoto in the Legislative Council in Lagos was turned down.²⁷

In 1939, Governor Bourdillon divided the Southern Provinces into the Western and Eastern Provinces under the administrative control of the two Chief Commissioners located at Ibadan and Enugu respectively. The Northern Provinces were left alone despite the fact that they were much larger in area than the South and their composition was more complex. Bourdillon's explanation was that the South was more homogenous and that there were communication problems between Enugu and the headquarters of the Southern Provinces and its component parts. He justified the preservation of the vast North as one administrative unit on the grounds that it was culturally more homogenous and that the centrality of Kaduna reduced communication problems to the minimum.²⁸ The concept of cultural homogeneity in the North derives some validity from a common historical experience under the Sokoto Caliphate as well as under British administration, the integrative bonds of Islam and the acceptance of Hausa as *Lingua franca*.

Governor Bourdillon contributed to the forging of a North-South dichotomy. There is evidence that he wanted to encourage greater contact between North and South. His ideas found an outlet in the Richards Constitution which was introduced in 1946. In presenting his constitutional proposals to the Legislative Council, Richards stated that his objective was "to promote the unity of Nigeria" and to fit the country adequately within that unity "for the diverse elements which make up the country." Two significant aspects of the constitution were the provision of one Legislative Council for the whole country and the introduction of the concept of regional government. Regional Councils were established in the Northern, Western and Eastern provinces. The Regional Councils were advisory bodies which were created extensively to provide a link between the Native Authorities and the Legislative Council in Lagos. In fact, they represented an attempt by the colonial government to avoid a democratic parliamentary system which would result in the monopoly of power by the educated Nigerians. It was a measure of the separatist attitudes of many colonial administrators that strong arguments were advanced in wartime discussions in support of developing the three constituent parts of the country independently and separately, rather than developing only the North in such a manner.²⁹

The concept of regionalism introduced by Richards was to undergo major changes deriving sustenance from the escalating strains of ethnic conflict.

Ethnicity and the Evolution of Federalism

From the moment ethnic encroachments began to contaminate practical politics in Nigeria, the constitutional framework of federalism seemed inevitable. The federal principle had, during the late 1930s and early 1940s, appealed to Nigerian leaders like Awolowo and Azikiwe. By 1940, Awolowo had come to the view that "Nigeria should have as many provinces, zones, regions or states as there were linguistic or ethnic groups in the country and that each region should have a legislature and government of its own". He conceived of "a central parliament and government on which the various linguistic groups in the country would be represented". He was also of the additional view that "the sheer territorial size of Nigeria necessitated the adoption of a federal form of constitution".³⁰ In 1943, Azikiwe advocated the division of the country into eight "protectorates" in a Commonwealth of Nigeria.

The federal idea began to acquire some clearer focus when the Richards Constitutional proposals were published in 1945. As already indicated, the stated objectives of constitutional reform were, *inter alia*, "to promote the unity of Nigeria; to provide adequately within that unity for the diverse elements which make up the country". The implied recognition of the federal principle and the introduction of the concept of regionalism were well received in the North and to some extent in the West. Awolowo felt sufficiently inspired to embody his reactions and thoughts in a book *Pat, to Nigerian Freedom* which was written in 1945 and published in 1947. In the book Awolowo argued strongly for a federal constitution and the redrawing of administrative boundaries.³¹

By 1948 when Governor Macpherson arrived in Nigeria, ethnic storms and surges had begun to disfigure the political landscape. It was not surprising therefore that when the Governor made the announcement about constitutional review, the nationalists responded in conflicting voices which betrayed their disunity and animosity. In such an atmosphere of communal acrimony, a federal system had obvious attractions. No wonder that the colonial administration seized the initiative and framed a series of questions which were to guide discussions at the various levels. The first two were as follows:

1. Do we wish to see a fully centralised system with all legislative and executive power concentrated at the centre or do we wish to develop a federal system under which each different region of the country would exercise a measure of internal autonomy?
2. If we favour a federal system should we retain the existing regions with some modification of existing regional boundaries or should we form regions on some new basis such as the many linguistic groups which exist in Nigeria?

It would be seen that although a centralised or unitary system was posed as the initial option, the idea was not addressed any further; rather, the second option of a federal

system was brought out and expatiated upon. It is this kind of clever manipulation that has led some to conclude that the 1951 constitution was "a colonial contraption arbitrarily foisted on the country"³² At the end of the protracted consultations which reached the highpoint with the Ibadan General Conference of 1950, the principle of regionalism became more strongly entrenched. Among other arrangements, Nigeria was organised into 3 regions, namely Northern, Western and Eastern Regions, each with a Regional House of Assembly and a Regional Executive Council. Each region was to be represented by four persons in the Central Executive Council. Thus, the three regions now ceased to be mere advisory units as they were under the Richards Constitution, but became political entities vested with executive and legislative powers. Each Region exercised a measure of internal autonomy but the central government had power to reject and nullify their laws. The new Constitution did not provide for a full fledged federal system, but was essentially a compromise between regional protagonists who wanted a weak central government and others who were troubled about the implications of strong regions for national unity.

The Macpherson Constitution broke down in 1953. It was crippled by a surfeit of problems and crises which attended its implementation. The experience of Azikiwe in the Western House of Assembly and its spin-off effect in the Eastern Region created a general loss of faith in the democratic system introduced by the Constitution. In addition, the constitutional crisis which resulted from the self-government-in-1953 motion in the House of Representatives brought into sharp focus the increasing friction between the central government and the regions. The Kano riots of May 1953 brought matters to a boil, as they epitomised the growing resentment of the North against the South which was soon to express itself in the demand for a confederal constitution arrangements. These developments led to the decision by the British Government to have the Constitution redrawn "to provide for greater regional autonomy and the removal of power of intervention by the centre in matters which could, without detriment to other Regions, be placed entirely within the Regional competence".

The London Constitutional Conference which met in July/August 1953 and resumed in Lagos early in 1954, agreed that Nigeria should be a federal state with limited and specific powers allocated to the Federal Government and residual powers vested in the Regional governments. Each Region was to be represented by 3 persons in the Council of Ministers. Each regional government was to be headed by a Premier. Thus, the principle of regionalism introduced in 1946 reached its logical conclusion in 1954. Regionalism was now fully institutionalised in a federal system which was further refined at the Constitutional Conference of 1957. At independence in 1960, federalism had been solidly established as the cornerstone of Nigerian political order and would only undergo territorial adjustments with the creation of more states after independence.

In discussing the rise of federalism, we have passed in silence over the minor ethnic groups. Of course they were not passive onlookers but operated within the framework of opportunities allowed by the dominant groups. Employing shrewd diplomacy, they allied with majority groups which they thought would best butter the bread. However, they were most assertive in the campaign for the creation of new states which would enhance their identity and publicise their own contribution to it.

national development effort. The struggle for the creation of states in the colonial period, was thus a formula for ethnic self-determination on the part of the minority groups. The struggle which was strongest in what was known as the Midwest in the West, the Calabar-Ogoja-Rivers area of the East and the Middle Belt in the North, reached a highpoint at the 1957 Constitutional Conference in London. The Willink Commission was set up to "ascertain the facts about the fears of minorities in any part of Nigeria and to propose means of allaying those fears". The creation of new states was not a priority for the majority groups and it was convenient for them to argue that state creation would delay independence. No new states were created but notice had been served of the strength of minority ethnic opinion on the issue.

Conclusion

This study has shown that the encroachment of ethnicity on Nigerian politics and nationalism sowed the seeds of division between West and East and also of division between South and North. It was also stated that the marginalisation of minority groups encouraged and intensified the struggle for new states. There was another level of division which is worthy of attention. It was an intra-ethnic division which later became a source of communal strength. In Yorubaland, Obafemi Awolowo succeeded in his political objectives and became Premier of the Western Region. However, the Action Group did not at any time have overwhelming support in the region. The NCNC opposition enjoyed the support of a significant proportion of the population. Up to independence, control of the region was keenly contested. It is remarkable that in the elections held in the Western Region between 1951 and 1959, the Action Group beat the NCNC in the regional elections while the NCNC beat the Action Group in the federal elections. This shift in fortunes has generally been interpreted as reflecting a level of political sophistication among the Yoruba. Ethnic campaigns made little impression on many. However, these liberal traditions were not destined to be permanent; for political circumstances and a general communal feeling of betrayal and neglect would strain the traditions and encourage the opposite mood of rigid conformity. The massive and almost total support given to Awolowo and the Unity Party of Nigeria (UPN) in the 1979 and 1983 presidential elections would represent a significant *volt face*.

Crusaders of the Independence Movement saw the installation of federalism as "the achievement of our time". With the rise of ethnic nationalism in many parts of the world and the new urgency of the National Question almost everywhere, it is difficult not to acclaim the vision of the architects of federalism in Nigeria. Notwithstanding the taint of ethnicity in its origins, the federal system has come to be seen more clearly as the appropriate response to the plural character and territorial size of the country.

It is of course a moot point whether Nigeria would still have ended up as a federation if ethnicity had not intruded into politics. Although British policy generally displayed a tendency towards the accentuation of diversities of a unitary state and could probably have continued in that way if the escalating ethnic disagreement in Nigeria had not compelled a reassessment of goals. In that case, Nigeria would not have ended up as a federation. It can, however, be argued that the factors of history

and geography were so strong that they would have generated their own momentum and the British Government would have had no choice at the end but to adopt a federal system.

Nigeria's political and constitutional evolution in the colonial period was soaked through with the noisome vapours of ethnicity. The rise of ethnic politics and regional nationalism made federalism a logical constitutional principle facilitated and delivered in a morass of ethnic feuds and regional rivalry. The beginning did not look auspicious and so the experience of the period after 1954 was bound to constitute a major test of leadership and statesmanship among the founding fathers of the nation.

Notes and References

1. Okwudiba Nnoli, *Ethnic Politics in Nigeria*. Enugu: Fourth Dimension Publishers, 1978. Nnoli provides a scholarly exposition of the theoretical issues.
2. Modau Effiong Noah, *Proceedings of the Ibibio Union, 1928-1937*. Uyo: Modern Business Press, 1988, pp. 47-8.
3. The listing here has benefitted considerably from Austin M. Ahanotu, "The Role of Ethnic Unions in the Development of Southern Nigeria, 1916-66", B. I. Obichere (ed), *Studies in Southern Nigeria History*. London: Frank Cass, 1982, pp. 155-74. See also James S. Coleman, *Nigeria: Background to Nationalism*, Berkeley and Los Angeles: University of California Press, 1958, p.213.
4. Noah, *Ibibio Union*, *op. cit.*
- 4a. *Ibid.*, pp. 52-4
5. See E.N. Mordi, "Press and Politics in Nigeria, 1937-1966", unpublished Ph.D Thesis, University of Nigeria Nsukka, February, 1994, p. 104.
6. Obafemi Awolowo, *Awo: The Autobiography of Chief Obafemi Awolowo*. Cambridge: Cambridge University Press, 1960, p. 133.
7. *Ibid.*, p. 148.
8. Mordi, "Press and Politics", p. 103; see also Nnamdi Azikiwe, *My Odessey: An Autobiography*. New York: Praeger, 1970, pp. 323-5.
9. Awolowo, *Autobiography*, p. 145.
10. R. L. Sklar, *Nigerian Political Parties*. New Jersey: Princeton University Press. 1963, p. 68.
11. Awolowo, *Autobiography*, p. 148.
12. Coleman, *Nigeria: Background to Nationalism*, p. 228.
13. Awolowo, *Autobiography*, p. 152.
14. Quoted in Mordi, "Press and Politics", p. 193.
15. *Ibid.*, p. 194.
16. Awolowo, *Autobiography*, p. 169.

17. *Ibid.*, pp. 169-70.
18. *Ibid.*, pp. 170.
19. *West African Pilot*, 27 December, 1947. Quoted in Mordi, "Press and Politics" p. 240.
20. *Nigerian Daily Times*, 31 December, 1947, quoted in Mordi, "Press and Politics", p. 240.
21. Coleman, *Nigeria: Background to Nationalism*; Sa'ad Abubakar, "The Northern Provinces under Colonial Rule, 1900-1959", in Obaro Ikime (ed), *Groundwork of Nigerian History*. Ibadan: Heineman, 1980.
22. Nnoli. *Ethnic Politics*, p. 154.
23. Azikiwe, *My Odyssey*, p. 304.
24. Kalu Ezero, *Constitutional Developments in Nigeria*. Cambridge: The University Press, 1960.
25. Margery Perham, *Lugard: The Years of Authority, 1898-1945*. London: 1961 p. 416.
26. Coleman, *Background to Nationalism*, p. 194.
27. Abubakar, "Northern Provinces", *op. cit.*
28. See Obaro Ikime. "In Search of Nigerians: Changing Patterns of Inter-Group Relations in an Evolving Nation State". Presidential Inaugural Lecture delivered at the 30th Congress of the Historical Society of Nigeria, at the University of Nigeria, Nsukka, 1 May, 1985, p. 19.
29. Coleman, *Background to Nationalism*, *op. cit.*
30. Awolowo, Obafemi. *Path to Nigerian Freedom*. London: Faber and Faber.
31. *Ibid.*
32. *Ibid.*

POLITICAL PARTIES AND FEDERALISM

O. G. Ajene

Introduction

The political structure that emerged and existed during the greater period of Nigeria's colonial administrative history was as much influenced and consolidated by the emergent political parties as the parties were themselves institutionalised along the profile of Nigerian federalism. This relationship is however not one of cause and effect as political parties emerged only to compound and consolidate a prevailing tendency towards federalism. As the Nigerian political space expanded administratively and politically, in terms of a democratic franchise, the dynamic in the relationship between political parties and the country's federalism became mutually reinforcing. The pattern in the evolution of this relationship may be traced in three phases. The first phase which may be regarded purely as antecedent witnessed the crystallisation of various anti-colonial protest groups into political parties, following the granting of a limited democratic franchise in Lagos;¹ the second phase, termed the period of regionalisation, witnessed the crystallisation of political structure and party along regional lines; and the final phase may be characterised as the period of formalisation and mutual consolidation between a federal structure and political parties.

Evolution of Political Parties and Nigerian Federalism, 1922-1945

Political parties exist and operate under conditions in which the democratic franchise prevail. The period between 1922 and 1945 in Nigeria may be regarded as the formative period of Nigerian political parties. The gradual process in granting of the franchise paved the way for party formation and activity. The interface between political party activity and the evolving federalism did not become directly obvious except in the sense that the franchise was localised as were the headship and membership of political parties. To this extent, the early political parties, localised as they were, represented part of the converging process in the development of Nigerian Federalism even though most of them, in varying degrees, claimed to have a nationalist agenda.

Political parties viewed as the aggregative process in which diverse interests are brought together under a broad political platform with "a state programme or Set of appeals and regularised procedures for selecting candidates, conducting political campaigns and seeking to elect governmental office-holders"² emerged in Lagos in 1923 with the granting of the franchise in the Lagos colony. The Nigerian National Democratic Party (NNDP) which, according to Tamuno, had "the reputation as the first and best organised political party in British West Africa was formed in June 1923".³

The formation of the party had followed a suggestion by T. H. Jackson of *The Lagos Weekly Record* that

following the practice in other countries, it will undoubtedly be necessary to form a political party, give it some convenient identification tag or label, define the principles that are supposed to govern its conduct in affairs political and construct the various planks in its political platform i.e. the programme of work which it proposes to carry out, if its nominees are placed in a very favourable position or are sufficiently supported at the polls in order to secure their election.⁴

When the NNNDP was formed, Jackson became its first honorary Secretary. Many of the foundation member were drawn from among the many anti-colonial protest group and organisations that had been active in Lagos. These included Dr. Curtis Adeniyi Jones and J.E. Shyngle of the NCBWA who became the first leader of the UNDP. The main force behind the NNNDP, however, was the person of Herbert Macaulay variously described as "The Founder" of the party and the "doyen of Nigerian nationalism". The leadership of the NNNDP, therefore, came mainly from among the small core of educated and westernized middle class Africans in Lagos although the party claimed to have been a party of commoners.⁵ To justify its claim to be a party of commoners, the party chose the Yoruba name of *Egbe ku agbajo ti Nigeria* (The Peoples Party) and had its motto as '*salus populi suprema lex*'.⁶ Despite this the party had white cap chiefs and other chiefs as party members among the intelligentsia. The numerical strength of the party is not determined but its news organ, *The Lagos Daily News* claimed that about 4,000 members were in attendance at its general meeting of September 1928. The party did have broad support among market women associations and groups whose object was that of "safeguarding the peoples welfare and watching over the interest of the Eleko and the House of Dosunmu".⁷

The programme of the NNNDP, exposed some universalistic programmes, many of which reflected the demands of the colonial situation. The party sought, for example, to resist the "barriers of race or creed or colour in civil service appointments or elsewhere and frowned upon segregation."⁸ It remained largely Conservative as it sought to maintain an attitude of unswerving loyalty to the British Crown ... by being strictly constitutional in the adoption of its methods and procedure.⁹ Other objectives of the party included the promotion of "A government of the people by the people for the people". Thus, it aimed at educating and organising public opinion upon the principles of democracy or elective representation.

Part of the programme of the NNNDP included the improvement of health, sanitation of the people, economic development of the country, and free trade. In the broadly stated objectives and programmes of the NNNDP, there was nothing that marked it out as a localized party other than the scope of its activity. The party constitution of the NNNDP provided for the formation of "Branches and Auxiliaries in all parts of Nigeria which shall be responsible to or subject to the direction and control of the parent Body in Lagos". The NNNDP, however, remained largely a Lagos party between 1923 and 1949.¹⁰ On this account Nnamdi Azikiwe who was then proprietor of *The*

Political Parties and Federalism

West African Pilot dismissed the party as neither democratic nor Nigerian; and its most prominent leaders and Legislative Council such as J. E. by birth.

Another party which participated in the Legislative Council elections in 1920 was the party formed on 28 June 1920. Led by Dr Moses Adenuga, the party had as its Secretary Lagos, the party had as its Secretary short-lived existence as it disintegrated for the formation of the party purpose of rallying round young work industrially, economically, which were then gaining grounds work of the NCBWA and the

The UYN was a weak party by the party was never more moderates who represented the therefore, had neither the mass claimed no branches beyond

The impending legislative emergence of another political Movement (NYM) indeed scored The NYM was formed when Vaughan came together. The observer, A. T. Anon, in September

These Young men representing several Nigeria began to dream dreams and to see services rendered by their grand-desire in fatherland, and visions of a glorious future for Nigeria taking its rightful place in the British Empire among the Nations of the world.¹³

The Nigerian Youth Movement assumed the role of "a sentinel to the people and offering when necessary timely and constructive Government policy."¹⁴ For instance, the party attacked infrastructural development policies as well as the problem of principal objectives of the NYM were contained in its guiding Nigerian Youth Charter. The NYM proclaimed in the charter its development of a united Nation out of the conglomeration of Nigeria."¹⁵ To achieve this aim, the party undertook to promote corruption and a sense of common nationalism among the different elements also had a political goal of "a complete taking over of the Government

the hands of the indigenous people of our country". Among the demands of the party was also the reconstruction of the Legislative Council so that "all sections of the indigenous population throughout Nigeria will be progressively represented"; and sought also the abolition of income qualification for the exercise of the franchise.¹⁶

In terms of its broad outlook, the NYM sought to be a truly national party. The party had started in 1935 as the Lagos Youth Movement. The change of name to NYM which came during a "Youth Day" celebration in Lagos on 2 November, 1935 was to reflect its intention "to extend its activities outside Lagos by establishing branches over the country". Its leadership was quite broad and capable and the zeal of the group for a united Nigeria was obvious.¹⁷ The personalities who galvanised the party include E. S. Ikoli who was regarded as the "father of the movement"; A. O. Davies named "the Dynamo of the movement"; E. C. Thompson named "sentinel of New Africa", O. Alakijaa, known as "the preacher of movement", and Nnamdi Azikiwe who was regarded as the "Evangelist of a New Africa".¹⁸ The party had at this time as its Assistant Secretary General the renowned M. Bank-Anthony.

The membership of the NYM in 1938 was claimed to be over 20,000 with 40 branches outside Lagos.¹⁹ These branches included those in Enugu, Jos, Sapele, Katsina, Ondo, Kaduna, Yelwa, Port-Harcourt, Makurdi, Zaria, Uyo, Ilesha and Ibadan where the late Obafemi Awolowo served as Secretary-General.

Another political party, the Nigeria Union of Young Democrats (NUYD) was formed in Lagos in 1938 by Ayo Williams. The NUYD was the successor to the short-lived Union of Young Nigerians UYN which had A. Williams as its Secretary-General. The NUYD had no formal charter but instead adopted for its guidance the "Ten Commandments" of the Bible. The party therefore, had a high moral colouration to its political programme. The party did not appear to have garnered much support although its General Secretary, Ayo Ajala, claimed that over 300 persons attended its Lagos meeting of 27th July 1938. The principal officials of the party were part of the Lagos intelligentsia. They included Ayo Williams, Ayo Ajala, C. Thomas, J. B. Smith, A. Sokumbi, Gaspar da Silva, J. Olu Johnson, L. B. Pedro and A. A. Williams.

The evolution of political parties in Nigeria between 1923 and 1945 was largely a response to the limited opportunities offered by the granting of the franchise for Legislative Council representation centred primarily in Lagos. However, the ferment of anti-colonial nationalism of the inter-war years had broadened the focus of some of the political parties far beyond the scope of the Legislative Council. In this regard, the formation of a new party, the National Council of Nigeria and the Cameroons (NCNC) on August 26, 1944 was as much a watershed as it was a bridge in the development of political parties before and after 1945.

Conceived as a body that would coordinate the political endeavour of existing associations, including political parties, 'The NCNC brought together at its inaugural meeting over forty organisations, including political parties, tribal unions, trade unions, literary association, professional associations, religious groups, social clubs and women's organisations'.²⁰ Herbert Macaulay was made president, while Nnamdi Azikiwe became General Secretary of the party. The primary goal of the party which was contained in the resolution of the inaugural meeting expressed the determination of the National Council 'To work in Unity for the realisation of our ultimate goal of self-

government within the British Empire'.²¹

By the time the NCNC was formed, the underlying difference and tensions thin and between the various parties in Lagos had come into sharp relief. As Sklar observed, the Nigeria Youth Movement 'embodied a congenital weakness of conflicting interests that was partly ethnic and partly economic'.²² The decision of the party to publish an official public organ *The Daily Service*, with the Vice-President of the party, Ernest Ikoli, as publisher and editor came up against the business interests of Azikiwe. He later was the publisher of the pro-NYM, but independent, *West African Pilot*. The development led Azikiwe to resign from the executive of the party in 1939 for compelling 'business' reasons.²³ He finally broke with the party in 1941. This final break came as a result of a party crisis over the party's nomination for a vacant Legislative Council position. The nomination of Ikoli over Samuel Akinsanya was viewed as arising from ethnic discrimination of the dominant Lagos group against Akinsanya who was an Ijebu man.

In addition to the ethnic division in Lagos politics that was beginning to emerge, there were divisions along "class or quasi-class lines". The Macaulay led NNDP was composed predominantly of traditionalistic and "Muslim" indigenous masses, while the NYM was composed largely of "Westernised, predominantly Christian, detribalised, and cosmopolitan elite from the hinterland of Abeokuta, Oyo, Ondo and Ijebu".²⁴ Azikiwe's break with the NYM in 1941 turned a large section of his followers among the Igbo and the Ijebu to the NNDP until the formation of the NCNC in August 1944 during which a broad new coalition was formed between the growing commercial Igbo community and the cosmopolitan Yoruba from the hinterland.

In view of the limited nature of the franchise under the Clifford Constitution, in which only a total of four representatives were elected to the Legislative Council every five years, the emergence and activities of the early political parties in Nigeria were quite remarkable. The parties and their internal dynamics, with the benefit of hindsight, was a foreboding of the subsequent development of Nigerian federalism. The constitutional development that followed post-world War II anti-colonial agitation brought about the formation of regional federalism, as well as the regionalisation of political parties. It is this process that we now turn to examine.

Regionalisation of Political Structure and Party, 1945-53

In 1945 the forces making for the development of the Nigerian federation converged. The nationalist ferment of the inter-war years became vocal; British determination to maintain a unified yet separate administration over Nigeria became resolute; and the Clifford Constitution which Nigeria had operated for twenty two years had become inadequate to cope with colonial administration under the demands of renewed nationalist fervour. It is these forces which, in sum, led to the introduction of the Richards Constitution in 1946, and which formalised the Nigerian entity as a federal union.²⁵

The militant nationalism that attended the end of the Second World War was based on the ideals of "racial" equality and national self-determination.²⁶ As Sklar has pointed out, effective political action by Nigerian nationalist leaders required an artful blend of agitation for constitutional reform and manoeuvre for partisan advantage.²⁷ In

1946, the colonial government introduced a new constitution, without consultation with the nationalists. Prior to 1946, the Clifford Constitution which was in operation provided for a Legislative Council comprising a majority of official members (representing Government) and unofficial nominees of Government from among Europeans and Africans. There were only four elected members, three of whom represented the Colony of Lagos and one representing Calabar township. To the extent that the Northern part of the country was not represented except by official representation of the Governor, the Northern provinces were therefore only tenuously linked with the Southern provinces through the person of the Governor. The separate identities of the two parts were thus maintained through the separate administrative establishments until 1939 when Southern Nigeria was reorganised into Eastern and Western provinces.

The 1946 Constitution, converted the Northern, Eastern and Western Provinces into governmental regions and provided for the creation of three non-elective regional legislatures. The Constitution also established, for the first time, an all-Nigeria Legislative Council, comprising a majority of unofficial members chosen mainly from regional legislatures. The new Constitution failed to satisfy the nationalist leaders who demanded nothing less than a democratically elected and "responsible Government". The NCNC sent a protest delegation, led by Nnamdi Azikiwe, to London in 1947 in response to these protests, the colonial government initiated a review which culminated in the introduction of a new constitution in 1951. This provided for the appointment of African ministers in both the regional and central governments. The new Constitution and the process which it set in motion also led to the emergence of three major political parties each of which captured power in one of the regions.

The National Council of Nigeria and the Cameroons (NCNC) which was formed in 1944 was the oldest of the three political parties that were to dominate Nigerian politics for the rest of the colonial period. The others were the Northern Peoples Congress (NPC) and the Action Group (AG). The NCNC, formed on the crest of a war anti-colonial agitation, had a broad national outlook both in terms of party ideology and membership and geographical scope. The immediate background to the formation of the NCNC was the strike action in March 1944 by students of King's College Lagos which led to the trial for disorderly conduct and consequent expulsion of seventy senior students out of whom eight were conscripted into military service. The strike action was precipitated by the decision three years earlier to turn their dormitories over to the army. The incident aroused the militancy of both the Lagos intelligentsia and the National Union of Students (NUS). The student body decided to form a central organisation which would co-ordinate the activities of all political associations. A meeting was thus convened on 10th June 1944, presided over by Herbert Macaulay. By January 1945, the National Union comprised 87 member unions, among which were 60 ethnic unions and three Cameroonian groups because of which the name of the Council was changed to the National Council of Nigeria and the Cameroons (NCNC). While the ethnic unions formed the bedrock of the NCNC national organisation, and the branches served only for the 'co-ordination of member unions' in various "towns" and districts, the dynamic of these nationality groups and movement eventually to nudge the NCNC towards becoming a regional party. The Igbo Union

Lagos which was formed in 1934 "was a pillar of strength" for the NCNC at the time of that party's inauguration in 1944. The Igbo Federal Union also added strength to the NCNC organisation throughout Nigeria. A pan-Igbo conference held in Port-Harcourt to organise the Igbo linguistic group into a political unit in accordance with the NCNC Freedom Chapter produced a new association, the Ibo State Union.²⁹ The new association elected as its president Nnamdi Azikiwe. His dual position as leader of the NCNC and the new association was to provide armour to the critics of the NCNC who charged that the party was Igbo-dominated although the national character of the party remained until after 1960.³⁰

The second leg in the tripod of Nigeria's party structure fermented among the Yoruba ethnic group. A pan-Yoruba movement was motivated by the desire of the Yoruba intelligentsia to overcome sectional antagonisms which date back to the internecine wars of the 19th century. The moving force behind the movement was the personality of Obafemi Awolowo. Born in 1909 at Ikenne in Ijebu Remo division of present day Ogun State, he attended various schools which culminated in studies in London where he earned the Bachelor of Law Degree in 1946. He had been active in various associations and unions and was as we saw the secretary of the Ibadan Branch of the Nigerian Youth Movement. During his studies in London, he wrote a critical book on the administrative policies of the British in Nigeria, in which he advocated the rights of ethnic nationalities to "home rule", the introduction of a federal system of government which would unite several states that would be founded on the principle of ethnic affinity. He further argued that the "barriers of tribalism and clannishness within each ethnic unit must be destroyed"³¹ as a necessary condition for the advancement of each group. The unity of the ethnic groups, according to Awolowo presupposed the leadership of the intelligentsia within the groups. According to him "the educated minority in each ethnic group are the people who are qualified by natural rights to lead their fellow nationals into higher political development. Unless they desire a change it would be futile to impose it upon their group".³² The result of this thinking was the inauguration in London in 1945 of a pan-Yoruba cultural society called the *Egbe Omo Oduduwa*. Dr. Oni Akererele was made secretary. Other founding members included A. B. Oyediran, Abiodun, Akererele, S. O. Biobaku and Ayotunde Rosiji. In February 1948, the *Egbe Omo Oduduwa* was advertised in Nigeria as a non-political cultural organisation for men and women of Yoruba nationality comparable to the Ibo Federal Union.³³ In June 1948 a conference of the Yoruba elite met at Iife to inaugurate the society formally. Sir Adeyemo Alakija, a former president of the Nigerian Youth Movement, was elected president while Obafemi Awolowo was chosen as General Secretary.

The founder of the *Egbe Omo Oduduwa* claimed that the society was neutral in party politics. However, the NCNC viewed the group as a threat and mounted press attacks on it in its press organ, *The West African Pilot*.³⁴ The efforts of the Yoruba Federal Union to counter the *Egbe* neither reduced its appeal to the large majority of Yoruba in the NYM nor help to counter the argument that the NCNC was an Ibo-dominated party.

With the impending introduction of a new constitution in 1951 and the prospects of the NCNC and its affiliate, the NNDP capturing power in the Western

Region, the Egbe Omo Oduduwa decided that an independent political organ of the group was required. It was this decision that led to the formation of the Action Group (AG) on March 26, 1950. In reality, it is difficult to argue that the AG was less than a transformation of the Egbe society into a political party. Apart from the personality of Obafemi Awolowo who was the leading figure in both organisations, it was stated at the inaugural meeting of the AG that the party "would consist of members of the Egbe so the Egbe might be able to carry the views of the Action Group across anywhere the Egbe existed".³⁵ In March 1951, the Acting Group announced itself as a "Western Regional Political Organisation".³⁶ The party pledged to cooperate with the Edo Union and other ethnic associations in the West. The inaugural meeting of the AG in the West was attended by delegates from among the Yoruba and the Benin-Warri areas. Obafemi Awolowo was elected president, Chief Bode Thomas was elected General Secretary, while three of the four elected vice-presidents each represented Bini, Urhobo and Itsekiri ethnic groups.

It is significant to note that this regionalisation of the nationalist movement and the emerging political party ran counter to the ideals of the NCNC, the "Zikist Movement" and the National Emergency Committee. The Zikist Movement which was inaugurated in Lagos in February 1946 was the response of young men "inspired by patriotic idealism that could not be reconciled with the tribalistic and self-seeking tendencies of the middle class to whom they look up to for leadership".³⁷ "Zikism", then, was "a programme of positive action" which they viewed as an alternative to "tribalism", regionalism and gradualism. The Leadership of the Movement included Osofisan Agwuna, Ndiaka Eze, Kolawole Balogun, M. C. K. Ajuluchuku, Habib Raji Abdallah and A. A. Nwafor Orizu who was the ideologue of the Movement.

Although the message of the movement was quite militant, there is little evidence of overt militant action.³⁸ Nevertheless, the colonial Government was threatened enough to bring to trial several Zikists many of whom were convicted. Azikiwe's personal relationship with the Movement remained ambiguous. While he recognised the right of the movement to pursue its own goals he appeared critical of their policy. The colonial government proclaimed the Zikist Movement an unlawful society on April 13, 1950.

The second effort at putting on course a national party organ came after a split in the umbrella Nigerian labour organisation, the Nigerian Trade Union Congress. The organisation had split over the issue of affiliation with the NCNC. A faction of the Labour Union, embarked on a strike against the largest British mercantile firms. The event led to the slaying of coal miners by the police at Enugu in November, 1949, evoking a renewed national consciousness. Within a week, riots flared up in Aba, Port Harcourt and Onitsha. These events led supporters of the NCNC, the Zikist Movement and the Nigerian Youth Movement to explore ways of forming a united front national party. The consultations among these groups resulted in the formation of the National Emergency Committee (NEC). It had Dr. Maja, President of NYM as chairman, Mbonu Ojike of the NCNC became secretary, and Dr. J. Akanni Doherty of the NYM was made treasurer. The effort of the coalition that was organised foundered when in October 1950 an election for Lagos Town Council provided the opportunity to test the feasibility of the alliance. Disagreements over the election state of the alliance

implementation of the alliance instrument of coalition on hold.

The flurry of political activities which began in Lagos in the 1920s and had engulfed much of the southern part of Nigeria during the 1930s began seeping gradually to the northern part of the country only in the 1940s. The earliest political organisations in the North were formed by privileged individuals who had been exposed to nationalist thought from the southern part of the country or from abroad. The most prominent of these were the Bauchi Improvement Union established in 1943 by Malam Sa'adu Zungur, who was chosen as a Federal Secretary of the NCNC in 1948. There was also the Youth Social Circle in Sokoto, formed in 1945; and in 1946, the Northern Elements Progressive Association (NEPA) was formed in Kano by Habib Raji Abdallah, who became president of the Zikist Movement in 1947. However, the group that was to dominate the politics of the region and indeed the country subsequently, began as two separate associations of educated individuals.

The first association originated when on September 26, 1948 a meeting was held at the home of Dr. A. R. B. Dikko, the first trained medical officer of Northern origin. A similar meeting, with obviously political significance, was coincidentally held at the house of Mallam D. A. Rafih, a British trained employee of the Nigerian Railways, in Kaduna about the same time. On 3 October, 1948, Malam Rifih and his group formed the *Jam'iya Mutanen Arewa A Yau* (the Association of Northern People Today). The Zaria group under R. A. B. Dikko and Mallam Abubakar Imam who was the editor of the Hausa language news-paper *Gaskiya Ta fi Kwabo* (Truth is Worth More Than a Penny) organised the *Jam'iyyar Jama' ar Arewa* (Northern Nigerian Congress). On 12 October 1948 the two associations merged under the name of *Jamyyar Mutanen Arewa* (The Northern Peoples Congress).

The bedrock of the new group was the teachers association. These formed the educated elite in the region as teacher education was regarded as "the most respectable kind of educational preparation"³⁹ The most prominent among these teachers were, Abubakar Tafawa Balewa who was elected Vice-President of the Association and later became the Prime Minister of Nigeria; Aminu Kano was made Secretary; Shetima Ajima was elected President while the editor of the *Gaskiya Ta fi Kwabo*, Abubakar Iman, was made the Patron and Auditor.

Persons of Northern origin sympathetic to the association were contacted and urged to form local branches in preparation for a general meeting. Local groups including the Sokoto Youth Circle, the Bauchi Improvement Union and a citizens Association, in Kano were contacted to affiliate with the Congress. At the inaugural meeting of the "the Northern Peoples Congress held in Kaduna on 29 June, 1949, over 300 delegates attended. Most of the delegates were either government employees from the regional government, Native Authorities, schools and the *Gaskiya Tafi Kwabo*.⁴⁰

Although it was emphasized that the Northern People Congress was purely social and cultural and with the stated objective of combating "ignorance, idleness and injustice" in Northern Nigeria, the obvious political significance of the association could not be ignored in the comparatively benign environment of the region during the period. The rather cautious approach taken by the association may be explained by the fact that most early members were government employees. Moreover, the leadership were

wary of the fate that befell the Northern Elements Progressive Association (NEPA) which had been destroyed because of overt political activities of its officials who were then disorganised through transfers of its principal officers.⁴¹ The fate of NEPA did not deter a small group of radical youth who organised the first declared political party in the North called the Northern Element Progressive Union (Jam'iyya Nernan Sawabi) subsequently abbreviated to NEPU in August 1950. The party was intended to operate as a political vanguard of the broader and more conservative Northern Peoples Congress. In its "Declaration of Principles", the party dedicated itself to the "emancipation of the Talakawas", (the commoner class) through "reform of the present autocratic political institutions".⁴² Obviously, the radical stance of NEPU ran against the mainstream of the Northern Peoples Congress as the Sokoto Youth Circle threatened to withdraw from the Congress if Aminu Kano and Sa'adu Zungur, the radical leaders of NEPU, remained in its central Executive Committee. This led to the expulsion of NEPU from the NPC.

After the break with NEPU, the transformation of the Northern Peoples Congress came in 1951 after the primary phase of the parliamentary elections. The impressive showing of NEPU candidates standing against the candidates of the representatives of the conservative elite led the leadership of the NPC to formally announce the transformation of the NPC into a political party on 1 October, 1950. The declaration enjoined all civil servants, including Dr. Dikko to resign their NPC posts. Thereafter, Alhaji Sanda, a Lagos Merchant, was elevated to the post of Acting General President of the Party. The Sardauna of Sokoto, Ahmadu Bello and Abubakar Tafawa Balewa were named among the membership of the party. Ahmadu Bello, a descendant of Shehu Usman Dan Fodio, founder of the Fulani Empire, who eventually became the leader of the NPC and Premier of the North, personified both the NPC and the Northern regional establishment.

With the formation of the NPC in 1950, the tripod of Nigeria's regional political party structure was completed. The 1951 Elections provided the first opportunity for the formalisation of the regional administrative structure and party system, a process in which the two forces propelled each other. Under the constitution of 1946 drawn up during the Governorship of Sir John Macpherson, which provided the framework for the 1951 election, there was to be "a semi-responsible" government at the centre and in the regions. In the three regions, Executive Committees were to be formed including a majority of Nigerian ministers selected from the dominant party in each region. Members of the Central House of Representatives were to be elected by members from regional Houses of Assembly in a ratio of 2:1:1 for the North, East and West respectively.

Table 8:1

Party Performance in the 1951 Regional Elections

Election	Party	Seats Won
Eastern Regional Election, 1951	i. NCNC	65
	ii. United National Party (UNP)	4
Western Regional Election, 1951	i. Action Group	45-49 (Approximately)
	ii. NCNC	30-35 (Approximately)
Northern Regional Election, 1951	NPC	Indefinite but Overwhelming majority

Source: Sklar, *Nigerian Political Parties*, p. 35

The relatively narrow margin of victory of the Action Group over the NCNC in the West is explained partly by the advantage which the NCNC had gained as a party formed earlier in Lagos and in alliance with the UNDP. Also a large section of the educated elite in the area remained loyal to the nationalist credentials of the NCNC. Furthermore, a large part of the NCNC advantage came from the Midwestern part of the region where, because of cultural ties, it had significant support.⁴³

The Macpherson Constitution proved unworkable. The quasi-federal character of the Constitution proved to be a step behind the regionalised party structure where no provision existed to enforce party discipline. Furthermore, there were no provisions for separate dissolution of regional legislatures, effectively rendering the constitution a unitary one. The final demise of the 1951 Constitution came during the annual budget session of the legislature held on 31st March, 1953. During that session Anthony Enahoro, Action Group member from Ishan (Benin Province), in a motion requested the House to endorse "as a primary political objective the attainment of Self-Government for Nigeria in 1956". The Northern members objected to the specification of a timetable for self-government on the grounds that they needed time to consult with the people of the North. Ahmadu Bello, the Sardauna of Sokoto, offered an amendment by adding the phrase "as soon as practicable". Another motion was moved by Mallam Ibrahim Iman (NPC-Bornu) for adjournment and during the recess, the Action Group and the NCNC which had been temporarily brought together by the motion threatened to work out if the NPC acted to defeat the motion. The Action Group and NCNC leadership did indeed stage a workout after which the Sardauna of Sokoto on tabling a motion for adjournment *sine die* declared that "the mistake of 1914 has come to light and should go no further".⁴⁴ The British government then admitted that the closely-knit federation envisaged by the 1951 Constitution had proved unworkable.⁴⁵

Consolidation of Regional Parties and Federalism, 1954-1960

The 1951 Constitution, essentially a unitary one, operated however under overwhelming conditions and forces propelling Nigeria towards federalism. The experiment with the Constitution itself almost threatened to dismember the country. It is against this background that delegates representing the major and principal minor parties met in London with repres

Office in July, 1953 to review the Constitution.

Under the Revised Constitution of 1954 (named the Lyttleton Constitution after Oliver Lyttleton, Secretary of State for the Colonies) which was agreed upon by the parties in London, the unitary basis of government was transformed into a federal structure. Residual powers were vested in the regions. The leader of the majority party in each legislature was to become the premier, and each regional government remained in power so long as it retained the confidence of the majority of the members of the Regional House of Assembly. In the East and West full "responsible governments" were to be established, with ministers chosen from among the members of the regional legislatures. In the North, three *ex-officio* (British) members were retained in the Executive Council of the Region. The Northern and Western Legislatures were bicameral, with each having in addition to the House of Assembly, an upper House of Chiefs. At the centre, the federal government remained semi-responsible: the Council of Ministers consisted of three *ex-officio* members; and nine ministers were appointed from among the federal elected legislators in each region. If no party had an overall majority in the Federal Legislature, Federal Ministers would be appointed from among the majority party in the House from each Region.

Part of the agreement reached in London accepted a declaration that would allow for the granting of full self-government over internal matters to the regions then desired it by 1956. The NPC had not been able to achieve the form of extreme regionalism that it desired under the 'eight point program' of the party but as Coleman observed the party came out best as they had gained greater autonomy for the region and conceded nothing on the issue of scheduled self-government.⁴⁵ The Action Group gained from the arrangement which sought to buttress autonomy in the fiscal sphere. The principle of "derivation" under which revenues derived from the regions were to be returned benefited the Western Region from where a substantial revenue was derived from Cocoa. The East least benefited under this principle. The nagging issue of the status of Lagos put the NPC and the NCNC on the same camp as both wanted Lagos to remain a federal territory. The determination of the Action Group to retain Lagos as part of the Western Region drew a wedge between the party and the NCNC. The issue could not be resolved until the 1957 Constitutional Conference.

While the parties were consolidating their hold in each of the regions in the new federal structure, the underlying divisions within each of them began to manifest. In the East, the NCNC had obtained a landslide victory in the phased general election for the Eastern House of Assembly by December, 1953. The party secured 72 seats out of 197 seats. Twelve seats were conceded to the United National Independence Party. Thirteen seats were won in the Southern Cameroons by the Kamerun National Congress, which shunned affiliation with the NCNC and instead demanded separation from the Eastern Region. The Territory was subsequently severed from the Eastern Region and reconstituted as a quasi-federal territory with its own government in 1954. Southern Cameroon attained full federal status in 1958 under the premiership of Dr. M. L. Endeley.

Although the NCNC had firm control of the Eastern Region as the majority legislative ethnic group rallied round the party, intra-party conflict was quite common. However, it appeared to be a separatist challenge to the NCNC's hold in the East came from the

Political Parties and Federalism

diverse minority groups of the former provinces of Ogoja, Calabar and Rivers who agitated for separation and the creation of a Calabar-Ogoja-Rivers State (COR).

In the Western Region, once the Action Group had consolidated its hold on the region, the minority ethnic groups started to demand separation. In 1953, the latent regionalism in the Midwest led to the formation of the Benin-Delta Peoples Party under the Presidency of the Oba of Benin. The formation of the party was endorsed in principle by the Action Group in 1954 to counter the NCNC sweep of the polls in the area in the federal elections of that year. In 1955, the Western House of Assembly unanimously adopted a resolution favouring the creation of a separate state for Benin and Delta Provinces.⁴⁷

In the Northern Region, the dominance of the Hausa-Fulani and the NPC raised fears of domination among the diverse minority groups in the provinces of Adamawa, Benue, Plateau, Kabba, Ilorin and Niger. Prior to 1945 ethnic improvement associations had emerged in the Middle Belt region of Northern Nigeria. Some of these such as the Progressive Union and Birom Progressive Union had become affiliate members of the nation-wide organisational network of the NCNC. The separatist movement of these groups assumed organisational form in 1949 following a private members motion in the Northern House of Assembly which called upon the regional government to restrict the activities of Christian Missionaries in the North.⁴⁸ Christian leaders from the Middle Belt led by Pastor David Lot formed the Northern Nigerian Non-Muslim League. In 1950, the league was converted into the Middle Zone League to emphasize the separatist predilection of its membership.⁴⁹ After a brief period of uncertainty about a common direction for the various groups in the movement, they came together in 1955 under the umbrella of the United Middle Belt Congress (UMBC). Following the inauguration of this body, there was a brief period of cooperation with the NPC. Subsequently, however, the UMBC under the leadership of Joseph Sarwuan Tarka signed an accord with the Action Group in September, 1958 and in the campaign for the Federal Elections of 1959, the UMBC/Action Group Alliance won a substantial number of seats in the Middle Belt on the platform of the desire of the UMBC for a separate Middle Belt State. The strength of the separatist elements in the North and the other regions is reflected in the result of the 1954 General Elections presented in Table 8:2.

Table 8:2

1954 Federal Elections

Region	Party	Seat	
East	NCNC	32	
	United National Party	4	
	Action Group	3	
	Independent Candidates	3	
West	NCNC	28	
	Action Group	18	
	Commoners Party	1	
North	NPC	79	
	Middle Zone (NPC Ally)	2	
	Idoma State Union (NPC Ally)	2	
	Igbirra Tribal Union (NPC Ally)	1	
	Middle Belt Peoples Party	1	
	Action Group	1	
	Independents	4	
	Southern Cameroon	Cameroon National Party	5

Source: Sklar, *Nigerian Political Parties*, p. 35.

In the East, the control of the NCNC was solid as the minority areas of the region poll only 3, but significant, seats for the Action Group. The NCNC's victory in the West the 1954 elections was due, in part, to a strong separatist consciousness of the Midwestern part of the West. In the North, the NPC's hold was solid as even part in minority areas remained in alliance with it. The Action Group won only one seat in the North.

The separatist movement in the various regions had been an issue at the 19 Constitutional Conference and it was decided that the Secretary of State for the Colonies should appoint a commission of inquiry "to ascertain the fears of minorities in any part of Nigeria and to propose means of allaying those fears whether well or founded".⁵⁰ In its report, the Minorities Commission so appointed recommended the provision of safeguards for minorities other than the creation of new states in only one of the existing regions. The Commission could not assert with certainty that broad based majorities in each of the proposed states actually favoured such separation. The Commission was however, quite perceptive in asserting that new minority problems might also arise from the creation of new states.⁵¹

The reaction of the political parties was quite predictable. The NCNC and the NPC which had solid control over their regions received the report favourably while the

Action Group which expected to benefit from the separation of other regions, as the Mid-West was controlled by the NCNC, deplored the report of the Minorities Commission as unrealistic and disappointing. The Action Group, moreover, was making inroads into the minority areas of the North and the East and its official position on the Minorities Commission Report was expected to further its cause.

Because of the opposition of the NPC and the NCNC, and the lukewarm attitude of the British government, no region was created until after independence. The minorities problem remained subordinated to the desire of the major parties to consolidate their hold in the regions and to gain advantage at the federal centre. The relative hold on the regions by the parties is reflected in the 1959 General Elections, presented in Table 8:3 below.

Table 8:3

Regional Strength of Political Parties in the 1959 General Elections

Region	Party	Percentage of Votes	Seats
East	NCNC/NEPU	64.6%	58
	Small Parties, Independents, Niger Delta Congress (NPC Ally)	12.3%	14
	Action Group	49.5%	33
West	NCNC/NEPU	40%	21
	NPC	1.7%	
	Small Parties and Independents	8.6%	8
	NPC	61.2%	134
North	Action Group	17.2%	25
	NCNC/NEPU	16.1%	8
	Small Parties and Independents (NPC Ally)		7

Source: Sklar, *Nigerian Political Parties*, p. 35.

Conclusion

The forces contributing to the development of Nigerian federalism during the colonial period are diverse. Some of these forces included the divergent external influences on pre-colonial Nigerian society; the pattern of the colonial occupation of Nigeria; colonial administrative and social policies; the socio-cultural topography of the country; and the contribution of political parties. The particular contribution of political parties to the evolution of Nigerian federalism is quite significant as the parties provided the most legitimate framework within which demands on the colonial administration and policy were articulated. The role of political parties came in phases which corresponded to the introduction and expansion of the democratic franchise in Nigeria.

The earliest political parties in Nigeria emerged in response to the introduction of the limited franchise granted to residents of the Lagos Colony and Calabar in 1923. The best organised of these were the NNDP, the NYM, and the Nigerian Union of

Young Democrats (NUYD). The interface between political party activity and the evolving federalism did not become obvious during this early phase of the development of the parties. They were broadly concerned with securing better conditions for Africans within the colonial order and seeking greater participation in their own affairs. The consciousness of the parties that existed between 1923 and 1945 may be described as nationalist in the broad sense of anti-colonial nationalism.

The second phase in the relationship between Nigerian political parties and federalism began after World War II when anti-colonial nationalism reached a new crescendo. The response of the colonial government was the introduction of a new constitution in 1946 which converted the Eastern, Western and Northern provinces into governmental regions, each with a legislature in addition to an all-Nigerian Central Legislature. This expanded the scope of political activity. This reform, vigorously condemned by nationalists because it was introduced without consultation set in motion a process of regionalisation which fed and was fed upon by the evolving post-war political parties in Nigeria. The period between 1945 and 1953 may therefore be regarded as the phase of regionalisation of political structure and party.

By 1954 when a new constitutional arrangement came into effect the forces of regionalism had moved so far as to constitute an overload on the largely unitary basis of the 1946 Constitution that was in operation. The 1954 Constitution brokered by the Secretary of State for the Colonies in London between the three major parties NPC, NCNC and Action Group each entrenched in one of the regions, as well as representatives of minor parties transformed the Nigerian Constitution into a federal one. Much of the efforts of the parties between 1954 and 1960 was focused on making in-roads into other regions, through alliances with separatist and dissident parties, consolidating their hold on their respective regions and, in effect, reinforcing the foundation of Nigerian federalism.

Notes and References

1. Early political organisations which existed prior to the introduction of the franchise in Lagos included the Peoples Union; Lagos auxiliary of the Anti-Slavery and Aborigines Protection Society, (L.A.A.S.A.P.S, 1910); and the Reform Club. For details on these groups see T. Tamuno, *Nigeria and Elective Representation 1923-1949*. London: Hieneman, 1966, pp. 41-5; R. L. Sklar, *Nigerian Political Parties*. Princeton: Princeton University Press, 1963.
2. V. H. Dalen and H. L. Zelgler, *Introduction to Political Science, People, Politics and Perception*. Englewood cliffs, New Jersey: Prentice Hall, 1977, p. 197.
3. Tamuno, *Elective Representation*, p. 25
4. *Idem*.
5. In fairness, the party had a strong following among market women associations and resident Muslims of the city.
6. Much of the historical accounts in this section is owed to Tamuno, *Elective Representation*.
7. The NNDP sided with Dosumu over his claims to the throne of Lagos when he had problems being recognised by the colonial authorities. It also had the white cap chiefs among its members.
8. Tamuno *Elective Representation*, p. 48.
9. *Idem*.
10. Although the constitution of the NNDP provided for the formation of branches and auxiliaries in all parts of Nigeria, no function branch was known to exist outside Lagos in the period, 1923-1947.
11. *The West African Pilot*, 22 October 1938 cited in Tamuno, *Elective Representation*, p. 49
12. *Ibid.*, p. 56.
13. Cited in Tamuno, *Ibid.*, p. 51.
14. *Idem*.
15. *Nigerian Youth Charter* (undated).

16. Income requirement which was required for qualification was quite restrictive as few could afford it.
17. Membership of the NYM was drawn more broadly from outside Lagos and the intelligentsia resident there than any previous political organisation in Nigeria.
18. Tamuno, *Elective Representation*, p. 54.
19. *Ibid.*
20. N. Azikiwe, *The Development of Political Parties in Nigeria*. London. 1957, p.10.
21. Quoted in Sklar, *Nigerian Political Parties*, p. 57.
22. *Ibid.*, pp. 52-3.
23. *Ibid.*, p. 53.
24. The loyalty of the Westernized Yoruba from the hinterland lay, at this time, with Azikiwe and the NCNC partly because of the uneasy relationship between them and the original residents of Lagos who tended to look down on those from the hinterland.
25. The Constitution established Regional Legislatures in each of the Three Regions; Representation on these was based on the Local administration known as Native Authorities. The Regional Legislatures sent representatives to the Central Legislative Council. For further details see Eze, *Constitutional Developments*, *op. cit.*
26. Sklar, *Nigeria Political Parties*, *op. cit.* This material is a most valuable secondary source for the remaining part of this work. Also valuable: Coleman, *Nigeria: Background to Nationalism*, *op. cit.*
27. Sklar, *ibid. Nigerian Political Parties*, p. 18.
28. The colonial government, as Coleman observed, was not prepared under any circumstance to grant Nigerians responsible government at the end of the War neither was it willing to compromise the undeniable sound tradition of avoiding an unofficial majority with responsibility. See S. Coleman, *Nigeria: Background to Nationalism*. Los Angeles: University of California Press, 1956 p. 274. p. 274.
29. *Ibid.*, p. 65. See also Coleman, *Nigeria: Background to Nationalism*, pp. 211-215.

30. Sklar, *Nigerian Political Parties*, p. 71.
31. Obafemi Awolowo was concerned not only with the necessity of organising societies along cultural groups but was particularly worried about a decision within his own ethnic Yoruba group; see Obafemi Awolowo, *Path to Nigerian Freedom*. London: Faber, 1947, p. 35.
32. *Ibid*, p. 64.
33. See Sklar, *Nigerian Political Parties*, p. 68.
34. The aims and objectives of the Egbe as set forth in its constitution were quite political. The objectives are reproduced in Sklar, *ibid*. The attacks in the *West African Pilot* in Azikiwe's column "Political Reminiscences" ceased on August 18, 1948.
35. Minutes of the Inaugural Meeting of the Action Group held at Mr. Obafemi Awolowo's Residence, Oke-Bola, Ibadan 26 March 1950 cited in Sklar, *Nigerian Political Parties*, p. 103.
36. *Daily Times*, March 21, 1951.
37. Sklar, *Nigerian Political Parties*, p. 72
38. The colonial government was alarmed at the call by a leading member, Mr. O. C. Ogwuna, for "progressive revolution". He outlined thirteen specific proposals for "positive action" of which only the one calling for refusal to pay taxes was illegal. See *West African Pilot*, November, 9 1948.
39. Many of the future leaders of the Northern Peoples Congress such as Sir Ahmadu Bello, Tafawa Balewa had their educational background in Teachers Training Colleges.
40. Sklar, *Nigerian Political Parties*, p. 92.
41. *Ibid*.
42. NEPU represented the populist strain of resentment against the powerful Emirs and the Native Authority system upon which the dominance of the Northern establishment and British Colonial Administration rested.
43. There had been a delay in declaring the results because both the Action Group and the NCNC had failed to publish the names of their flagbearers until the first session of the Western Regional House of Assembly in January 1952.

44. This was in reference to the amalgamation of the Northern and Southern Protectorates.
45. There was continuing conflict between the regions and the Centre as Regional governments could not amend legislation enacted by the central government which was within the competence of the regions. Also, the central government had powers to veto acts of the regions.
46. Coleman, *Background to Nationalism*, p. 402
47. The issue of a separate region for the Midwest was not resolved until after Independence.
48. Sklar, *Political Nigerian Parties*, p. 346.
49. *Ibid.*
50. *Ibid.*, p. 138.
51. *Ibid.*, p. 139.

RELIGION AND THE COLONIAL STATE

H. O. Danmole

Introduction

Religion has been a significant phenomenon in the lives of Nigerians from pre-colonial times. Religion and the state were inextricably linked together in pre-colonial Nigerian societies. To a very large extent, religion serves as an integrating mechanism because of its influence on the world view of the people that share a common religion, while at the same time, it is a source of potential conflict with those whose belief systems are not the same. In the area that is now modern Nigeria the various ethnic groups that inhabited the area had, through trade, geographical contiguity and other social contacts, maintained inter-group relations for centuries before the advent of colonial rule.¹ These inter-group relations fostered in many respects similar cultural traits through the spread of common belief systems and other socio-economic contacts. It is interesting to note that religion among the Nigerian peoples was not static particularly with the coming of the two world religions, Islam and Christianity, whose spread in Nigeria for centuries before the imposition of colonial rule at the end of the nineteenth century affected in no small measure African traditions. By the colonial period, Islam and Christianity had become widespread religions in the country.

It is the concern of this chapter to examine and analyse the relationship between religion and the colonial state in the development of federalism in Nigeria. In particular, attention will be paid to the role of the colonial administration in enhancing or impeding federalising tendencies through its attitude to, and involvement in, religious matters. This chapter will also examine how religion influenced the socio-political system which operated in the colonial state. Furthermore it examines the role of Islam, Christianity and African religions in the evolution of Nigerian federalism towards the end of the colonial rule.

Religion in essence is culture and where there is a multiplicity of cultures, it is more sensible to organise the state in a way that will take care of the various cultural interests so that there will be a common sense of belonging. As already noted, Islam and Christianity had become leading religions in Nigeria by 1900. However, these religions were to a considerable extent regionally based. Islam in most of the North and Christianity in the Southeast and a mixture of Muslims and Christians in the Southwest. This is not to underestimate the fact that there were many adherents of African Traditional Religion throughout the country. The regional aspects of religion and the religious attitudes of the colonial administration which varied from one part of the country to the other, and which led to unequal political, economic and social development contributed to the emergence of federalism at independence.

Religion and State in Nigeria Before the Establishment of the Colonial State

Before the introduction of Islam and Christianity to the Nigerian area African Traditional Religion was the main religion of the people. This religion maintained relations with the state for as Ogbu Kalu rightly noted the source of all authority were the gods and the rulers their agents.² In this way, Nigerian rulers in the pre-colonial period were conscious of their roles to the people and were always prepared to satisfy their wishes. African traditional religion was used in the day to day administration of pre-colonial Nigeria. For example, the political hegemony of the old Oyo Kingdom rested on its constitution which had its roots in religion.³ Also, the Aro of Igboland used religion to establish their political and economic control over a large area during the same period.

In the eleventh century, Islam which became one of the major religions in Nigeria and which later affected the fortunes of the country was introduced into Borno. Islam gained several adherents through the activities of Borno rulers, most especially Idris Aloma (1570-1602).⁴ The religion continued to spread reaching Kano, according to the Kano chronicle, in the fourteenth century. It was not until the reign of Muhammad Rimfa (1403-1499) that it became widespread.⁵ Other centres in Hausaland such as Katsina, Daura, Rano and Gobir received Muslim scholars and preachers at different times well before the nineteenth century.

By the beginning of the nineteenth century, the Habe rulers in Hausaland were Muslims although Islam was not practised in accordance with the principles and ideals of the religion. This led to a revivalist movement which affected not only Hausaland but many other parts of West Africa. The revivalist movement was led by Uthman Dan Fodio in what is now popularly known as the Sokoto Jihad. So much has been written on the jihad that it should not detain us here. However, it is important to stress that the jihad improved the position of Islam not only in Hausaland but in most parts of what became the Protectorate of Northern Nigeria.⁷ The success of the jihad led to the establishment of the Sokoto Caliphate which, in essence, was an Islamic theocracy. The caliphates was divided into emirates where Muslim law became the instrument of governance. Indeed, emirs in the emirate derived their authority from Islam. It was all part of their duties to protect, defend and spread Islam to other parts of Hausaland and beyond.

While the jihad established a Muslim theocracy in Hausaland, religious development in Borno led to the collapse of the Saifawa dynasty and the emergence of the Shehu dynasty which was also firmly rooted in Islam.⁸ With these developments in Hausaland and Borno there was an interplay of religion and state in the areas. The structure of both the Sokoto Caliphate and Borno in the nineteenth century reflects to a large extent classical Islamic government.

In spite of the tenacity with which Islam was held in Northern Nigeria, Christian missionaries were not deterred from their ambition to spread the gospel to the area. Reportedly, there was an upsurge of Christian work in the middle of the nineteenth century though with little or no success.⁹ Ayandele suggests that not less than seven missionary groups from Britain, the United States of America, Canada and Italy signified interest to begin work in the area.¹⁰ The 1841 expedition of the Reverend J. F. Sch

and Samuel Ajayi Crowther of the Church Missionary Society of London (C.M.S.) was followed by other expeditions to the Niger in 1854 and 1857 respectively.¹¹ Bishop Crowther, it must be emphasised, continued his missionary expeditions in Northern Nigeria at different times in the century. Apart from the missionary efforts of the C.M.S., the Wesleyan Methodist Mission and the Southern Baptist Convention of America carried out expeditions both by land and on the Rivers Niger and Benue to gain adherents to Christianity in Northern Nigeria.¹²

A number of reasons have been advanced for increased missionary work in Northern Nigeria in the nineteenth century. These include: the geographical extent of Northern Nigeria with its open grassland which extends to the Red Sea; the reports of missionaries such as H. Barth which painted a picture of the existence of a high degree of civilization, and the mistaken belief on the part of the missionaries, most especially the C.M.S., that it would be easy to convert Muslims in Northern Nigeria to Christianity.¹³ While it is true that the North had a large open grassland, this fact cannot be used as a yardstick for the spread of Christianity, if account is taken of the spread of Christianity in other parts of Nigeria which lack such a characteristic feature. The civilization in the North was Islamic in character and orientation and could not have favoured the spread of Christianity. It is important to recognise that though some Muslim rulers of Northern Nigeria had cordial encounters with the missionaries throughout the nineteenth century, they perceived the danger inherent in the establishment of mission stations in their emirates as this would affect both their religion and their emirate. They saw the missionaries not only as purveyors of Christianity but also as agents of European imperialism. It was not surprising that in the opening decade of the twentieth century missionary work in the North received a fillip in spite of the colonial administration's attempt to limit the spread of Christianity.

The spread of Christianity in Southern Nigeria is so well documented that it should not detain us much here.¹⁴ Nevertheless a brief mention of the spread of the religion is necessary with a view to understanding our study of religion and state during the colonial period. Several attempts were made in Southern Nigeria before the nineteenth century by Christian missionaries to spread Christianity in the area. Both Benin and Warri had missionaries from Portugal in the fifteenth and sixteenth centuries respectively.¹⁵ However, it was not until the nineteenth century that missionary enterprise in Southern Nigeria achieved a large measure of success. In South-Western Nigeria, active missionary work began in 1842 when the Wesleyan Methodists led by Thomas Birch Freeman reached Badagry.¹⁶ It was not until 1845 that Henry Townsend of the C.M.S. established a mission station in Badagry.¹⁸ With the success of the C.M.S. in Abeokuta, areas around Abeokuta began to feel the presence of Christianity and many mission stations were opened between 1845 and 1859.¹⁹

The C.M.S. established stations in Lagos in 1852, Ibadan and Oyo in 1857 and 1858 respectively.²⁰ Whereas, the C.M.S. was a leading Christian mission in Yorubaland, other Christian denominations also helped to spread the religion in the area. For instance, the South American Baptist established itself in Ogbomosho and Ijaye in 1854, while Catholicism was brought to Lagos from Badagry by the Society of African Missions (S.M.A.) in 1861, although it was not until 1867 that a resident missionary was sent there.²¹ It is relevant here to mention that the spread of

Christianity in South Western Nigeria occurred during the internecine wars which engulfed Yorubaland during the nineteenth century. These wars affected the spread of the religion in varying degrees. However, the wars were effectively used by missionaries particularly the C.M.S. to interfere in the politics of the area.²² The C.M.S. was able to do this because it had the backing of the British whose aim was the colonisation of Yorubaland. As Gbadamosi has observed, the Governor in Lagos from 1862-1886 often received instructions to do what he considered important for the conversion of the people of the country to Christianity and their advancement in civilization.²³ Indeed, most of the treaties entered into by the British with the rulers of Yorubaland in the 1890's had, among witnesses to such treaties, ministers of the C.M.S.²⁴ Thus the ground had already been prepared in nineteenth century Yorubaland for a relationship between Church and the colonial state.

Christianity did not make much progress in Benin and the Western Niger Delta until the late nineteenth century because the rulers in these areas were highly suspicious of the missionaries in the Benin Kingdom.²⁵ Also Nana Olomu of the Benin Kingdom did not give the missionaries opportunity to spread the gospel in the Kingdom.²⁶

In South-eastern Nigeria, Christian missionary activity began with the arrival of the Reverend Hope Waddell of the Church of Scotland Mission in Calabar in 1842. Waddell established a station in Duke Town.²⁷ With the cordial reception accorded him by Chief Eyo Honesty, he established a school at Creek Town.²⁸ Other Christian missionaries arrived in Calabar before the end of the nineteenth century. Such Christian missionary groups included the Qua Ibo Mission, from Belfast in Northern Ireland which arrived in 1887 and the Primitive Methodist Mission from the United Kingdom in 1893.²⁹

The year 1857 was a remarkable year for the growth of Christianity in Igboland because of the Dayspring expedition under Samuel Crowther of the C.M.S. This expedition landed in Onitsha, the gate-way to the heart of Igboland in July 1857. With the acceptance of the request by Crowther for the establishment of a mission station Christianity, although it did not make much progress in Igboland hinterland in the nineteenth century, did spread to towns such as Aboh, Oko, Obosi, Akassa and several others. The C.M.S. was not the only Christian mission that made missionary effort in Igboland through Onitsha; the Roman Catholics were in 1885 led by father Joseph L. to the Igboland where they, with the assistance of the C.M.S., obtained land for a mission station.³¹

Missionary enterprise in the Eastern Niger Delta during the nineteenth century reached Bonny after the middle of the century with the application of George Peppin I of Bonny for a mission station. According to Ayandele, Brass and Okrika had Christian missionaries in 1868 and 1880 respectively.³² In the spread of Christianity in South-eastern Nigeria there was relationship between the state and religion. The Christian missionaries achieved relative success in the area before the imposition of colonial rule because the rulers of these areas not only accepted the missionaries but allocated them lands with which they built their Churches except Jaja of Opobo who, like the rulers of Benin rejected the overtures by the missionaries.³³ Furthermore, the missionaries did not have to contend with Islam as they did in the North, consequently

at the beginning of the twentieth century, Christianity experienced rapid expansion in South-eastern Nigeria.

But the situation in the Southwest was a little bit different from that of the South-east. The missionaries contended not only with African traditional religion in South-western Nigeria but also with Islam. It would be recalled that Islam had also spread to Yorubaland before the beginning of the nineteenth century, although it assumed a greater momentum in the nineteenth century with the Sokoto Jihad which extended to Ilorin in Northern Yorubaland.³⁴ Both Muslim missionaries from Ilorin and Muslim returnees from Brazil and Sierra Leone formed the core of Muslim mallams who helped in the spread of Islam to different parts of Yorubaland.³⁵ In Lagos, the Muslims were actively involved in the struggle for trade between the British and Oba Kosoko who had always patronised the Muslims. In 1850 when Kosoko was forced into exile in Epe by the British, his Muslim supporters followed him to Epe. Kosoko and his supporters were not allowed to return to Lagos until 1862.³⁶ Towards the end of the century, the colonial administration in Lagos had to use the good offices of the Chief Imam of Lagos to intervene in its imbroglio with the Ilorin Emirate.³⁷ Although the efforts of the delegations sent by the chief of Ilorin proved abortive, the colonial administration would seem to have appreciated the political influence of the Muslims.

By the beginning of the colonial period both Islam and Christianity had had considerable percentages of adherents in the area, in spite of the persistence of African traditional religion. With the establishment of the colonial state throughout Nigeria, Islam was the predominant religion in the North, Christianity and African traditional religion in the Southeast, while there was a mixture of Islam, Christianity and African traditional religion in the Southwest. These religions were important in the affairs of the colonial state. The attitude of the colonial administration which varied from one area to the other contributed to the type of government that emerged just before the end of colonial rule.

Religion and the Colonial State to 1945

The Nigerian federation emerged in a piecemeal fashion. Even before the conquest of what later became Nigeria, the British had been making preparation on how the area was to be administered. As part of the preparation the Selborne Committee was set up in 1898.³⁸ This committee advocated the division of the country into two administrative units, namely, the Sudan and the Maritime Provinces.³⁹ By 1900, however, a Protectorate was declared over Northern Nigeria. This was followed in 1906 with the merging of the colony and Protectorate of Lagos with the Protectorate of Southern Nigeria.⁴⁰ Clearly, by 1906 the whole country was divided into two as the Selborne Committee had recommended. A step further was taken in 1914 with the amalgamation of the Northern and the Southern Protectorates; with this amalgamation, a Nigerian State was born under British Administration. Further efforts were made in 1939 with the division of the Southern provinces into two. Moreover, the constitutional developments of the post-Second World War period led to the emergence of a federal State.⁴¹

In the administration of Nigeria, the colonial administrators led by Lugard took cognisance of the cultural background of the various peoples of the country with a

view to achieving a hitch-free administration. Thus, religion which provided a common sense of unity against the British conquest of Northern Nigeria had to be reckoned with. In doing this, however, the colonial administration's attitude to religion in the North and the South was not the same. This attitude later lent weight to federalising tendencies in Nigeria. As Islam received the blessings of the early colonial administrators in Northern Nigeria, Christian missionary work was limited there. But in Southern Nigeria both Christian and Muslim missionaries had a field day. This different attitude led to imbalance in social and economic development in the emergent state such that by the end of the colonial state, the unity of the country could only be guaranteed by the adoption of a constitution that took care of equitable power-sharing.

When Lugard declared a Protectorate over Northern Nigeria, he wanted to consolidate the position of the colonial power and at the same time enjoy the confidence of the Muslim rulers of Northern Nigeria. He therefore promised not to interfere with their religion, that is, Islam. Indeed, while addressing the Waziri and Headmen of Sokoto in 1903, Lugard said:

There will be no interference with your religion nor with the position of Sarkin Muslim as head of your religion. The English Government never interferes with religion, taxes, law and order, punishment of crime, these are matters for the Government not religion.⁴²

Sokoto was not the first place where Lugard first spoke in this vein. Earlier in 1901, he had assured the Lamido of Adamawa that the colonial administration would not interfere with religion.⁴³

In enforcing his non-interference in the religion of the emirates Lugard discouraged Christian missionaries from opening mission stations in the emirates. For instance, Lugard was not happy with the C.M.S. missionaries led by Bishop Tugwell who went to Kano in 1900 without prior permission.⁴⁴ The missionaries were given three days to leave Kano. In fact the Magaji and the messenger who received them were severely punished. Emir Aliyu (1892-1903) of Kano told Bishop Tugwell categorically that he (Tugwell) was not wanted there.⁴⁵ Lugard who had promised non-interference was reportedly embarrassed by this visit most especially during the period when Lugard was struggling to gain the confidence of the Emirs.⁴⁶ Margery Perham has indicated that Lugard did not want to arouse Muslim sensitivities which might lead to a bloody confrontation between the people of Kano and Tugwell's party.⁴⁷ There is also evidence to suggest that Lugard did not want a situation where brute force would be used in Kano because of religion.⁴⁸ The failure of Tugwell's mission affected Christian missionary work in Kano and its attendant introduction of western education to the heartland of Northern Nigeria.

In spite of the promises of the colonial state not to interfere in the people's chosen religions, as soon as the Protectorate of Northern Nigeria was formed, the administration gave permission to the C.M.S. to open a mission station, some sixty four kilometres South of Zaria.⁴⁹ Also, the C.M.S. moved its mission to Zaria in 1904 with the approval of the administration. But before approval was given to the C.M.S. to move to Zaria, the Resident of the Province had found out from the Emir of Zaria if he

had objection to the move.⁵⁰ It seemed that the Emir did not object to the coming of the C.M.S. to Zaria. Perhaps a more interesting aspect of the preliminary investigation towards the coming of the C.M.S. to Zaria was the explanation given to the Emir by the administration that the colonial government was "entirely neutral" on matters of religion.⁵¹ Indeed, the administration could not have been neutral since it needed Islamic political institutions already in existence in the emirate for the purpose of governing the area, as will be shown later.

The colonial state in Northern Nigeria during its early days was perhaps in a dilemma over the maintenance of the status quo and freedom of religion. Lugard himself testified to the dilemma which the colonial administration faced with respect to missionary activities. He wrote:

The difficulty lies in the fact that if the advent of missions is authorised by the Government, it is extremely difficult to avoid the conclusion in the minds of the people that they are under the special aegis of government. The missions would not withdraw at the behest of the paramount chief, as they would have been compelled to do before the advent of the British administration and would look to the government for protection. In a country where it is of vital importance to maintain the prestige of Europeans, insults to missionaries must of necessity be resented by the government.⁵²

Despite the fears of Lugard, the Emirs still saw Christian missions as partners of the colonial administration. Lugard left Northern Nigeria in 1906 and was succeeded by Sir Percy Girouard, who continued the attitude of Lugard towards the Christian missions. However, Sir Hesketh Bell, who was less keen in restricting missionary work in Northern Nigeria, succeeded Girouard in 1909. Bell gave the C.M.S. the permission to start work in Kano in 1909, but the mission could not start work there until the 1920s because of the disapproval of the Colonial Office in London.⁵³ It would appear that the Colonial Office was not prepared to do anything that might endanger peace in the emirate.⁵⁴ The position of the Colonial Office was in consonance with the stance of the Governor of Nigeria, Sir Hugh Clifford, who expressed misgivings about the penetration of Christian missions into the Muslim emirates of Northern Nigeria in an address to the Legislative Council of Nigeria in 1924.⁵⁵

Be that as it may, in the 1930's Christian Missionaries through their relentless efforts had become friendly with some of the Emirs. For instance, in the Jarawa district of Bauchi emirate, the Emir of Bauchi allowed the opening of a mission station.⁵⁶ Also in Gwandu emirate the Sudan Interior Mission under Mr & Mrs. Playfair was able to secure a site in Gwandu.⁵⁷ The Colonial administration was very cautious in granting permission for the opening of mission stations in Northern Nigeria because it feared that the location of such stations would cause a breach of the peace which might lead to unnecessary problems for the administration. Furthermore such stations must not undermine the powers of the Native Authorities.⁵⁸ This explains the location of Churches in the *Sabon Garis*.⁵⁹

Also in the establishment of mission schools the colonial administration realised

that through such schools the missionaries would want to gain converts. It therefore gave certain conditions for the opening of mission schools. These conditions, without doubt, were aimed at limiting the extent of missionary activities in colonial Northern Nigeria. For instance, individuals could not be summoned to participate in Christian worship, although they could be invited but not forced to attend. Not only that, the mission must neither interfere with the local custom nor force anybody to listen to preaching. Furthermore, missions must build their schools and chapels only on sites allocated specifically for that purpose by the colonial administration or the Native Authorities.⁶⁰ These guidelines appear to have been largely adhered to throughout Northern Nigeria as most of the mission schools were located not only on sites separate from their churches and Chapels but also in non-indigenous areas. A survey of mission schools and Churches in Ilorin, Kano, Sokoto and other emirates illustrates very well this assertion. Closely connected with the protection of Islam was the structure of administration in Northern Nigeria. Lugard, with a view to saving cost in running the vast area of Northern Nigeria, opted to use the pre-colonial administrative machinery in the North. He therefore adopted what is now popularly known as the Lugardian style of Indirect Rule.⁶¹ The adoption of this method of administration had implications for the colonial state and the evolution of federalising tendencies. The Lugardian style of Indirect Rule emphasized authority through the emirs. Indeed, the main component of Indirect Rule was the Native Authority. Therefore, important emirs such as the Emirs of Kano, Katsina, Gwandu, Zauzau, Ilorin and others were appointed Sole Native Authorities in their emirates.⁶² J. N. Paden has observed that one of the earliest legislations by the Emir of Kano as the Sole Native Authority was the prohibition of the importation of liquor into Kano Emirate.⁶³ In fact, the prohibition of the importation of liquor had attracted the attention of some of the emirs and the missionaries even before the imposition of colonial rule. It is noteworthy that the consumption of liquor is prohibited in Islam.

These emirs exercised considerable authority over a wide variety of matters. They controlled the appointment and dismissal of officers, although in certain cases they had to receive the approval of the Residents.⁶⁴ Thus, the emirs had the opportunity to protect their region through the appointment of Muslims to important offices of the Native Administration. Furthermore, the institutions of the Native Administration, namely, the Emirs, the *Alkali* courts and the *bayt-al-mal* were mostly Islamic in character.⁶⁵ The use of Islamic political and legal institutions meant that most of the personnel in the administration were Muslims. In this way, Islam permeated the administrative structure of the colonial state in Northern Nigeria.

But in spite of the role of Islam in the administration of the emirate from the beginning of the colonial state in Northern Nigeria, the colonial administrators were not at ease with any prospect of Islamic fundamentalism wearing the garb of Mahdism. As early as 1906, a Mahdist uprising in the village of Sariru in Sokoto was brutally put down by the British ostensibly because the emirs did not support the rebellion. Indeed, the colonial administration in Northern Nigeria believed that Mahdism was a serious political problem which should not be allowed to get out of hand. This was why Said B. Hayatu, one of the foremost Mahdi leaders, was sent into exile to Buea in the Cameroons in 1923.⁶⁷ His followers settled in Kano where he himself returned to

1946.⁶⁸

Inextricably connected with the system of indirect rule and the exclusion of missionary work in the emirates of Northern Nigeria was the introduction of western education. Since the missionaries found it relatively difficult to establish stations in the emirates, it was not easy for them to establish schools as they did in Southern Nigeria. Consequently western education did not spread in Northern Nigeria as it did in the South. This is not to say that the colonial administration did not make proposals for education; rather, their educational proposals from the period of Lugard in 1900 to E. G. Morris' education reform in 1939 had religious bias which emphasized relationship between government and Muslim schools.⁶⁹ The position of the colonial administration can be explained in economic and political terms. Put simply, the colonial administration wanted Islamic schools as a way of spreading education at little cost. It would, however, be recalled that Islamic education was the only form of education in pre-colonial Northern Nigeria. Thus, collaboration between government and Islamic-schools would help to reduce the suspicious of the Muslim rulers of Northern Nigeria over western education. Furthermore, Islamic institutions suited the system of Indirect Rule as products of such schools could secure employment in the Native Administration.

Nevertheless, the colonial administration helped to spread western education. The opening of a government school at Nasarawa in Kano in 1909 led to the expansion of western education in Northern Nigeria as pupils were sent to the school from other emirates.⁷⁰ Provincial schools were also established in the provinces, although government schools were not as popular as the Islamic schools. This led the colonial administration to infuse Islamic elements into the curriculum of the government schools.⁷¹ It should be recognised that Christian religious instruction was also taught in schools established by the administration. While the opening of Katsina College in 1922 was a step forward in Northern Nigeria, particular attention was paid to the study of Arabic and Islamic studies in the college, although this reduced drastically in the 1940's possibly with the establishment of Kano Law School in 1934.⁷²

Meanwhile, missionaries right from the early days of colonial rule had sought to establish schools in the emirates. For example, Miller's attempt to start educational work in Zaria in 1903, though accepted by Lugard, was frustrated by Lugard's successors.⁷³ The missionaries had to move to emirates with a sizeable population of non-Muslims such as Ilorin, Bida, Bauchi, Gombe, Keffi and several others as well as non-Islamized areas of Northern Nigeria such as the Jos Plateau area, Lokoja, Kabba and others. There is no gainsaying the fact that the educational policy pursued by the colonial administration in Northern Nigeria contained serious elements of religion which subsequently affected the polity of the colonial state. Whereas, government and missionaries partook in educational development in Southern Nigeria as will be shown later, the religious attitude which pervaded the policy in Northern Nigeria created an imbalance in educational development which somewhat impeded equal development but paved the way for federalising tendencies during the period of decolonisation.

The situation in Southern Nigeria was quite different from what obtained in Northern Nigeria as mentioned above. The colonial administration did not restrict Christian missionaries in their evangelical and education work, in as much as such was

did not conflict with the authority of the administration. The religious atmosphere which did not inhibit the spread of Christianity led Christian denominations such as the Catholic, the Anglican, the Presbyterians and others to struggle for spheres of influence particularly in South-eastern Nigeria.⁷⁴ Meanwhile, in the Southwest, Muslim missionary societies founded after the imposition of colonial rules as well as Christian missionaries had the opportunity to preach their religions. This development led to increase in the number of churches and mosques in Southern Nigeria.

However, the freedom of religion which the administration offered did not mean that it was not at a cross roads with religious groups, be they Christians, Muslims or adherents of African traditional religion. Few examples will convey the flavour of this point. Between 1904 and 1909, the colonial administration in Lagos under Governor Egerton proposed to build from tax-payers money a colonial church which would be a place of worship for Europeans only. This proposal was vehemently opposed at first and by the Legislative Council because of the segregational intent of the administration.⁷⁶ In spite of the opposition to the proposal it came back to the Council in the form of a resolution for approval which it received through the manoeuvres of the Governor.⁷⁷ The few educated elite in the Legislative Council who opposed the establishment of a colonial Church did so from their patriotic feelings. It is important to stress here that Christians in Lagos were in the forefront of the protest against the administration when the colonial state rejected the request by Muslims for a loan of £1,500 (One Thousand five Hundred Pounds) to supplement their contributions towards the building of their Central Mosque.⁷⁸ While the request of the Muslims was rejected on the grounds that it was for a religious purpose, the same administration granted a loan to Bishop Tugwell to build a Sailors Institute.⁷⁹ It was clear that the administration did not keep off religion.

The intervention of the colonial state in religion in Southern Nigeria can also be perceived in its involvement in the crisis of the Lagos Muslim Community. As part of its contribution to social development, the colonial administration introduced pipe-borne water in 1916 and immediately followed it up with the introduction of the payment of water rate.⁸⁰ The introduction of water rate attracted opposition and found favour across religious lines. The water rate affair increased the tension which was already within the Muslim Community because of internal intrigues. The politics of the water rate affairs has been well documented,⁸¹ it is sufficient to say here that the administration interfered in the affairs of the Muslim Community on the grounds that it was its duty to promote peace and good government in Lagos. But it was clear that the administration supported the group within the Muslim Community that supported the introduction of water rate. Indeed, a section of the Lagos Press that always supported the policies of the colonial administration attacked the Muslim group that did not support the administration throughout the crisis.⁸² Furthermore, the Muslim crisis and the partisan intervention of the administration affected the politics of Lagos in general. The withdrawal of official recognition granted to Oba Esugbhai Eleko, the suspension of his salary and his eventual deposition in 1925 can be traced to the crisis of the Muslims fuelled by the colonial state.⁸³

In its involvement in religion in Southern Nigeria, the colonial state did not spare African traditional religion, perhaps because of the anti-colonial posture of the

adherents of this religion. At times, in conjunction with the Christian Missionaries, the colonial administration dealt with members of secret societies even when they were not guilty of performing evil deeds. One of such examples was the Ekumeku Movement of Asaba in 1902.⁸⁴ Also, in the words of Ogbu Kalu "the colonial state was paranoid about oracles".⁸⁵ The colonial administration in South-eastern Nigeria continued to look out for members of secret societies who might want to revive Ibin Ukpabi oracle of Arochuku (Long Juju) many years after an expedition to wipe it out completely.⁸⁶ While the examples are indicative of the extent to which the colonial administration's attitude differed from region to region, their differences in attitude explains the unabated spread of both Islam and Christianity in Southern Nigeria.

The colonial administration also watched carefully the activities of faith healing Pentecostal churches founded particularly in Yorubaland during the second and third decades of the twentieth century. The stance of the administration stemmed from their perception that these churches were not recognised and their practice was at variance with local customs and good government. The administration went to the extent of discouraging the people from joining this kind of churches. For instance, both the Ooni of Ife and the Owa of Ilesa were enjoined by the administration to prevent the establishment of churches such as Cherubim and Seraphim and other Aladura churches in their domains.⁸⁷ Furthermore, the administration was against the churches because of the anti-tax position of these churches in Ondo province in the 1930s and the prophecies of the founders of these churches which were considered inimical to the interest of the colonial administration.⁸⁸

In the realm of partisan politics, the 1922 Clifford's Constitution which was promulgated as a response to the demands of the Lagos educated elite and which was purely a political move brought Muslims in Lagos to the fore-front of party politics. Relevant to our analysis here is the provision for the principle of election in the constitution. Lagos and Calabar were to elect four unofficial members of the Legislative Council through adult male suffrage. Three of these members were to represent Lagos and one, Calabar.⁸⁹ This led to the formation of one of the earliest political parties in the country, that is, the Nigerian National Democratic Party (NNDP) with Herbert Macaulay as its leader. The initial support for this party came from the Muslims of Lagos. Muslim social societies in Lagos such as Egbe Killa (Killa Society) and others were converted into blocs for the support of the NNDP.⁹⁰ The success which the NNDP recorded in elections to the Legislative Council between 1923 and 1934 can be seen in terms of the collaboration between Herbert Macaulay, a Christian, and a large section of Muslims in Lagos including the traditional elite (who were mostly Muslims) who shared common attitudes towards the colonial administration. The NNDP, it should be recognised, sharpened the approach of Muslims in Lagos to party politics during colonial rule. Not only that, the party brought together Muslims and Christians in a struggle against some obnoxious policies of the colonial administration in Nigeria.

In Southern Nigeria, Christian missionaries were the bulwark of secular education during the colonial period. Even before 1900 missionaries had been providing public education in the area. The C.M.S., the Roman Catholics, the American Baptist and Christian Missionary Societies established both primary and secondary schools in different parts of Southern Nigeria. In the Southwest, Muslim Missionary Societies

which were founded in the early years of the imposition of colonial rule such as the Ahmadiyya Movement in Islam, the Ansar-Ud-Deen Society, the Zumratul Islamiyya Society and others established primary and secondary schools to cater for the need of Muslims who feared that they might be converted to Christianity if they attended Christian missionary schools.⁹¹

Apart from schools established in Lagos, Ibadan and Umuahia, provision was also made for girls' education up to secondary school level.⁹² The colonial administration did not stop at establishing schools. In 1903 the administration introduced an education code which served as a guideline on government policy.⁹³ The establishment of many schools by both the government and religious societies in Southern Nigeria accounted for educational development in the area. Thus, the attitude of the colonial administration to religion in Southern Nigeria was responsible, in part, for the phenomenal imbalance in educational development between northern and southern Nigeria before 1945 and after. Education, it must be emphasized, contributed to differences in political, social, economic and cultural outlook.

On the face of it, these differences constituted an impediment to the evolution of federalising tendencies. But a closer look at these differences also points to them as roots of Nigerian federalism since the nature of federalism in the words of W. A. Livingstone is

to be sought for, not in the shading of legal and constitutional terminology but in the forces economic, social, political, cultural that have made the outward forms of federalism necessary . . . federal government is a device by which the federal qualities of the society are articulated and protected.⁹⁴

From the inception of the colonial state, the attitude of the colonial authority to religion took cognisance of the diverse nature of the Nigerian state. This is consistent with a distinguishing characteristic of a federal government. There is no doubt that the diverse nature of colonial Nigeria must have greatly influenced both the colonial administration and the Nigerian nationalists to settle for a federal system of government during the period of decolonisation.

Unwittingly, the colonial administration sowed the seeds of a federal system of government as far back as 1st April, 1939, by the division of the southern provinces into two the eastern provinces and the western provinces. According to Tamuno, Southern Nigeria was divided into two because of difficulties in communications and the ethnography of the area.⁹⁵ Religion may not have been important in the development; nevertheless Northern Nigeria which was dominantly Muslim and which had similar ethnographical problems to the South was left intact despite its vastness. This division seemed to have paved the way for the 1946 Constitution which introduced regionalism into Nigerian politics. This constitution and others that followed it led to the emergence of federalism in 1954.

Religion and the Colonial State in the Era of Decolonisation 1946-

1960

Developments in Nigeria particularly after the Second World War created an atmosphere for phenomenal religious interaction which somewhat aided federalising tendencies during the process of decolonisation. Many reasons can be posited for this increase in religious interaction. First, there was improved communication between the North and the South which came as a result of the construction of the colonial railways linking the different areas of the country for easy exploitation of the rich natural resources of Nigeria such as cocoa, coal, tin, cotton and groundnuts. However, through the rail link, Muslims and Christians moved to major cities of Nigeria as traders and proselytizers. Apart from the railways, the colonial administration also built roads and bridges to link various towns and areas rich in agricultural resources. These roads also enhanced movement of people of different creeds to many parts of the country, bringing along with them their religions.

Improved communications created opportunities for rural dwellers to move into towns and cities for gainful employment irrespective of religious beliefs, thus creating in Nigerian cities and towns a long population of the adherents of the two popular world religions—Islam and Christianity. Closely associated with this was the growth and development of towns and cities as major commercial centres.⁵⁹ Such towns and cities include Lagos, Ibadan, Enugu, Onitsha, Benin, Kaduna, Kano and Jos, to mention just a few. The presence of colonial administrative establishments and multi-national companies such as the United African Company (UAC), Lever Brothers, Societe Commerciale de l'Ouest Africain (SCOA), Compagnie Francaise de l'Afrique Occidentale (CFAO) and many others in these towns and cities provided employment opportunities for a continuous movement to the towns. This led to increase in the building in the towns and cities. Apart from that, Nigerians from different walks of life in these major cities worshipped together in mosques and churches. This, in turn, created room for mutual understanding.

The increased pace of constitutional development in Nigeria between 1945 and 1954 gave a boost to party politics in Nigeria. Political parties such as the Northern Peoples Congress (NPC), the Northern Elements Progressive Union (NEPU) and the Action Group (AG) were founded. The National Council of Nigeria and the Cameroons (NCNC) had been founded earlier in 1944.⁶⁰ These parties, like the ones before them, were made up of people of different religious persuasions with common political aspirations. Indeed, the motto of the N.P.C. which was the dominant party in Northern Nigeria with large Muslim support was as early as 1952 "ONE NORTH, One People Irrespective of Religion, Rank and Tribe"⁶¹ This motto catered for the diversity of religious beliefs of its supporters on the one hand, but it was also a positive step towards ensuring the support of the non-Muslim Middle Belt area of the region for the party on the other.

While the AG maintained links with both the educated and the traditional elite in the Western Region who were Christians, Muslims and African traditional religionists alike, the NPC did the same thing in the North which was their stronghold by maintaining close contacts with the traditional elite who were mainly Muslims and were in charge of the Native Authorities. The NPC also associated with the non-Muslim

leaders of the Middle Belt. These links ensured popular support for the parties in their respective regions. Clearly, both the NPC and the AG emphasized regional orientations while the NCNC was more nationalistic. Be that as it may, all these parties aggregated the political and social interest as well as executed the collective will of their supporters during the period of decolonisation. The parties were the vehicles which Nigerians rode on to exert pressure on the colonial administration. Nigerian nationalists of diverse religious backgrounds in their parties fashioned out, with the co-operation of the colonial administration, a federal constitution in 1954.

After the adoption of a federal constitution in 1954, there were still fears of political, religious, and other forms of domination within the federation. These fears led the colonial administration to set up the Minorities Commission in 1957. The terms of reference of the Commission were largely political; nevertheless, it received memoranda from religious groups. The Commission collected large amounts of memoranda and held its sittings in various parts of the country.⁹⁹ During the course of the Commission's work Christians in Northern Nigeria expressed fears of political domination while Muslims from the Western Region and Lagos expressed dissatisfaction with the governments of their respective areas on political and social issues. A few examples will illustrate this point. Christians in Northern Nigeria, most especially those in Ilorin and Southern Zaria, were not happy over the manner in which the Emirs appointed District Heads. The Christians also expressed their concern over the domination of Muslims as first class chiefs in Northern Nigeria. This was because out of the fifteen first class chiefs, only the Tor Tiv was a first class Christian ruler.¹⁰⁰ Perhaps the most important of the fears expressed by the Christians was the continued use of Muslim law by the administration.¹⁰¹ The Commission established that some of those employed in the Alkali courts and the Native Authority Police had a soft spot for the Northern Peoples Congress which was the ruling party in Northern Nigeria. It was with a view to redressing this complaint that the Commission recommended that non-Muslims should be allowed to have their cases treated in non-Muslim courts.¹⁰²

It is, however, important to note that the Northern Regional Government also told the Commission that the government had no intention of giving any religious advantage to one religion at the expense of the other. In 1958, the Premier of the Region, Sir Ahmadu Bello, re-assured Christians when he said that

earlier this year we sent delegation consisting of both Muslims and Christians, to Libya, Pakistan and the Sudan all of them newly independent states and all of them predominantly Muslim in order to study how their governments manage the difficult business of looking after people of different races and creeds. . . . At the same time, I want to emphasize two things. Firstly, our government is a government of Northerners, both Muslims and Christians. We wish to allow all men to practise their religions as they wish. I should like to assure you that the declaration I made on behalf of the Government last year holds good, and that we mean it from the bottom of our hearts.¹⁰³

This statement must have not only sufficiently allayed the fears expressed by the

Christians in the region, but also contributed towards building a Nigerian federation where freedom of religion was allowed.

Unlike in the Northern Region, Muslims in the Western Region expressed 'ears over the neglect of Muslims in the affairs of the region. The Muslims complained of poor funding of Muslims schools in the region, the exclusion of Arabic language in the curriculum of primary schools in the region, the conversion of Muslim children to Christianity and inadequate representation of Muslims in the regional executive Council. The Muslims in the region took these complaints to the Minorities Commission through the National Muslim League, a political party founded in 1957.¹⁰⁴ This party, it should be stressed, was attacked vehemently by Chief Obafemi Awolowo, the Premier of the Western Region and President of the Action Group, the ruling party in the region. Chief Obafemi Awolowo's antagonism towards this party stemmed not from the issues raised by the party with the Minorities Commission, but from the fact that the party was based on religion and that it was a threat to the Action Group particularly when the Action Group was contending with the deposition of Alaafin Adeniran Adeyemi II of Lagos in 1956.¹⁰⁵ The Alaafin was a Muslim who had the support of his people. Regarding the complaints of the Muslim League before the Commission, there is no evidence to suggest that Muslims were under-represented in the regional Executive Council in 1957. However, other records show that even before the establishment of the Minorities Commission, the regional administration had attempted to improve the conditions of the Muslims in the region through various educational measures which the Muslims did not respond to adequately.¹⁰⁶

The National Muslim League was not the only political party with religious bias that submitted memoranda to the Minorities Commission. The United Muslim Party, which was formed in 1953 by a group of Muslims in Lagos, also submitted memoranda to the Commission. Even before the establishment of the Commission, the party had been a vanguard for the promotion of the welfare of Muslims in Lagos. On the occasion of the visit of Queen Elizabeth II of England to Nigeria in 1956, the party petitioned Her Majesty through the Governor-General of the Federation, Sir James Robertson, respecting the disparity on grants to Christian Mission Schools and those of Muslim Mission Schools between 1946 and 1952. In the petition, the party also criticised the preference shown for Christian worship during national ceremonies and requested that both Islam and Christian should be given equal recognition in such ceremonies.¹⁰⁷ As early as 1955, the party called for the creation of a Lagos region.

Of all these demands, it was the funding of education that the party emphasized in its submission to the Minorities Commission.¹⁰⁸ Although the party did not make much impact on Lagos society, the establishment of the Minorities Commission gave the party the opportunity to further bring into public glare the feelings of a section of the Muslim community towards the colonial state in Lagos. It is instructive to state here that the fact that the Minorities Commission gave a listening ear to the yearnings of minor Muslim Parties demonstrated the desire on the part of the colonial state to allay, to a large extent, the fears of the Muslims, and redress the grievances of various groups of people in Nigeria. Without doubt, the provision of Fundamental Human Rights which enjoins freedom of religion and association in the Independence Constitution of 1960 seemed to derive from the findings of the Minorities

Commission

Generally speaking, the colonial state recognize, the importance of cultural diversity which is largely a factor in any Federal system. Religion as mentioned earlier is rooted in culture; therefore religious diversity was adequately provided for in the Independence Constitution and in official documents. Provisions were made for the establishment of the Sharia Court of Appeal and a Court of Resolution in the Northern Region. While the Sharia Court of Appeal was mainly concerned with matters affecting only Muslims, the Court of Resolution was to deal with issues that had to do with the jurisdictions of the High Court of the region and the Sharia Court of Appeal.¹⁰⁹ It is important to mention that it was only in the Northern Region that Alkali and the superior Court of Appeal were established to cater for the special need of Muslims. It is also pertinent to observe that the provision for a Court of Resolution was peculiar to the Northern Region.

On civil occasions and public holidays, religious diversity was also officially recognized by the colonial state. In providing for religious diversity, however, both Christianity and Islam were favoured at the expense of African traditional religion. Thus, during the annual opening of the court year, services were held in churches because most of the judges were Christian. In the administration of oath in the law courts or other official engagements, the Quran and the Bible were used by Muslims and Christian respectively. In addition to the administration of oaths, Muslims and Christian enjoyed official public holidays to the detriment of adherents of African traditional religion.¹¹⁰ This is understandable because of the variety of African traditional religions in Nigeria whose practices varied from one part of the country to the other. The practice of observing Muslim and Christian holidays continues till this day. In colonial military establishments, the diversity of religion was also upheld. There were, and still are, Chaplains in Nigerian military formations which took care of the spiritual needs of the Christian. Mosques and personnel were, and are still, provided to care for the spiritual well-being of the Muslims. By providing specially both for Islam and Christianity in the armed forces, the colonial state contributed immensely to the foundations of Nigerian federalism.

Conclusion

Religion had been a crucial factor in the social and political organisation of various Nigerian societies well before the establishment of a colonial state in Nigeria at the beginning of the twentieth century. Without doubt, religion was the bedrock of culture among the peoples of Nigeria even before the advent of Islam and Christianity. Indeed, the role of religion in the evolution of the Nigerian state increased with the spread of Islam in Northern Nigeria. The legitimacy of the rulers of the Sokoto Caliphate and Borno rested on Islam. This, as noted in the chapter, explains the unity of purpose in the resistance of these areas to the British conquest at the turn of the nineteenth century. The stiff resistance which was chiefly anchored on religion came to influence the attitude of the founders of the colonial state to religion.

We have shown that in the opening years of the twentieth century when the colonial state was established, both Islam and Christianity had spread, in varying degrees to different parts of Nigeria, with the North being predominantly Muslim with

established Islamic political institutions which the British utilized in the administration of the area. Consequently, Christian missionaries, who were the harbingers of Western education and ideals, were not allowed to expand their activities as they would have liked to do so in the area. But Christian and Muslim missionaries were not hindered in Southern Nigeria, though they were carefully watched by the agents of the colonial state. At the same time, the colonial state tacitly supported the destruction of African Traditional Religion. This attitude of the colonial state to religion had far-reaching implications for the evolution of federalising tendencies in Nigeria. It created imbalance in educational development and also widened the gap in the country's political, social and cultural outlook. The import of these differences for Nigeria was the inevitability of a constitution that would cater for various groups and their levels of development in the country. Such a constitution is a federal one. Therefore, the foundation of Nigerian federalism can be traced to religion among several other factors.

It was not surprising that a federal constitution was adopted in 1954. Although religious minorities still nursed fears of religious domination in different parts of the country after the 1954 constitution, the colonial state established a machinery to investigate these fears. The result was the provision of Fundamental Human Rights in the Independence Constitution of 1960.

Notes and References

1. Obaro Ikime, "In search of Nigerians: Changing Patterns of Inter-group Relations in An Evolving State". Presidential Inaugural Lecture delivered at the 30th Congress of the Historical Society of Nigeria at the University of Nigeria, Nsukka on 1st May, 1985. Cf. *Foundations of Nigerian Federalism*, Vol. 1, esp. Chap. 14 for fuller discussions on the subject of the pattern of inter-groups.
2. Ogbu Kalu, "The Religious Factors in Nigerian History". Paper presented at the Workshop on the Teaching of Nigerian History from a National Perspective, University of Lagos, Lagos, February 2-8, 1988, p. 7. See also his "Religions in Nigeria: An Overview", Chapter 2, in J. A. Atanda et al. *Nigeria Since Independence, The First 25 Years*. Volume IX. Ibadan: Heinmann, 1981. pp. 11-24.
3. J. A. Atanda, "The Fall of the Old Oyo Empire: A Reconsideration of its cause" *Journal of the Historical Society of Nigeria (JHSN)* 5, 4, pp. 477-90.
4. A. E. Afigbo, "The Aro of Southeastern Nigeria: A Socio-Historical Analysis of their Origin" Parts I & II, in *African Notes*. Vol.6, 1970-71. Vol. VIII, (1971-72). K. O. Dike and Felicia Ekejuba, "The Aro State: A case study of State Formation in South Eastern Nigeria, *Journal of African Studies (JAS)* 5, 3, (1978)
5. J. E. Lavers, "Kanem and Borno to 1808", Chapter 10 in Obaro Ikime (ed) *Groundwork of Nigerian History*. Ibadan: Heinemann, 1980), pp.187-209. See also J. E. Lavers 'Islam in the Bornu Caliphate', *Odu: A Journal of West African Studies*, No. 5 (1971), pp. 27-53.
6. J. O. Hunwick, "Songhay, Bornu and Hausaland in the Sixteen Century", in J. F. Ade Ajayi and Micheal Crowder (eds), *History of West Africa*. Vol.1. Ibadan: Longman, 1971, pp. 234-301; S. A. Balogun, "History of Islam up to 1800" in Ikime, *Groundwork*, pp. 210-23.
7. On the Jihad in Hausaland, see H. F. C. Smith. "A Neglected Theme of West African History: The Islamic Revolution of the Nineteenth Century", *J.H.S.N.* VII, 2 (December, 1961), pp. 169-185; Y. B. Usman (ed.) *Studies in the History of Sokoto Caliphate*, Department of History, Ahmadu Bello University for Sokoto State History Bureau, 1979; D. M. Last, *The Sokoto Caliphate*. Ibadan: Longman, 1967; Y. B. Usman *The Transformation of Katsina 1400-1883* Zaria: A.B.U. Press; 1981. especially Chapter 5. Saad Abubakar, "The Emirate Type Government in the Sokoto Caliphate" *J.H.S.N.* VII, (1974), pp. 211-229; R. A. Adeleye, *Power and Diplomacy in Northern Nigeria*. Ibadan: Longman 1971
8. On Borno, see L. Brenner, *The Shehu of Kukawa: A History of the Al-Kanem*

Dynasty of Bornu. London: 1973; R. Cohen and L. Brenner, "Bornu in the Nineteenth Century", in J. F. Ade Ajayi & M Crowder (eds) *History of West Africa Vol. II*. Ibadan: Longman, 1974, pp. 93-128

E. A. Ayandele, "The Missionary Factor In Northern Nigeria 1870-1918", *J.H.S.N.*, III, 3 (December, 1966), pp. 503-22.

Idem.

See Samuel Ajayi Crowder and J. F. Schon, *A Journal of Expedition up the Niger in 1841*. London: 1842; J. F. A. Ajayi, *Christian Missions in Nigeria 1841-1891*. London: Longman, 1965, pp. 12-3, 27-30, 99-100.

Ayandele, "The Missionary Factor" op. cit

E. A. Ayandele, *The Missionary impact On Modern Nigeria 1842-1914*. London: Longman, 1966, pp. 118-128.

Ibid: Ajayi, *Christian Missions*; O. Groves, *The Planning of Christianity In Africa*. London: 1948; O. Kalu (ed.), *The History of Christianity In West Africa*. London: Longman, 1980; F. K. Ekechi, *Missionary Enterprise And Rivalry In Igboland, 1857-1914*. London: Frank Cass, 1971.

A. F. C. Ryder, "Missionary Activities In the Kingdom of Warri to the early Nineteenth Century" *J.H.S.N.*, 2,1, (December, 1960), pp. 1-26; *Idem*, "The Benin Missions", *J.H.S.N.*, 2, (Dec., 1961), pp. 231-57.

Ajayi, *Christian Missions*, p. 19; Ayandele, *Missionary Impact*, pp. 5-8.

Ayandele, *Missionary Impact*, pp. 5-8

Ibid.

Ibid.

Ibid.

Ajayi, *Christian Missions*, p. 50.

Samuel Johnson, *The History of the Yorubas* Lagos C.M.S Press, 1921, reprinted 1960, p.586.

T. G. O. Gbadamosi. *The Growth of Islam Among Islam The Yoruba 1841-1908*. Ibadan; Longman, 1978, p. 160; see also *National Archives, Ibadan* (Henceforth NAI) C.S.0 5/8 Nos. 1&2.

24. Johnson *History of the Yorubas*, p. 652
25. Ryder, "*The Benin Missions*", *op.cit.*
26. Ayandele, *Missionary Impact*, p. 113.
27. *Ibid.*; see also, E. A. Ayandele, "External relations with Europeans In the Nineteenth Century: Explorers, Missionaries And Traders", Ikime, *Groundwork*, p. 367-89.
28. *Ibid.*
29. *Ibid.*
30. Ehechi, *Missionary Enterprise*, pp. 6-29.
31. *Ibid.*, p. 72.
32. Ayandele, *Missionary Impact*, pp. 71-80.
33. *Ibid.*, pp. 79-80
34. For details of the spread of Islam in Yorubaland in the nineteenth century, see Gbadamosi, *Growth of Islam, op.cit.*
35. *Ibid.*, pp. 28-30.
36. *Ibid.*, pp. 159-60.
37. H. O. Danmole, "The Abortive Peace Missions; Intervention of Lagos Muslims in Anglo-Ilorin Boundary Dispute, 1894-1896", *J.H.S.N.*, 13, Nos. (1&2) (1985-June 1986), forthcoming.
38. G. N. Uzoigwe, "The Niger Committee of 1898: Lord Selborne's Report", *J.H.S.N.*, IV, No.3 (1968), pp. 467-476.
39. *Ibid.*
40. See T. N. Tamuno, *The Evolution of The Nigerian State: The Southern Provinces 1898-1914*. London: 1972.
41. For details see Chapters 1 and 2 above.
42. F. D. Lugard, First Address By *The High Commissioner To the Waziri and Headmen of Sokoto*, March 20th 1903.

National Archives Kaduna (henceforth NAK) *Annual Reports of Northern Nigeria* 1902, p. 98.

Ayadele, *Missionary Impact*, p. 130; E. P. T. Crampton, *Christianity In Northern Nigeria*, Zaria: Gaskiya Corporation Limited, 1975, p. 42.

W. Miller, *Walter Miller: An Autobiography*. Zaria: 1949, p. 35.

Crampton, *Christianity*, p. 47; Ayadele, 'Missionary Factor', 31-257.

M. Perham, Lugard: *The Years of Authority*. London: 1960, p. 509.

Ibid.

C. Orr, *The Making of Northern Nigeria*. London: Frank Cass, pp. 261-6.

Ibid.

Ibid.

Lord Lugard, *Report by Sir Fredrick Lugard on the Amalgamation of Northern And Southern Nigeria And Administration. 1912-1919*. London: 1920. See also, Sir Alan Burns, *History of Nigeria*, (5th edition) London: 1955, p. 254.

Crampton, *Christianity*.

For example, The Colonial Office altered Lugard's draft Education Ordinance and Grant Code Regulations in a way that inhibited missionary work. See S. Graham, *Government And Mission Education In Northern Nigeria 1900-1919*. Ibadan: 1966, pp. 134-5.

Sir High Clifford, Address to the Legislative Council of Nigeria in Lagos. Lagos, 1924, p. 78.

Crampton, *Christianity*, p. 64.

Idem.

NAKILORPROF 435/1915 C.M.S., Ilorin, Application for School Site; C.M.S., Mr. Dare Visit to Ilorin NAKILORPROF 6555/1908.

C.M.S. G3/A3/013, T. E. Alvarez to Baylis 20th May, 1911. The Sabon Gari system was developed by C. L. Temple. See also G. O. Olusanya, "The Sabon Gari System in the Northern States of Nigeria", *Nigeria Magazine* No. 94 (September, 1967), pp. 242-8.

60. NAKILORPROF 12285/63, The Secretary, Northern Provinces to the Resident, Ilorin Province, February, 1933, See also, H. O. Danmole, "Religion And Politics in Colonial Northern Nigeria: The case of Ilorin Emirate", *Journal of Religious History*, 16, 2 (December 1990), pp. 140-53.
61. O. Ikime, "Reconsidering Indirect Rule; The Nigerian Example", *J.H.S.N.*, IV, 4 (December 1968), pp. 421-38.
62. Lord Lugard, *Political Memoranda*. London: Frank Cass, 1970, pp. 298-304. The Sole Native Authority System was abolished in 1952 and replaced with Native Authority-In-Council. For details, see, D. A. Potts, *Progress Report In Local Government In Northern Region of Nigeria*. Lagos: Government Printer, 1953, p. 2.
63. J. N. Paden, "Aspects of Emirship in Kano" in M. Crowder and O. Ikime (eds) *West African Chiefs, their changing status under Colonial Rule to Independence*. Ile-Ife: University of Ife Press, p. 166.
64. Lugard, *Political Memoranda*, pp. 298-304.
65. *Ibid.*, p. 320.
36. R. A. Adeleye, Mahdist Triumph And British Revenge In Northern Nigeria: The Satiru 1906", *JHSN*, VI, 2 (June, 1972), pp. 193-213.
67. NAICSO 26/1/0937, "Files On Islamic Political Movements", compiled by J. F. Tomlinson and G. J. Lethem.
68. *Ibid.*
69. See "Memorandum on Education" in Lugard's *Political Memoranda* . p.1 NAK SNP 6 C144/ 1007; NAK c/DE 16/158 E. G. Morris, Director of Education, Nigeria to Assistant Director of Education, Northern Provinces 4th September 1939.
70. Graham, *Mission Education*, p. 79.
71. *Rhodes House, Oxford*, MSS Afr. 1358. W. L. Hogan, "The Development of Education in Northern Nigeria 1920-1952"; J. P. Hubbard, "Government and Islamic Education in Northern Nigeria, 1900-1940" in G. N. Brown and Hiskett, *Conflict And Harmony In Education in Tropical Africa*. London: 1967, pp. 152-167; NAK Northern Provinces Education Report. On the question of Government Schools, the colonial officers, particularly the Residents were careful not to offend the feelings of the Muslims. See, NAK SNP 7 4399 1906, H. R. Palmer, Acting Resident of Katsina. To Acting H.

Commissioner, Northern Nigeria, 26th Jan. 1907; C. L. Temple, Resident Sokoto Province to Acting High Commissioner, 11th Jan., 1907.

72. See, for example, *Summary of Proceedings of Chiefs Conference*, 1942, pp. 29-31; NAK SNP 1826/17, Resident Kano Province to Secretary Northern Provinces 7th Dec. 1936.
73. S. F. Graham, *Mission Education*, pp. 32-57
74. E. A. Udo, "The Missionary Scramble for spheres of influence in Southeastern Nigeria, 1900-1952", *Ikenga* 1, 2 (1972), pp. 22-36.
75. E. A. Ayandele, "The Colonial Church Question in Lagos Politics, 1905 - 1911", *Odu* 4, 2 (January, 1968), pp. 53-73.
76. *Ibid.*
77. *Ibid.*
78. *Ibid.*
79. *Ibid.*
80. *NAI, Annual Report of Nigeria 1915*, Vol XII, pp 533 - 34; "The Water Rate Question: Report of Proceedings at an Interview on the Water Rate Question" 6th May, 1916 *African Section*, University of Ibadan, Library.
81. *Ibid.* See also P. Igbafe, "The Benin Water Rate Agitation 1937-1939: An example of Social Conflict", *JHSN*, IV, 3 (December, 1968); pp.353 - 373.
82. *The Nigerian Pioneer*, for instance, attacked a section of the Muslim community throughout the period. See also H. O. Danmole "The Crisis of the Lagos Muslim Community 1915-1947" in A. Adefuye *et. al.* (eds), *History of the Peoples of Lagos State*. Lagos: Lantern Books, 1987, pp, 290-305.
83. P. Cole, *Modern and Traditional Elites in the Politics of Lagos*. Cambridge: T University Press, 1975, p. 102; *Lagos Weekly Record* 22nd November, 1917 *Government Gazette Extra Ordinary*. No. 75, 8th December, 1920. See a *Times of Nigeria* 13th December, 1920, "How Oba Esugbaya Eleko regained crown in 1931 after a protracted court case".
84. Revd. T. T. Denis, "The Rising in Asaba Hinterland", *Niger and Yoruba News* X, CXVII (March, 1904), p. 68.
85. O. Kalu, "Missionaries, Colonial Government and Secret Societies in S

Eastern Igboland, 1920-1950", *JHSN* IX, 1 (December, 1977), pp. 75-90

86. *Ibid.*

87. *NAI* Oyo Prof. 1/602 Senior Resident Oyo Province to District Officer, Ile-Ife
The perception of colonial administration towards the Pentecostal churches
is contained in this file.

88. *Ibid.* Assistant Commissioner of Police Oyo/Ondo Provinces to Resident Oyo 5th
September, 1931. For more details on the anti-colonial posture of the Faith
Healing *Aladura* Churches, see Oshitelu Papers, *Africana Section*, University
of Ibadan, Ibadan.

89. G. O. Olusanya, "Constitutional Developments in Nigeria, 1861-1960". in
Ikime, *Groundworks*, pp. 518-44.

90. *Macauley Papers* Box 13, *Africana Section*, University of Ibadan Library. On the
rise of NNDP in Lagos, see Cole, *Traditional and Modern Elites*.

91. On the Development of Schools in Nigeria, see J. F. A. Ajayi, "The Development
of Secondary Education in Nigeria", *JHSN*, Vol. II, pp. 517-35; See also T. G.
O. Gbadamosi, "The Establishment of Western Education among Muslims in
Nigeria, 1896-1926", *JHSN*, Vol. IV, No. 1, (1970), pp. 89-115; A. Babs
Fafunwa, *History of Education in Nigeria*. London: 1974.

92. Fafunwa, *History of Education in Nigeria*, chaps. 4 and 5.

93. A. E. Afigbo, "The Background to the Southern Nigeria Education Code 1903"
JHSN, Vol. IV, No. 2 (June, 1968), pp. 197-225.

94. Cited in I. O. Dare, "Perspective on Federalism", in A. B. Akinyemi *et. al.* (eds)
Readings on Federalism. Lagos: Nigerian Institute of International Affairs
1979, p. 29.

95. T. N. Tamuno, "British Colonial Administration in Nigeria in the Twentieth
Century", in Ikime, *Groundwork*, *op. cit.*

96. On urbanisation in Nigeria and other social and economic development, see A.
L. Mabogunje, *Urbanisation in Nigeria*. New: 1968; R. O. Ekundaye, *An
Economic History of Nigeria, 1860-1960*. London: 1973.

97. For details of Political Parties in Nigeria in colonial era, see R. L. Skalar,
Nigerian Political Parties, New Jersey: Princeton University Press, 1963.

98. *Ibid.*, p. 349; J. S. Coleman, *Nigeria: Background to Nationalism*, Berkeley

University of California Press, 1958, p. 393.

9. *Ibid.*, pp. 390-6.

100. *Report of the Commission Appointed to Enquire into the Fears of Minorities and the Means of Allaying them*. London: HMSO, p.58.

101. *Ibid.*, p. 64.

102. *Ibid.*, p. 60; cf also.

103. Ahmadu Bello, *Work and Worship: Selected Speeches of Sir Ahmadu Bello Compiled by S. A. Amune*. pp. 180-1.

104. *Memorandum presented by the National Muslim League on the Fears of Muslim Minorities in the Western Region*, Typescript, 1957. See also *Minorities Commission Report*, pp. 26-8.

105. *Western House of Assembly Debates Official Report*. July 26, 1956, pp. 174-5.

106. *Minorities Commission Report*, pp. 26-8.

107. NAI CS054704: From the United Muslim Party to Her Britannic Majest. Queen Elizabeth II 15th February, 1956; see also H. O. Danmole, "Islam and Party Politics in Lagos: A Study of the United Muslim Party, 1953-1966", *Journal of the Institute of Muslim Minority Affairs*. Vol. XI, No. 2 (July, 1990), pp. 334-46.

108. NAI Minorities Commission: Minutes of Evidence Western Region. P. 9.

109. T. N. Tamuno, *British Administration*, *op. cit.*

110. A. E. Davies, "Secularity and State Practices in Nigerian", Mimeograph.

LAW AND THE COLONIAL SOCIETY

Monday Yakiban Mangwat

Introduction

This chapter is neither a review of legal rulings and interpretations during colonial rule nor a compilation and analysis of colonial law reports. The author has no competence to undertake both; rather, it attempts to conceptualise and empirically demonstrate the function and role of law in Nigeria in a colonial setting. We are thus concerned with the operation and role of law in the capitalist transformation of Nigeria within a colonial context not unlike the roles of colonial education, colonial bureaucracy, army and such other vital institutions of colonial hegemony in the same process. It is, therefore, essentially an historical rather than a legal analysis of law in a colonial society with the aim in view of demonstrating how colonial laws directly or indirectly impacted on the evolution of a federal Nigeria in the period under study.

The basic submission of the chapter is that the incorporation of native agents and institutions as part of the machinery of colonial administration, whether directly or indirectly, served to provide some mode of local participation as well as helped to preserve certain important aspects of the pre-colonial cultural values and sub-national identities of the numerous groups brought together to form Nigeria. The basic principle which underpins the concept of federalism all over the world is the "unity-in-diversity" of the constituent groups. Whether this is done in such a way that the power of the central government in relation to the constituent provinces, states, regions or protectorates is stronger or weaker or equal is besides the point. In 1947, some twenty years after Lugard's departure from Nigeria, Sir Arthur Richards Constitution, regarded by some as the real beginning of Nigerian federalism, spelt out the three principal features of Nigerian federalism thus

to promote the unity of Nigeria, to provide adequately within that unity for the diverse elements which make up the country and to secure greater participation by Africans in the discussion of their own affairs.²

For good cause, these cherished ideals still inspire the development of Nigerian federalism today. It seems reasonable, therefore, to hold that the recognition and establishment of Native Courts nuanced in the cultural milieu of each Nigerian community was an important component of federal principle as it was a great facilitator of a federal judicial structure in Nigeria under colonial rule.

Organisationally, the chapter is divided into three broad sections. The first

section attempts to articulate and clarify the general conceptual framework within which the work is conceived and written. The second attempts to empirically describe and explain the establishment of a colonial judicial system in Nigeria. Specifically, it deals with the timing, structure and operation of the colonial legal system in Nigeria including its changing phases and the social and material conditions dictating those changes. The third section is largely made up of concluding remarks on the function and role which colonial law specifically played in the transition of Nigeria from a colonial to a pre-colonial federal formation. This done, it is hoped that the contribution of colonial law, as an institution, to capitalist penetration and transformation in a federal Nigeria would have been clearly brought out.

Conceptual Framework

Historically, laws have never existed in a vacuum; they have always had a social context. From the laws of Hammurabi to Roman Law the story is the same. Even in religion, which is also historical anyway, the idea of sin as a transgression of the law on the basis of which a believer (both in Islam and in Christianity) earns eternal condemnation or salvation presupposes a social and material context. In other words, laws, as a system of dos and don'ts, or as a codification of penal offenses, appeared on the historical stage to regulate social and material relations among men in society. Therefore, in order to administer laws properly, that is to say, to serve the purposes for which they were intended, these social and material conditions and relations must be studied and understood. To say the same thing in a Marxian fashion, the mode of production to which the laws relate must be thoroughly penetrated and grasped.³

Prior to colonial rule in Nigeria, there existed numerous sovereign legal systems corresponding to the wide range of pre-capitalist social formations which were in existence. Each legal system reflected the level of development of its particular formation - feudal, tributary, caliphal, communal, slave, lineage or a mixture of some of these in various forms. For example, while the Sokoto Caliphate inherited a well developed universal Islamic legal system based on the Sharia, many of the communal and lineage formations operated legal systems based on cults; masquerades, *juju*, and other variegated forms of ritual observances including trial by ordeal.⁴ In this regard, it is instructive to note that while specifically judicial functionaries existed in these pre-capitalist formations, a clear cut separation of powers between the executive, legislative and judicial arms of governance characteristic of developed capitalist property relations did not obtain. Instead, various legal functionaries and systems existed for each socio-economic formation in line with the legitimisation, protection, and promotion of the property relations peculiar to each formation.

There is no point arguing that one pre-capitalist legal system was better than the other since each was rooted in the jurisprudence and ideology supportive of its specific formation. The concept of justice and of a just society to which the myriads of judicial functionaries related were rooted in the dominant norms and ideology sustaining each formation. The Igbo and the Ibibio believed that they got justice from the Aro oracle just as Hausa-Fulani Muslims believed they did so from their numerous Alkali courts. To claim, as the colonial masters did, that the judicial system of th

Sokoto Caliphate was superior to the other formations was only true to the extent that the Sokoto Caliphate, as a social formation, was superior to the other formations. By the same token, the colonial legal system was superior to the numerous indigenous legal systems only to the extent that the capitalist mode of production was superior to the pre-capitalist modes of production. Otherwise the pursuit of justice and a just society by the indigenous societies via their legal systems was far more vigorous and authentic than that which obtained under colonialism.⁶ This explains why extreme punishments such as execution, amputation, castration, banishment, enslavement and other forms of physical torture which the colonial authorities considered to be repugnant were carried out without hesitation once the guilt of the culprits was established.

In most of these pre-colonial societies, the breach of the law was not just a matter of the individual involved. Depending on the society concerned and the nature of the offense, the family, household, lineage, and clan could suffer for it. This was because certain offenses, when committed, could incur the wrath of the gods against the entire people through draught, epidemics, floods, locust invasion and such other calamities. Punishment was therefore sometimes collective if need be. Similarly, witchcraft did not only attract capital punishment and/or banishment but families associated with it suffered social estrangement at various levels including marriage. Incest was not only severely punished, but atonement processes had to be undertaken in order to regain fidelity and moral purity without which the culprits would continue to suffer many misfortunes such as persistent miscarriage, still birth and frequent sickness.⁷ Prostitution was virtually unknown except in the emirates of the Sokoto Caliphate and in Borno.⁸ Interestingly, the boundary between theft and robbery was fluid but both were not regarded as serious offenses. Among the Awaghavul of the Jos Plateau, for example, so long as the thief did not steal from members of his own immediate community, he was tolerated even occasionally admired.⁹ This had more to do with the perception of theft and robbery as acts of bravery bordering on soldiery rather than as a breach of the law.

This total commitment and adherence to social justice exhibited by the stern operation of the pre-colonial judicial systems in Nigeria was in vogue when colonialism struck.

Colonial Conquest

The formal conquest of Nigeria can be said to have come into effect by 1900.¹⁰ With his development, most of the Nigerian polities which had been in existence for millennia lost their sovereignty. They were now brought together to form one huge polity made up of two administrations (protectorates) which were, in 1914, amalgamated into one under British rule. In other words, Nigeria had come into being as a British colony governed by colonial ordinances. These ordinances derived their legitimacy from British law.¹¹ Juridically, therefore, British law was now in operation in Nigeria as a British Colony. However, since British law originated and functioned to give legitimacy to capitalist property relations, it was difficult, if not impossible, to transplant this law in toto to the newly acquired colony where capitalist property

relations did not exist or were yet to develop. And since Britain could not possibly transform the various pre-capitalist formations that made up the new colony into a capitalist one overnight in order to apply British law, it became necessary to allow, at least temporarily, the indigenous legal systems in operation at the time of conquest to continue to function so long as they did not violate British law.¹² Therefore, the colonial system which the British articulated for Nigeria was deliberately structured to take care of this reality. Admittedly, the need to employ the indigenous legal system was underpinned by political and administrative considerations of the time rather than legal ones. For they formed the judicial component of the elaborate indirect rule system which the British established in Nigeria. Not unexpectedly, therefore, the indirect rule system itself along with the colonial judicial system based largely on Native Courts represented crucial ingredients in the evolution of a federal polity in Nigeria. Indeed, the use of indigenous executive and judicial institutions as formulated by Nigeria's indirect rule system already presupposed the construction of a united polity based on "unity-in-diversity" which, as pointed out earlier, is the governing principle in the articulation of a federal system.

Perhaps it is important to stress the premium placed on the Nigerian brand of indirect rule system (or even direct rule) because it is historically possible for a colonial power to use native agents and institutions, such as the French did, without intending to make them form part of the basis of political participation and legitimacy of the nation-in-the-making.

Structure

As alluded to above, the restructuring of the colonial judiciary in Nigeria was not done in isolation of the political and economic re-orientation of the entire colony as a new formation, a capitalist formation-in-the-making. The basic project was to introduce market principles and institutions side by side with indigenous mode of operation where these were compatible and jettison the latter to conform to the former in areas of conflict. The basic premise of indirect and indirect forms of colonial administration in Nigeria derived from this basic project. Viewed from this perspective, the classification of colonial administration into direct and indirect rule is perhaps futile. For the central issue in both was the use of indigenous (native) agents side by side with capitalist agents in a gradual but steady transformation of the pre-capitalist formations into a capitalist one.¹³

Structurally, the highest tribunal in an African dependency was the Supreme Court which exercised all the local jurisdiction, civil and criminal, vested in His/Her Majesty. It consisted of a Chief Justice and Puisne Judges who might include those of a neighboring colony.¹⁴ Prior to 1913, the Northern and Southern Protectorates had separate Chief Justices. In the Southern Protectorate, the District Officers (D O's) were appointed as Commissioners of the Supreme Court and so were the Native Courts unlike in the Northern Protectorate where these were under the High Commissioner or, later on, the Lieutenant-Governor.¹⁵ Similarly, in the South, lawyers had access to all courts whereas in the North, they were only allowed in the Magistrate and High Courts.¹⁶ On amalgamation, in 1914, the Chief Justice and Puisne Judges of Northern and Southern Nigeria were abolished and a single Chief

Justice with four Puisne Judges for Nigeria were appointed.¹⁷ A single Attorney-General was appointed for Nigeria while each Lieutenant-Governor was provided with a Legal Adviser. A single Crown Prosecutor for Nigeria was appointed thereby completing the legal establishment.¹⁸ As Lugard put it:

The full court, consisting of the Chief Justice and two or more Judges, forms a court of Appeal from the decision for the Divisional Courts, a further appeal lies to the Privy Council, in claims over £500 in value, or if a question of public importance is involved. The Royal prerogative of pardon on commutation is exercised by the Governor alone.¹⁹

But cases involving the ordinary subject peoples - the Nigerian peasantry, craftsmen and freed slaves - hardly reached the Divisional Court under reference above. Most of their cases were dealt with by lower customary courts of varied grades generally known as Native Courts. Membership of these courts depended on warrants given to local Chiefs or dignitaries to serve on these courts reflecting the social order of their respective communities. In 1933, the Native Court Ordinance specified that a Native Court shall consist of:

- a. Head Chiefs or a Head Chief, Chiefs or a Chief, or any other person or persons (who may include non-natives) or a combination of any such authorities and persons, and sitting with or without assessors, or
In the Northern Provinces only, an Alkali, with or without assessors (called an Alkali Court).²⁰

These Native Courts had jurisdiction over "causes and matters in which all the parties . . . have ordinarily been subject to the jurisdiction of native tribunals and reside or are within the area of the jurisdiction of the Court".²¹ An Alkali Court, for example, was not expected to try cases involving non Muslims who did not subscribe to the Sharia law unless such non Muslims wished to do so on their own. The Resident was the Judge of the Provincial Court with jurisdiction over government employees and natives not subject to the jurisdiction of the local Native Court.²² Thus, the Native Courts were recognised according to the powers specified in their warrants with jurisdiction over natives only. Prior to 1930, the Native Courts were graded A, B, C, and D with powers as follows:

- Grade A - Had full power in all Civil Actions and criminal cases but could not carry out sentence of death until it had been confirmed by the Governor-General.
- Grade B Had powers to handle civil Actions in which the debt, demand or damages did not exceed £50; cases which could be adequately punished by two years imprisonment, 24 lashes, or a fine of £50, or the equivalent by Native law or Custom.

side C - Had powers to handle Civil Actions in which the debt, demand or damages did not exceed £20 in the Northern Provinces or £10 in the Southern provinces; criminal cases which could be adequately punished by imprisonment for 3 months, 12 lashes or a fine of £5, or the equivalent by Native Law or Custom.²³

principle, each "tribal" or "sub-tribal" unit was supposed to have a judicial tribunal of Native Court of its own. In practice, however, "mixed tribunals, composed of the heads or two or three neighbouring areas, have been set up with satisfactory results".²⁴

Because membership of these Native Courts was invariably made up of the local chiefs of the areas concerned,²⁵ it followed that Native Courts fused in themselves executive and judicial functions which colonial administration expressly desired.²⁶ Furthermore, the main difference between the Native Courts on the one hand and the Provincial Courts (abolished in 1934), Magistrate and High Courts on the other, was that the latter followed the rule of procedure and evidence in which lawyers appeared while the former did not.²⁷ These Native Courts were therefore more accessible to the colonial subjects, simple in operation and faster in deciding cases thereby making them handle over 90% of court cases in colonial Nigeria. Of course cases in these native Courts could be transferred to the Provincial Court, Magistrate Court or High Court by the Resident at any stage of the proceedings with or without a formal appeal to do so.²⁸ Superficially, it looked as if a dual judicial system had been put in place; British and native. However, in reality, only one judicial structure was on the ground. For the Native Courts were supervised by the Provincial Courts. Besides, all their proceedings were sent to the Provincial, Magistrate and High Courts for scrutiny.²⁹ Even as Native Courts, certain modes and procedures in the determination of guilt or innocence were outright out-lawed by colonial fiat. For example, trial by ordeal was stopped. Similarly, no punishment involving mutilation or torture "repugnant to natural justice and humanity" was administered without the expressed permission of a British colonial officer.³⁰ Therefore, what existed was one judicial system which made allowance for certain local modes of deciding cases and awarding penalties which it specifically entertained.

As already mentioned, the use of local chiefs, obas, emirs and other indigenous title holders for both political and judicial functions meant that there was no effective separation of powers in the colonial system which the colonial authorities expressly favoured. In colonial administration, Lugard authoritatively declared:

It is obviously unavoidable that judicial and executive powers should be exercised by the same officer and that some of the officers who exercise small judicial powers should not possess recognised legal qualifications. The separation of these functions would seem unnatural to the primitive African since they are combined in his own rulers Moreover, in a country recently brought under administration and in times of political difficulty, occasions may arise when the strictly legal aspect must give way to expediency

am convinced that, even if it were possible, the separation of the judicial and executive functions held by the District Officer would not be in the best interest of the country.³¹

As we have repeatedly pointed out, this fusion of judicial and executive powers in the colonial native court system helped to preserve pre-colonial authority structures and sub-national identities which formed the bricks with which subsequently efforts at building the federal nation-state we call Nigeria have been carried out.

In terms of hierarchy, cases tried on the basis of English Common Law started in the Magistrate Courts, then moved to the High Courts, then to the Supreme Court with a final appeal to the Privy Council. On the other hand, cases originated from Customary Law began in the lowest graded Native Courts, then to the Alkali Courts (in the case of the emirates and Borno), then to Sharia Courts of Appeal or transferred to the High Courts (in the case of non-muslim areas), then to the Supreme Court and finally, to the Privy Council. With improvements in facilities and personnel, Provincial Courts were abolished, in 1934, leaving the Magistrate Courts and High Courts to practice Common Law by entertaining appeals from the Native Courts as well as exercising original jurisdiction.³²

Finally, while the Native Authority members (chiefs, obas, emirs etc) of the Native Courts were placed on regular salaries in accordance with their size and power, the myriads of "elders" and dignitaries who formed the membership of the lowest grade of Native Courts were sustained by retaining specified portions (10% by 1922) of judgement fees, estate sharing and fines collected from the winners or users of cases at the discretion of these courts.³³ Those were too meagre when shared by the myriads of these "elders" and dignitaries to support them earn a living from their membership of the courts. Margery Perham has cited an instance in which the month's sitting for judges in Aro Division worked out at just 6 pence per head.³⁴ This poor remuneration tended to encourage corruption and fraud among some of the members, frequent sources of complaints from the colonial officials and subject peoples alike. Crowder has made the point that the Warrant Chiefs among the Igbo were resented most bitterly largely on account of their judicial misdemeanours.³⁵

To round up this aspect of our discussion, it is important to stress, once again, that it is at the structural level that the retention of pre-colonial native authority systems created a stake in Nigerian communities, provinces and regions to identify with the nation-state under construction within the context of these levels of identity which is the hallmark of federalism.

Operation

Operationally, the point has already been made that the Native Courts and Councils were both administrative and judicial institutions. Although colonial authorities preferred this fusion of powers due largely to expediency, it created problems especially in land and chieftaincy disputes particularly as the acquisition of private property began to take root in the colonial society. Nevertheless, the colonial officers who presided always made sure that when they sat, their proceedings were distinctly judicial. At the lower levels of the Native Court, however, the ability of the local

and dignitaries to make this distinction was less marked. As a result, many were convicted not necessarily based on the weight of evidence before the court but on the consensus of village opinion on the character of the convict.³⁶ As a general rule, the colonial government visibly worked towards a sharper separation of powers as capitalist principles and institutions became more entrenched.

With respect to territorial spread, it is clear that the colonial judicial system covered the entire colony although in varying degrees of effectiveness. For a start, courts which applied the Common Law directly, namely, the magistrate Courts and High Courts were necessarily extremely few for understandable reasons. Only Europeans and other expatriates patronised them. This explains why there were few Native Courts with Judges picked from any of the colonies of British West Africa at the beginning of colonial rule.³⁷ Similarly, Magistrate Courts, Provincial Courts and High Courts were limited to provincial and regional headquarters because they performed largely appellate function for the various grades of native courts. Occasionally, members of the courts were constituted into Courts of Appeal and Circuit Courts which moved round the divisions and provinces at specified intervals. They also advised Divisional Officers, Residents and Provincial Commissioners on legal matters.

From the point of view of administering justice, the Native Courts constituted the bedrock of colonial administration because they were the ones in direct contact with the colonial subjects in an era of fundamental changes. As Tekena Tamuno has correctly pointed out, they represented an embodiment of the major contradiction of colonial society - change and continuity - because on the one hand, they represented the rejection and replacement of such pre-colonial systems of ordeal, *juju* and other secret cults which were repugnant to capitalist civilisation and justice; and yet, on the other hand, they fell short of the rules of procedure and evidence.³⁸ Against this background, it is difficult to determine whether they were administering justice or otherwise. Perham has drawn attention to the debate between critics who saw the Native Courts as dispensing "administrative justice" vis-a-vis the Magistrate and High Courts which administered "professional justice" in which the latter were presumed to be better.³⁹ This is superficial as we shall argue later. Nevertheless, the point to note is that, empirically, the Native Courts collectively handled over 90% of all the court cases of the colonial period.⁴⁰

Whether these Native Courts administered justice or otherwise is beside the point, for they succeeded as an effective institution of colonial change and social control. First, they were widely spread; every colonial district had access to a Native Court of one grade or the other. Second, they were very powerful institutions given the fact that the members constituting them were backed by colonial power which meant that the people could not remove them from office through traditional mechanisms for doing so. They were not accountable to the people but to colonial officials who were more concerned with obedience than with justice. It is against this background that the excesses of these Native Courts especially at the initial stages, could be understood. These excesses ranged from arbitrary arrests and sometimes sentencing, corruption, harassment and intimidation from the court clerks, court messengers and the police to outright confiscation of exhibits and impersonation.

It was only in serious criminal cases, particularly capital cases, that due care was exhibited. Once again, Lugard had some insights into the state of colonial society and the nature of judicial procedure. He wrote:

a plea of not guilty is recorded on behalf of an illiterate accused, and in capital cases the evidence must, generally speaking, be sufficient for conviction irrespective of his own assertions. In other cases, if the accused adhered to his plea of guilty, he would be convicted unless the evidence was such as to throw strong doubt on his guilt. I recollect the surprise of a Chief Justice new to Africa, when an accused man pleaded guilty to having turned himself into a hyena by night and devoured children because there was a consensus of village opinion that he had done so. Or when another, who manifestly could not have committed the murder of which he was accused, pleaded guilty because his friends had told him it would save trouble if he did so.⁴⁰

From the above discussion, therefore, a constant factor in the administration of justice in colonial Nigeria was fear. With regard to the volume of cases tried by both British and Native Courts, these can be gauged from the court returns of each of the provinces from year to year. These ran into thousands of cases per province especially at the initial years of colonial rule.⁴³ This was in view of the numerous kinds of offences which the colonial subjects were bound to commit no matter how hard they tried to avoid them. An impression of the range of offences is hereby reproduced from an archival file:

- Mutilation of telegrams (many instances)
- Carelessness in typing (attracted a fine of 5 shillings)
- Loitering (several cases)
- Disobedience (several cases)
- Breaking the door through careless closing
- Failure to open and sweep Office
- Late coming to office
- Carelessness
- Neglect of Duty
- Delaying priority telegram
- Obstruction to time
- Misaddressing a telegram etc.⁴⁴

As can be seen from the above, these were offences largely confined to the modern sector—those employed in the colonial services not to mention the army of illiterate peasants who would have been accused of committing any offence under the sun by the court messengers, clerks and the police throughout colonial Nigeria.⁴⁵ A glimpse at the magnitude of offences handled by the Native Courts can be gauged from an early Resident, Charles Orr, who reported that in 1910, Native Courts

and alone tried 10,000 civil and criminal cases.⁴⁶ Still in Kano, local studies have shown that with regard to slavery alone, the Native Courts in Kano freed 2,764 slaves in 1913, 2,985 in 1917, 3,179 in 1918 and a total of 7,764 between 1912 and 1917 while a grand total of 11,600 had been freed in Kano Emirate alone by 1917. In 1936 alone, over 65,000 were freed throughout the Northern Provinces.⁴⁷ In 1934 in Plateau Province, there were only three primary schools established by government whereas there were 53 Native Courts in existence⁴⁸ indicating not only the preponderance of these courts but also government preference for law and order, education and matters of development. Despite the thousands of cases tried by the Native Courts for which there are records, thousands more were disposed of and recorded by the hundreds of colonial Village Heads and Ward Heads.⁴⁹

One important issue that needs to be raised relates to a gradual decline in the number or volume of litigations concerning certain areas of colonial activity but, at the same time, an increase of litigations in other areas. These have not been properly researched but preliminary archival and other secondary evidence suggest that cases such as criminal enslavement, murder and manslaughter, impersonation, theft and fraud began to give way to land and boundary disputes, embezzlement, fraud and other related offences.⁵⁰ At the present state of research, it is not yet possible to classify the main cases taken to court in terms of their frequency over the years so that we can positively correlate these with specific changes in political and economic policy and activity. Be that as it may, it is safe to remark that as colonial activity intensified through the Native Authority institutions, colonial bureaucracy, commerce, colonisation, mining, agriculture and so on, cases pertaining to these activities were on the increase. Similarly, the Magistrate Courts and High Courts now began to have more cases than previously while the concentration of legal practitioners hitherto confined to Lagos at the onset of colonial rule began to spread to regional, provincial and divisional headquarters of the colonial administration.⁵¹ It is important to emphasise that these changes in the "legal sector" of colonial rule corresponded directly to the tempo of capitalist transformation taking place in colonial Nigeria. Indeed, it could not have been otherwise.

Towards Independence

In spite of the constitutional changes which occurred in Nigeria between 1900 and 1960, no substantial change occurred in the structure of the judiciary. The Native Courts under the general name of Customary Courts not only continued, but also handled the bulk of cases throughout colonial Nigeria. Indeed, as late as 1984, twenty four years after independence, the Dean of Law, Ahmadu Bello University, I. A. Ayua, emphasised the role of these courts when he pointed out that "some 90% of the Nigerian population today still have their activities regulated by customary law. In other words, far more cases are decided in accordance with customary law in our courts than under any other branch of the Nigerian law"⁵²

The drive towards independence which became most manifest in Nigeria in the immediate years following the end of the Second World War coincided with the period during which a core of Nigerian lawyers had been produced. Hitherto, legal practitioners were largely made up of educated returnees from Sierra Leone who

concentrated in Lagos, the headquarters for colonial business.⁵³ These lawyers patronised the rising number of clients who had one problem or other with the increasing number of entrepreneurial organisations, estate ownership and inheritances, chief-raincy disputes, land disputes, employment and retirement problems with both government and the private firms, insurance problems and such other disputes, land disputes, employment and retirement problems and such other disputes arising from the booming modern sector of the colonial society of Nigeria. In numerical terms, court cases arising from these sources were on the increase and kept the Magistrate Courts, High Courts, Federal Court of Appeal and even the Supreme Court sufficiently busy. However, compared to the Native Courts which served the mass of the rural population, these English-type courts did little. Nevertheless, these courts made tremendous impact on the modernisation process or, to put it differently, capitalist transformation of colonial Nigeria.

But the impact of the colonial courts, customary or otherwise, was not limited to the business and service sectors whether rural or urban but included the political realm. To start with, many of the lawyers were active participants in the struggle for independence and the various constitutional conferences which accompanied those struggles. Many of them drafted the constitutions of the various political parties, trade unions and the development associations that formed part of the independence movement.⁵⁴ Many of them also defended and prosecuted political leaders, took part in special tribunals as well as in the articulation and defence of petitions against one colonial ill or the other. It is important to emphasise that these political disputes were not confined to the English-type courts and lawyers, but also involved the Native Courts and local politicians. On the contrary, studies have shown that the most blatant misuse of judicial institutions for political ends occurred at the local level in which the Native Authorities played criminal roles.⁵⁵ Notwithstanding these problems, the colonial authority system in which the customary courts were rooted as the cornerstone of the indirect rule system still remained formidable institutions on which the Nigerian federal system developed. Politicians and critics of the colonial native authority system, such as Alhaji Abubakar Tafawa Balewa and Alhaji Aminu Kano, were more concerned about reforming (democratising) rather than abolishing them.

Colonial Justice

In the light of what has been said, so far, about the structure and operation of the colonial judiciary in Nigeria, it is important to round off the discussion with some remarks on the nature of justice which these judicial institutions and personnel impacted on Nigerian Society. For as we pointed out earlier, the ultimate test of law and any legal system lies in the nature of justice which it provides for the society within which it operates. Law, it has been emphasised, is not an end in itself but a means to an end.

The first major problem that must be confronted in a scientific assessment of the nature of justice in colonial Nigeria is the criterion for doing so. In other words are we to judge the performance of colonial laws and its judiciary by the criterion of equity which informed English Common Law or are we to employ the plethora of

principles which underlay the various pre-colonial formations which were allowed to operate in the colonial system? This is so because the colonial system was one system or, if you so prefer, several sub-systems in one. While the problem in establishing a common criterion of assessing justice is a real one, it is possible to make a number of conclusive statements with regard to whether colonial law and the colonial judiciary gave Nigerians justice or otherwise.

On the positive side, it would seem that the articulation of dual judicial system - "British and Native" - is itself a credible criterion for the determination of social justice in the circumstance of colonial rule. It seemed to have allowed both the conqueror and the conquered to operate their time-cherished norms respectively for the common good of both. Herein lay the social morality of Lugard's dual mandate.

On closer scrutiny, however, the social morality of the dual mandate gained severe limitations. Theoretically, the idea of a dual judicial system was possible because it defeats the purpose of the colonial conquest. Empirically, the articulation of a dual legal system for operation in one formation required tinkering on both sides in order to win some measure of legitimacy. And this was what happened.

Furthermore, it is most futile to abstract social justice in a colonial setting without relating this to the goals and objectives of establishing colonial hegemony itself. In other words, to what extent did the mass of colonial subjects benefit materially and socially, from a colonial hegemony? How empirically valid is the claim of mutual benefit which the concept of dual mandate portends? Studies⁵⁶ in the economy and politics of Nigeria have conclusively demonstrated that the main beneficiary of the colonial system was the colonial master rather than the colonial subject. This outrightly rules out the colonial system as a system of social justice for the colonised.

Even within the narrow confines of the colonial judiciary, it has been shown that the colonial Native Courts were institutions of social terror rather than social justice, occasionally, to the utter embarrassment of even the British masters themselves.⁵⁷ What held colonial society together and propelled it along capitalist lines of operation was state power underlain by an enormous capacity for violence. Thus, throughout the colonial period, Nigerian courts - "Native" and "British" - busied themselves issuing rulings which were more concerned with enforcing colonial social order rather than with justice. This could not have been otherwise because the material and social conditions of the myriad of pre-capitalist formations which the courts sought to regulate were steadily giving way despite appearances to the contrary.⁵⁸ There was no way the colonial courts would dispense justice based either on the old norms or on the new norms *in toto*. Admittedly, colonial law and the colonial judiciary dramatically helped to enforce colonial social order but social order does not often translate to social justice.

Whereas the objective base of justice in civil society is legitimacy, the objective base of justice in a colonial setting is violence.⁵⁹ A colonial society, by definition, cannot aspire to social justice. Colonial justice is therefore a contradiction in terms.

These critical remarks do not in any way dwarf the significance of the native

authority system into which the colonial judiciary was rooted; rather, they underscore the colonial retention, pampering and elevation of these institutions backed by violence to play new roles defined by the needs of a new society under construction. This colonial use of the "old order" to serve the needs of a "new order" certainly created a semblance of legitimacy notwithstanding the threat or actual use of colonial violence. As we have consistently argued throughout this chapter, it also made efforts at building federalism in Nigeria seem most natural.

Conclusion

It only remains to add that because the struggle for independence in Nigeria did not entail a rejection of capitalist penetration and its institutions but, instead, their reinforcement under Nigerian leadership and personnel, the Nigerian legal system entered independence as it was put in place by colonialism. All that occurred was a constant expansion of the judicial institutions and personnel. In 1956, the nomenclature of the Customary Courts formally changed to Area Courts with Islamic Law given a distinct identity though still within the rubric of the Area Court. These Area Courts, it has already been emphasised, still handle 90% of court cases in Nigeria today. Any meaningful analysis of the administration of justice in both the colonial and post-colonial Nigerian society must focus sharply on their activities for which there is dearth of empirical research.

Finally, it is important to remark that the Native Courts – now Area Courts which already mirror aspects of the Nigerian federation can be consciously made to shift roles from being institutions regulating colonial social order underlain by violence to those regulating a more credible capitalist property relation underlain by bourgeois legitimacy. In this regard, the training of Area Court Judges in customary law and the establishment of Inspectorate Divisions which supervise these courts on a regular basis, while they have reduced the power of traditional rulers (Native Authorities) and institutions as wielded in the colonial period, are positive developments. These Area Courts, like local government and state structures, represent a very vital component of the federal principle. Being the grassroots institutions that they are, the dispensation and management of bourgeois justice in a federal Nigeria will, for a long time to come, depend on the success of their operations.

Notes and References

1. M. Crowder, *The Story of Nigeria*. London: Faber and Faber 1962, p. 242.
2. Cited in *Ibid.*, p. 242.
3. Discussions pertaining to the definition of law, legal systems, jurisprudence and judicial institutions are age-old and very involved. For a simple but comprehensive treatment of these see, among others, P. Selznick, "The Sociology of Law"; L. H. Mayhew, "The Legal System" and P. Bohannan, "Law and Legal Institutions" all in D. L. Sills (ed.), *International Encyclopedia of the social Sciences volume 9*. London: Macmillan, 1972, pp. 50-77; H. W. Robinson, "Law and Economics" in *Modern Law Review* 11.4 (1939); K. Llewellyn, "The Effect of Legal Institutions on Economics" in N. Chen and F. Cohen (eds), *Readings in Jurisprudence and legal Philosophy* (1951); Raz "The Institutional Nature of Law" in *Modern Law*, in C. O. Okonkwo (ed) *Introduction to Nigerian Law*. London: 1980; K. Marx and F. Engels "The Relation of the State and Law to Property" in Feuerbach, *Opposition of Materialistic and idealist Outlook: Selected Works Vol, One*. Moscow: 1977, pp. 76-9.
4. These are to be found in studies concerning the history, sociology, economy, politics and religion of the numerous groups in Nigeria. At the moment, the state of research and scholarship on these groups is very uneven - some seem to have been "overstudied" while in others work has not even commenced. Some of the practices such as the Sharia Courts, trial by ordeal and the Aro Oracle cut across communities while others such as witchcraft and masquerades were more localised.
5. F. D. Lugard, *The Dual Mandate in British Tropical Africa*. London: Frank Cass, 1965, p. 557.
6. Colonial administrators who served as Divisional Officers and Residents in various parts of Nigeria testified to the steadfastness of the native subjects to their respective traditions in many of their official memos and pronouncements.
7. This belief was, for example, widespread among the Chadic speakers of Jos Plateau among whom this author has conducted research.
8. Prostitution as distinction from sexual promiscuity was virtually unknown in most pre-colonial and pre-urban Nigerian societies. In Ibadan, for example the earliest evidence of prostitution dates back to only 1895. It is "associated with the changes that accompanied the British imposition of colonial rule 1893, notably, the rubber boom which brought quick profits and foreigner

the influx of strangers and the presence of staff (especially the Hausa Constabulary) of the colonial administration . . ." See T. Falola "Prostitution in Ibadan, 1895-1950", History Department, University of Ife, *Mimeo*, p.2.

9. This is derived from intimate personal knowledge of this community to which this author belongs. However, stealing from a neighbouring village or clan was viewed with contempt, sense of shame and disapproval.
10. This was sequel to the declaration of Northern and Southern Protectorates in 1900 even though many parts were yet to be conquered. The Southern Protectorate was made up of the Lagos Colony and the Niger Coast Protectorate. For a discussion of the legal distinction between a colony and a protectorate see, B. O. Nwabueze, *A Constitutional History of Nigeria*. London: Longman, 1982, pp.7-19.
11. Lugard, *Dual Mandate*, p. 527
12. *Ibid.*, p. 536.
13. On this, it is necessary to quote Lugard himself at some length. He declared:
 Let it be admitted at the outset that European brains, capital, and energy have not been, and never will be, expended in developing the resources of Africa from motives of pure philanthropy; that Europe is in Africa for the mutual benefit of her own industrial classes, and of the native races in their progress to a higher plane; that the benefit can be made reciprocal and that it is the aim and desire of civilised administration to fulfil this dual mandate. *Ibid.*, p. 617.
14. Lugard, *Dual Mandate*, p. 538.
15. M. Perham, *Native Administration in Nigeria*. London: O.U.P., 1937, p. 68.
16. "Report by Sir F. D. Lugard on the Amalgamation of Northern and Southern Nigeria and Administration, 1912-1919" in A. H. M. Kirk-Greene (compiled) *Lugard and the Amalgamation of Nigeria: A Documentary Record*. London: Frank Cass and Co. Ltd., 1968, p. 81.
17. *Ibid.*, p. 75.
18. *Ibid.*, p. 75.
19. Lugard, *Dual Mandate*, p. 538.
20. *Native Courts Ordinance*, 1933, No.44 para. 4.

- ibid.*, para. 3 (1).
1. Perham, *Native Administration*, p.55.
 2. NAK: SNP 1356/1922, "Bauchi Province: Native Courts of B.C. and D. Grades - Warrants 1922" *Native Courts Ordinance: Schedule*, (section 8).
 3. *Gazetteers of the Northern Provinces of Nigeria, Volume IV; The Highland Chieftaincies*. London: Frank Cass, 1972, p.49.
 4. *Native Courts Ordinances*, para 4.
 5. Lugard, *Dual Mandate*, p. 539.
 6. *Native Courts Ordinance, para 12; A. Burns, History of Nigeria*, London: George Allen and Unwin, 1929, pp. 280-1
 7. *Native Courts Ordinances*, para. 25.
 8. Lugard, *Dual Mandate*, p. 542; *Native Courts Ordinances*, para. 20.
 9. C. Orr, *The Making of Northern Nigeria*, London: Frank Cass, 1965, p. 235.
 10. Lugard, *Dual Mandate*, p. 539.
 11. As a prelude to this, Governor Donald Cameron promulgated the Native Courts Ordinances, 1933 No.44 which has already been cited in various portions of this work.
 12. NAK: SNP 1356/1922 "Native courts of B. C. and D. Grades - Warrant: 1922"
 13. Perham, *Native Administration*, p. 245.
 14. Crowder, *The Story of Nigeria*, p. 231.
 15. Fieldnotes from Ph.D. Research conducted by this author in 1979 on form Plateau Province under colonial rule.
 16. T. N. Tamuno, *The Evolution of the Nigerian State: The Southern Provinces 1898-1914*, London: Longman, 1972, p. 150.
 17. *ibid.*, p. 160.
 18. Perham, *Native Administration*, p. 69.

40. Cited in I. A. Ayua, "The Nigerian Legal System and the Nigerian Economy: The Need for Reform", paper presented at the seminar on Nigerian economy and Society since the Berlin Conference: 1884-1985", organised by the Faculty of Arts and Social Sciences, Ahmadu Bello University Zaria, 11-15 November, 1985, p. 37.
41. All the works cited above make references to these ills. See, for example, Lugard, *Dual Mandate*, pp.550-2; Burns, *History of Nigeria*, pp. 279-80; Orr, *Northern Nigeria*, pp.232-43; Nwabueze, *Constitutional History*, pp. 22-3; Tamuno, *Evolution of Nigeria*, pp. 160-9. These are in addition to vivid recollections from informants gathered by this author during fieldwork in 1979.
42. Lugard, *Dual Mandate*, p. 546.
43. Compiling these from the archival records is daunting and I did not attempt it. These should be available in the Digest of Statistics which I did not consult in the preparation of this work. But these shortcomings do not in any way compromise the points made in the text.
44. NAK: SNP 9, 924/1918 "Bauchi Province Fines and Departmental Returns-1918".
45. Informants in Panyam recollected an instance in which three successive Districts clerks in the 1940's Maga Takarda (keeper of the book), exacted fines of between 6 pence to 2 shillings from frightened peasants for failing to attend the weekly Thursday market sessions without any court proceedings or reference to the District Head.
46. Orr, *Northern Nigeria*, p. 242 fn.1
47. C. N. Ubah, "The Administration of Kano Emirate under the British, 1900-1930", an unpublished Ph.D. Thesis, University of Ibadan, 1973, p.371; see also his "Slavery and the Emancipation of Nigerian Emirates", a paper presented to the World Conference on Slavery and Society in History organised by Arewa House, Kaduna, 26-30 March, 1990, p. 24; S.U. Giginyu, "History of a Slave Village: Gandun Nasarawa", B.A. Research project, Bayero University, Kano 1981, p.77; and also a recent (1992) doctoral study of Kano by Mansur Ibrahim Muktar for Ahmadu Bello University Zaria which this author examined but whose clean copy I have not yet had access to.
48. C. G. Ames. *Gazetteer of Plateau Province*, (Jos: 1932), p. 49.
49. Author's fieldnotes. 1979. It is instructive to note in this regard the practice of "settlement out of court" which is still in existence today in many forms

with or without the Nigeria Police Force.

I was not able to compile, compute and classify these for the whole country obviously due to research limitations as pointed out in fn. 43 above.

Tamuno, *Evolution of Nigeria*, pp. 154-6.

Ayua, "Nigerian legal System", p. 37.

Tamuno, *Evolution of Nigeria*, p. 154.

J. S. Coleman, *Nigeria: Background to Nationalism*, Los Angeles; University of California Press, 1965.

A. E. Afigbo, "The Warrant Chief System in Eastern Nigeria 1900-1927" (1964); J. A. Atanda, "The New Oyo Empire: A study of British Indirect Rule in Oyo Province, 1894-1934" (1965); O. Ikime, "Itsekiri-Urhobo Relations and the Establishment of British Rule, 1884-1936" (1965) and P. A. Igbafe, "Benin under British Administration, 1897-1938" (1967) - all these are History Ph. D. Theses of the University of Ibadan and all of which have long been published. For the Northern provinces see M. M. Tukur, "The Imposition of British Colonial Domination on the Sokoto Caliphate, Borno and Neighbouring States: 1897-1914", an unpublished History Ph.D. Thesis, Ahmadu Bello University Zaria, 1979 and M. Y. Mangwat, "A History of Class formation in the Plateau Province, 1902-1960: The Genesis of a Ruling Class", an unpublished Ph.D. Thesis, Ahmadu Bello University Zaria, 1984. In addition to these, a series of publications were carried out by the Peoples Redemption Party (PRP) between 1979 and 1983 bringing to light some of the atrocities committed against members of the N.E.P.U. by the N.P.C. government of the Northern Region using the native authorities, native courts and the Police from the colonial period down to the second republic.

6 Lugard's *Dual Mandate* cited in various parts of this chapter is the most authoritative admission of this as indicated in fn. 13 above; but for a lucid and explicit thesis on the negative impact of colonial rule in Nigeria, see B. Onimode, *Mass Poverty*, London: Macmillan Press, 1983.

57. Lugard, *Dual Mandate*, p. 543.

58. A study of this entire process for Northern Nigeria has aptly described it in the following manner:

"For Northern Nigeria, Karl Marx's depiction of colonialism as a hothouse for the development of capitalism is especially apt. During the sixty odd years of colonial rule, the social formation of Northern Nigeria was dramatical

transformed. Although this transformation was of a massive nature, much of Northern Nigerian Society continues to this day to leave the casual and often the scholarly observer with the impression of changelessness. Emirs still rule, peasants still till the soil with a hoe. Yet, behind this superficial continuity, a world has changed". (See Bob Shenton, "Studies in the development of capitalism in Northern Nigeria", Ph.D. Thesis, University of Toronto, 1981, p. 220.)

59. This is an empirical reality from ancient to modern civilisation. In ancient times, colonial people under the Babylonian, Assyrian, Persian, Greek and Roman empires suffered acute human indignities including executions which have been described in the stories of those "civilisations". In modern times, colonial peoples in Africa, Asia and Latin America have suffered similar treatment as subjects of the Spanish, Portuguese, Dutch, Belgian, French, German, American, Russian (not the Soviet Union) and British colonies.

COLONIAL EDUCATIONAL POLICY, 1840-1960

Erim O. Erim

Introduction

This chapter takes the view that the word "policy" implies a statement of aims or ideals, usually made by the colonial government in respect of educational development in a country between 1840 and 1960. In other words, colonial policy in education in the country under review should imply a clear - cut statement by the British colonial administration in Nigeria stating its aims, ideals, all of which were expected to give impetus to the pursuit of education in Nigeria until 1960 when Nigeria gained its independence from Britain. It is also expected that in the formulation of such policy, the colonial government should take into consideration socio-cultural factors and the need to respond to the dominant political and economic Pressures on the country. Even a casual perusal of the records reveals boldly that the colonial administration in Nigeria never endeavoured to discover what socio-economic and political elements were which could have constituted a firm and stable foundation on which to base its educational policy. Indeed, it was against the colonial government's wish to contribute towards educational development in Nigeria. Furthermore, it should be understood that both colonialism/imperialism and education are contradictory terminologies; the latter challenges the former and subsequently destroys it.¹ To understand fully, therefore, the background to British reluctance to contribute meaningfully and positively to the development of Education in Nigeria between 1840-1960 and the pattern of education policy that subsequently evolved between 1925 - 1960, it is essential to critically examine those factors which influenced British attitude towards their new 'colony' in Africa.

For purposes of clarity, this chapter is divided into the following sub-heads: reasons for the initial reluctance by the colonial administration to take interest in education thereby shifting such responsibility to the Christian missions; the late development of colonial government's interest in both the administration and control of education, all of which resulted in dual control - a partnership between the colonial government as a private shareholder but with immense statutory powers; and finally the joint agreement between the colonial administration and the Muslim rulers of Northern Nigeria - an act which gave birth to the incurable disparity in educational developments between Northern and Southern Nigeria. This Chapter concludes by examining some political implications inherent in colonial educational policies before independence in 1960. Finally, factors which negated the principles of Nigerian nationhood are also examined.

The Christian Missionary Era, 1842-1914

Missionary activities pre-dated colonialism in Nigeria. Indeed, effective British rule in Southern Nigeria began in 1898, that is, nearly over fifty years after the United Church of Scotland had established a foothold in Calabar and initiated its educational programme. As far as the colonial government was concerned, education was not its priority at the time. It was the Governor of Lagos, Freeman, who captured the spirit of the time in 1893 when he stated, *inter alia*:

Roads must be constructed, swamps filled up, the river bank property staked and supported to prevent its being washed away A good prison must be built . . . to guard our prisoners escaping. A Hospital must be erected and a powder magazine built and eventually we shall need some barracks for the police. Nothing has yet been undertaken by government in the way of education owing to the want of necessary fund.²

To fully appreciate the background to the reluctance of the colonial administration to contribute to education in Nigeria, it might be useful to examine briefly the metropolitan model of education in England at that material time. Evidence is clear that prior to 1870 the state was reluctant to take part in education; rather, one notices efforts by the Anglican and Non-conformist to ensure that the state *laissez-faire* attitude to education prevailed. In all, only in 1870, three years after the Reform Bill had been passed, that Forester's Education Act came into being. Although voluntary agencies maintained schools, however, the state was also empowered 'to fill the gaps'. Indeed, modifications were effected here and there on the 1870 Act. It is also true that provisions of that Act had persisted and was later transplanted to Nigeria by the colonial administration.³

The above explains in brief why missionary bodies monopolised education and the subsequent reluctance of the colonial administration to intervene in the advancement of education in Nigeria. It also explains why even when the colonial administration decided to show interest in education, the approach adopted was the model imported from British, that is, the dual control with vast statutory powers and sharing responsibilities with missionary bodies for the provision and maintenance of schools.⁴

Various studies have adequately demonstrated that in establishing themselves in several areas in Nigeria, and later penetrating the Western education these missionary bodies relied on the attraction of Western education. In their view, education was seen as major means of proselytisation. According to William Boyd, we are reminded that

the church undertook the business of education not because it regarded education as good in itself but because it found that it could not do its own proper work without giving its adherents, and especially its clergy, as much of the formal learning as was required for the study of the sacred writing and for the performance of the

religious duties⁵

It is clear from the above that the missions had a very limited view of education for Nigeria as elsewhere. Little wonder, therefore, that in establishing a new post anywhere on Nigerian soil, one of the first facilities they provided was a school. Secondly, they recognised early in their missionary efforts that it was far easier to convert children than adults. With this strategy in mind, the resultant curriculum weighed heavily on the three RS - reading, writing and arithmetic - all of which were considered sufficient to operate their schemes. This narrow prospective forced their hands into producing those literate only in their mother tongues. In other words, there was no consideration in their minds of introducing Nigerians into the Whiteman's mystery of scientific and literary knowledge or setting up such institutions which were geared towards meeting the socio-economic needs of Nigerians. Their primary consideration, according to Ayandele, was to produce 'school masters who were to graduate to become catechists, deacons, and priests, while girls schools were established mainly for wives and fiances of their male workers'.⁶

The period of intensive and sustained missionary activities was between 1842 and 1882 in Southern Nigeria. It was during this time that various bodies; namely, the Church Missionary Society (CMS); the Methodist Missionary Society; the Roman Catholic Missionaries; the United Presbyterian Church of Scotland (CMS); and the Basel mission firmly established themselves in Southern Nigeria. The first to arrive was the English-Speaking Christian Mission in Badagry in Sept. 1842. However, before that date some liberated slaves from Sierral Leone were already in Lagos and Badagry for trading purposes. The Rev. Thomas Birch Freeman, son of a Negro father and an English mother, accompanied by William de Graft, led the pioneering group to Badagry. Three years later, the CMS also arrived. In January 1845, an American ship, *Adaric*, arrived Badagry with a team of evangelists - Mr and Mrs. Samuel Ajayi Crowther, Rev and Mrs. Townsend, the Rev. and Mrs. Gollner, Messrs William March and Edward Philip and established their station in Abeokuta. Quick on their heels came the Church of Scotland Mission (based in Jamaica, West Indies) which arrived Calabar in 1846. The group which was led by the Rev. Hope Masterson Waddell, also included Mr and Mrs Samuel Edgerley, an English printer, his wife, Andrew Chrisholm Edward, Miller and so forth. In 1850, Thomas J. Bowen arrived in Badagry but later moved to Ijaye where he built his first station. Subsequently, the Roman Catholics established their first school in Lagos in 1868. The Qua Iboe of Northern Ireland went South-eastward and established their mission in Eket and Uyo in 1887. They were followed by the Primitive Missionary Society which first went to Calabar and Owerri in 1892; and then the Basel Mission left for the Cameroons.⁷

Alongside with converting the "heathens" or "the benighted Africans" to Christianity via education was the idea of establishing schools. The first known school was established in 1843 in Badagry. In 1846 the CMS through the activities of Samuel Ajayi Crowther established a school in Ake in Abeokuta. Their action was followed by the Methodists. Crowther again in 1858 opened another school in December of the year at Onitsha. Hope Waddell in 1854 established a school in Creek Town and yet another also in Bonny. Irrespective of their denominations, these early

mission schools were similar in content and method - rote learning with the Bible as the master textbook.

In addition to the reading of the three RS, the missions had another vision of the role of education in the process of evangelization. The early missions in the nineteenth century believed wrongly or rightly that their predecessors in the African Missionary field failed because they did not create self-supporting, self propagating, congregations able to carry on the deadliness of the Africa climate, could only initiate rather than continue indefinitely. According to an authority on this matter:

Our design and hopes in regard to Africa are not simply to bring as many individuals as possible to the knowledge of Christ. We desire to establish the Gospel in the hearts and minds of the people, so that truth and righteousness may remain and flourish among them without the instrumentality of foreign missionaries. This cannot be done without civilization. To establish the Gospel among any people, they must have Bibles and therefore must have the art to make them or the money to buy them. They must need the Bible and that implies instructions.⁸

All in all, three major types of educational Institutes emerged, namely, the 'grammar or classical education schools', the teacher training and pastor training institutions as well as the vocational and agricultural schools. One of the earliest grammar schools was started by the CMS in 1859. It is Nigeria's first secondary school for many years and remained the only recruitment centre for clerks for colonial administration and other European trading companies. The Roman Catholic experiments of an agricultural school in Ibadan which started in 1876 failed largely because of its exclusive policy of admitting only Catholics. In 1895 the Hope Waddell Training Institute was formally opened.

It must be emphasized that these early schools faced four major problems: organisational, type of education available; financial and personnel. These early schools lacked central laws and a legally constituted government to offer directives and control. There was also no standard qualification for teachers. As mentioned earlier, the missionary education programme laid strong emphasis on Bible study. This made the Bonny chiefs protest to Samuel Crowther that "they did not want any religious education for their children because the children had enough of that at home". They would like the school to teach their children how 'to gauge palm oil and other mercantile business'.⁹ Up to 1877 records show that schools were maintained from Sunday School collections and donations from abroad as well as fees. To make matters worse, no trained teachers were available locally and there was little money to pay them for the work done. Indeed, some missions closed down their schools for a considerable length of time. The Methodists, for example, were compelled to close down their girls grammar school in 1892.¹⁰

The gloomy situation with the Mission schools continued with the opening years of the twentieth century when the colonial government began to express its taciturn interest in financial terms. According to records, the interest of the colonial

Administration came in 1877 with the provision of £200 by the Lagos government to each of these missionary Societies. This interest was followed five years later (1882) with the first Educational Ordinance, thus introducing control and supervision of educational efforts. Educationists referred to this early efforts of the colonial administration as a mere "symbolic gesture".¹¹ British interest at this point was the emphasis on military and diplomatic campaigns among the people. Indeed, colonial interest was on maintaining effective British presence at minimum cost to the British taxpayer. Therefore, in the colonial scheme of things, advancement of education was given a low priority and prefatory attention. It is in this context that the Educational Finance Code of 1882 should be seen. The spirit of the Code did raise hopes of improving educational standards by enforcing higher criteria of efficiency, increasing educational opportunities for all and sundry, establishing government schools and providing financial support for missionary educational efforts. 'These remained little more than pious hopes until the post World War II years'.¹² That the ordinance of 1882 was a dead letter as soon as it was made public is evident from the words of the first inspector of Schools Rev. Metcalfe Sunter, one time principle of Furah Bay College and 'Her Majesty's Inspector of Schools for the West African Colonies. Said Sunter: "I cannot too strongly express my regret that no proper ordinance has yet been passed after the lapse of four years and the unworkable and ridiculously complicated ordinance remains a dead letter. Till an ordinance of a workable kind is passed no school can qualify in the proper sense, for a grant".¹³ Again four years after that ordinance was passed, in fact, in July 1886 Sunter informed the Colonial Office that "not the slightest advance had been made since the enactment of the 1882 ordinance and the Gold Coast in particular was educationally speaking little more than a stagnant pool".¹⁴

The deficiencies of the 1882 Ordinance soon forced the colonial administration's hand into issuing another Ordinance in 1887 which was specifically for the Colony of Lagos. It is also clear from the records that Lagos had successfully laid down more detailed guidelines on rates and conditions of grants-in-aid to schools, certificate of teachers admissions to schools, scholarship for students in secondary and technical schools, establishment of a Board of Education for Lagos and so forth. The significance of the 1887 Ordinance was that it marked the beginning of "dual control" of education between the missionaries and the colonial governments; a partnership that spanned over eighty years of colonial educational policy in Nigeria. Under the new code a Board of Education was established and its compositions did not differ in any significant way from that of 1882. The new Board, however, was authorised to differentiate between grants to infant, primary, and secondary as well as industrial schools. Thereafter, a Nigerian, Mr (later) Dr. Henry Carr, climbed his educational ladder from sub inspector of schools to become Her Majesty's Inspector of Schools for the Colony of Lagos from 1892-1900. Indeed, by 1924, he had become the Resident Inspector of Lagos; the first to be so honoured by the colonial administration. As events later showed, it was Carr who inspired Governor Henry McCallum between 1897-78 to take steps to reform the school system in Lagos. Among other services he rendered to his country at the time under consideration was that he strongly advocated a government take-over of secondary education leavi

the primary levels to the missions whose emphasis would be on gardening, drawing and technical subjects as well as concentrating on a sound study of the English language. However, the colonial government blocked such a move and so avoided a head on collision with missionary groups.¹⁶

One thing is clear, a careful review of the educational facilities by 1900 after over fifty years of educational effort in Southern Nigeria showed a steady growth of government interest in educational matters, particularly at the primary school level although the greater burden still fell on the voluntary agencies. Available statistics show that,

out of the existing 146 primary schools, 55 were owned by the missions while government owned only one secondary school as against the missions nine. At this time also the government did not have a single institution for training teachers whereas the missions were already operating three of such institutions.¹⁷

That the performance of the colonial administration in educational matters among the Hausa - Fulani from 1900 in whose territory they had practically banned Christian missionaries from entering, was more disappointing could be explained. There were two related developments which took place by the turn of the century, each of which affected the course of Nigerian educational history. The first was the establishment of the Protectorate of Northern Nigeria and the second was the establishment of the Protectorate of Southern Nigerian. In all, three areas of the Nigerian region, Lagos colony, North and South came under the British sphere of influence. With the new development Christian missions in the South could now penetrate the North. Furthermore, it made the colonial administration become more involved than ever before in the education of Nigeria. Thus, Nigeria became a political entity under colonial rule.

The Muslim Factor, 1870-1918

Crucial to a better understanding of the lack of success which attended early missionary efforts at penetrating Northern Nigeria was the role which Lugard and his successors played. In spite of Lugard's avowal of intentions and pious declarations, his pre-occupation was elsewhere. Indeed, his obsessions were, according to Ayandele, more with "the matter of Amalgamation and the First World War ; Peace and stability as well as economic development in the greater interest of imperial government . . . than the welfare of Nigerians through the instrumentality of Western style education".¹⁸ Furthermore, he and his successors seemed to have been guided by considerations of effective colonial administration and by the example of Southern Nigeria, where the products of mission schools were a thorn in the flesh of both the colonial authorities and the traditional rulers. The above considerations may explain, in part, why an early decision was taken to sponsor an essentially government secular education for the emirates. It is significant also to add here that quite early in the life of colonial administration of the north, the traditional rulers who had established their

ent systems of education spoke through the Sultan of Sokoto warning Lugard that he [the Sultan] did

not consent that anyone from you should even dwell with us. I will never agree with you. I have nothing even to do with you. Between us and you there are no dwelling except as between believers and unbelievers - WAR as God Almighty has enjoined us. There is no power or strength save in God on High.¹⁹

above may reveal Lugard's concern that his educational programme in the North buttress the Islamic basis of the traditional emirate authorities which he considered vital to his administrative strategy. In this way, he hoped to insulate the North from the supposed corrupting influences of the Western educated Nigerians in Lagos Colony and the Southern Protectorate. In other words, the emirs accepted to check Christian missionary operations in a predominately Muslim community in return for offering their territories to be "protected" by Britain. This explains in brief why, in spite of his endless promises to his Christian friend, Dr. Walter Miller, the German CMS missionary and the earliest and greatest advocate of an all-embracing education for Northerners, Lugard persistently issued warnings to defiant Christian missions to be prepared to face any consequence that would result in enforcing Christianity upon the North. In this, he said, "I see no reason why religion-be it one sort or another should be forced upon natives - I see much in it to exasperate the Mohammedan who considers himself robbed of his property that he may further a religious propaganda hostile to his creed".²⁰

In theoretical terms, Lugard's statement above was a political move. In practice, the predominantly Muslim emirates of Sokoto, Borno, Kano and Katsina were reserved areas where missionaries could, and did, not operate, excluding the Middle Belt or "pagan areas" to the south. In effect, missionary enterprise went through three distinctive phases in Northern Nigeria in the period under consideration. The first phase, 1870-88, was a period of relative success although it was limited in coverage; the second phase, 1888 -1900, when the Northern rulers came to regard both the missionaries and colonialism as birds of a similar feather. The last phase, 1900-18, when the British administration dissociated itself from the missionaries and finally declared opposition to missionary enterprise throughout the entire North.²¹ This was what E. D. Morel captured in 1911. Commenting on Northern Nigeria he said: "Happy is the country whose annals are dull and that apparently is the case of Northern Nigeria at present".²²

As a result of Lugard's segregationist and parochial ideology of separate education for the Muslim and the so-called "pagan" sectors on the one hand and Southern Nigerians on the other, disparity began to rear its ugly head not in the educational sectors but in the political history of this country to this day. As if to push that policy further, the colonial administration courted the friendship of both the Sultan of Sokoto and the Emirs of Kano and Gwandu by inviting their rulers to England. There, a certain Lt. Colonel Beddington appealed for their support in the

vein:

We feel that the Fulani and the English races have much in common. Both have had a long experience and special attitude for administering their own and other people's affairs. Ancestors of both races share that enterprise of outlook which in the old days saw them over the face of the earth to strange countries, among foreign peoples, and to day has inspired you to come to London.²³

Thus, by 1935, the effect of the disparity was quite obvious. Indeed in that year, with an estimated population of above eleven million souls the North had 134 Native authority elementary schools and 253 Christian Mission schools with 6,060 and 12037 pupils respectively. The South in the same year with an estimated population of over eight millions souls had 174,915 pupils in its elementary schools or nearly ten times the elementary school population in the North. The critical nature of the disparity was made open by the remarks of Lugard's Successor, Sir Hugh Clifford, who, while addressing the Nigerian Council noted that "after two decades of British occupation, the Northern provinces have not yet produced a single native of these provinces who is sufficiently educated to enable him fill the most minor clerical post in the office of any government department".²⁴

The poor handling of the educational system in the country took a turn for the better between 1900 and 1916. As pointed out earlier, two relevant developments affected the course of Nigeria educational history in several ways. December 1899 saw the establishment of the Protectorate of Nigeria; the second was the later establishment of Western, Eastern, Midwestern Nigeria and the Delta. Thus, the whole area of southern Nigeria came under British control. These developments impacted on the rise of education in Nigeria. For the first time in the history of missionary endeavours, the government now provided some measure of protection for Christian evangelism in general and in Northern Nigeria in particular. Secondly, the government became more involved than ever before in the education of the people. Thereafter, government intervention in education matters moved faster than before. Thus, in 1903 the first education department was established for the Protectorate of Southern Nigeria, and in 1906, the Colony of Lagos was merged with the Protectorate of Southern Nigeria. This development resulted in the enactment of an Education Ordinance in 1906 for the entire area. With the amalgamation of the Southern and Northern Protectorates in 1914 there was another Education Ordinance in 1916 which applied to the country's entire educational system.

An important feature about the educational system during this period was that it was given a legal basis. The first code of 1903 brought forward general principles which were drawn up by Moor although issued by Leslie Probyn, the Acting High Commissioner as proclamation No. 19 of 1903. The government gave recognition to the existence of the primary, intermediate, high and technical classes of schools in existence and subsequently categorised these schools into two groups - government and assisted schools. The code also conferred on the High Commissioner the right to fix salaries of all teachers in the area. Furthermore, the code also gave legal sanction to the position and office of the Inspector of Schools and as well set up central and local boards of education for the southern protectorate. In spite of his

departure and replacement by Sir Walter Egerton, the former's system continued. In effect, government assistance increased tremendously. According to Afigbo, in January 1905 the government had schools at Bonny, Sapele, Benin, Warri, Irrua, Iwo, Agbede, Abo, Aseh and Aro Chukwu. Of these, the Benin and Warri schools were for the education of girls. In the course of the year the government established other schools at Akasa, Opopo, Oban and Ifon, while arrangements were set in motion for schools at Onitsha, Sabongida, Uromi, Ilang and Owerri. In addition to these, there were twenty assisted schools owned by the CMS (8), the United Free Church of Scotland (7) and the Roman Catholic Mission (5).²⁵

In effect, by the end of 1912 there were fifty-nine government primary schools and ninety-one mission schools drawing funds and support from government. Table 10:1 below reveals.

Table 10:1
Southern Nigeria²⁶

Agency	No. of Primary Schools	No of Pupils
a. CMS	27	
United Free Church of Scotland: Meth dist	19	
R.C.M	6	
Qua Ibeo	36	
United Native African Church	1	11,732
	2	3,984
	59	20,000
b. Government Unassisted Schools	?	50,000
c. Qur'anic Schools	?	

Table 10:2 below shows details of Assisted Secondary Schools which were in operation during the period.

Table 10:2
Southern Nigeria

Agency	Name of Institution	Location
Assisted Schools		
Government	King's College	Lagos
Anglican (CMS)	CMS Grammar School	Lagos
Anglican (CMS)	CMS Girl's Seminary	Lagos
Catholic	St. Gregory's Grammar School	Lagos
Catholic	St. Mary's Convent	Lagos
Unassisted Schools		
Anglican (CMS)	Abeokuta Grammar School	Abeokuta
Presbyterian (CMS)	Hope Waddell Institute	Calabar
Methodist	Boy's High School	Lagos
Methodist	Girl's High School	Lagos
African	Eko Boy's High Sch.	Lagos

Table 10:3 finally shows the number of Secondary schools in Southern Nigeria between 1859 and 1914.

Table 10:3
Southern Nigeria

Agency	School	Location	Founding Date
CMS	CMS Grammar School	Lagos	1859
R.C.M	Methodist Girl's High School	Lagos	1876
Methodist	Methodist Baptist High School	Lagos	1878
Methodist	Methodist Girl's High School	Lagos	1879
Baptist	Baptist Boy's High School.	Lagos	1885
Church of Scotland (CMS)	Hope Waddel Institute	Calabar	1895
C. M. S	Abeokuta Grammar School	Abeokuta	1908
Government	King's College	Lagos	1909
Private African Initiative	Eko Boy's High School.	Lagos	1913
C.M.S	Ibadan Grammar School	Ibadan	1913
C.M.S	Ijebu Ode Grammar Sch.	Ijebu Ode	1913
R.C.M	St. Mary's Government	Lagos	1913

Table 10:4 and 10:5 show the obvious disparity in educational development between the Southern and Northern Protectorates between 1911 respectively.

Table 10:4
Northern Nigeria²⁷

Province	No. of Pupils	Province	No. of Pupils
Kano	59	Nassarawa	12
Niger	40	Yola	11
Muri	25	Zaria	7
Borno	17	Ilorin	6
Central	13		
Kontagora	13	Sokoto	6

Table 5:
Northern Nigeria

	No. of Pupils	No. of Pupils A.S
1. Mission C.S.M	13 Elem. Sch.	?
Sudan Unt. Mission	4 Elem.Sch.	63
Sudan United	1 (freed Slave	118 girls Kumashi
Sudan Interior Mis.	home)	60 boys Niger
Mennonite Brethren	7 Elem. Sch.	38
Roman Catholic	3	60 Lokoja
	1	
2. Government Sch.		527
Qur'anic Sch.	12	143,312

19073

The Era of Dual Control, 1914-1959

Such was the educational scene in 1914 when Lord Lugard became the Governor-General and Commander-in-Chief of Nigeria. To the surprise of everyone, Lugard developed keen interest in education. According to Fafunwa, Lugard was passionately interested in education and was anxious to supervise personally the organisation and administration of education in Nigeria.²⁸ He subsequently put forward changes which would have had a tremendous effect on education in Nigeria. However, the Missionary bodies and the Colonial Office on the outbreak of the First World War (1914-18) frustrated his plans. Nevertheless, the introduction of the 1916 Education Code opened new areas of hope by the introduction of a new system of grants based on general efficiency of each school as certified by inspectors who frequented schools throughout the year.

Excessive cost of education had forced Lugard's hand in 1914 to call for

rapid replacement of European personnel in schools by Nigerian teachers. This was probably what Lugard implied when he referred to his new policy as "a better supply of reliable natives to occupy posts of responsibility".²⁹ This posture should be understood in the concern of Lugard's desire to evolve an effective central administration manned by expatriates and reliable natives loyal to the colonial government. His support was therefore not altruistic as he seemed to imply. His real distaste for the educated African could be gleaned from another remark he made about the educated African in general: "I am somewhat baffled as to how to get in touch with the educated native . . . I am not in sympathy with him. His loud and arrogant conceit are distasteful to me, his lack of natural dignity and courtesy antagonise me . . ." ³⁰ Education, according to him, seemed to have produced discontent, impatience, and an unjustifiable assumption of self-importance in the individual.³¹ Later, he maintained that it was colonial policy that "the interest of a large native population shall not be subjected to the will either of small European class or of a small minority of educated and Europeanised natives who have nothing in common with them and whose interests are often opposed to theirs" ³²

His successor, Hugh Clifford, did not spare the educated Nigerians either. His view of the educated elite was that they "prefer to pick a precarious and demoralising living by writing more or less unintelligible letters for persons whose ignorance is even deeper than their own" ³³ The obvious impression from the above is that in spite of everything said and done about colonial administration in the field of education in Nigeria, the British colonial government still did not have a clearly defined policy on education. In effect, what was in vogue was a *laissez-faire* attitude in which the local administration in consultation with the local Christian Missions and their home offices jointly managed education enterprises before 1925.

Such was the picture of education when in 1920 an American Agency, The Phelps Stokes Foundation, in co-operation with the International Education Board set up a commission which subsequently produced the report *Education in Africa* in 1922. The Phelps Stokes Foundation was an American philanthropic organisation interested in Africa particularly in its religious and educational affairs. Its membership consisted of Thomas Jesse Jones, Dr. James Kwegyir Aggrey, Henry Stanley Holenbeck, Mr and Mrs Arthur Wilkie and Leo A. Roy. Their terms of reference were to inquire as to the intellectual work being done in each area; investigate the educational need of the people with special reference to the religious, social, hygienic and economic conditions; ascertain the extent to which item 2 above was being met, and finally report fully the result of the study.³⁴

In the Report subsequently published, the Commission soundly criticized the colonial government's educational policy in Africa. The core of the Report reads:

The record of colonial government in Africa is a mixture of the good and bad, the effective and the ineffective, the wise and the unwise. Many of the missions did not realise the full significance of education in the development of the African people, school methods which had been discarded in America and Europe were still in vogue in Africa... the education of the masses and of native leadership has been

neglected.³⁵

The above report drew criticisms from several quarters including public opinions in the United Kingdom and the United States of America. This probably explained the swift reaction by the colonial government to the said report. In 1925, for example, the British Government published a memorandum on Education in British territories, the first government policy on Education. Inter alia, it states that

Education be adapted to local conditions in such manner as would enable it to conserve all sound elements in local tradition and social organisation The study of the educational use of the vernacular is of primary importance³⁶

Three significant issues stand clearly out of the report quoted above. The first is that the 1925 memorandum more than any other guided education policy and development from 1925-1960. Secondly, for the first time also the colonial government officially approved the use of the mother-tongue in education. Finally, it was the 1925 Memorandum which laid down the final system of education in Nigeria. In summary it says:

The system should be established which although varying with local conditions, will provide elementary education for boys and girls, secondary school education of several types, technical vocational education, institutions of higher education which might eventually develop into University and some form of adult education which will ensure identity of outlook between the newly education generation and their parents.³⁷

The above system remained in force between 1925 and 1945 with minor adjustments here and there. For example, the 1925 Code was quickly followed by the 1926 Code which was designed especially to curb 'hedge' or mushroom development of unassisted schools which were being established both by the missions and private individuals. Indeed, the spread was so rapid that neither the proprietors nor the Department of Education was able to control them. Six major areas of the emphasis of the Code are worth noting: expansion of the educational system; registration of teachers; establishment of new schools; Board of Education; appointment of supervisors, and new grants-in-aid system. In effect, the Code attempted to curb indiscriminate opening of new schools. This was a mirage because new schools continued to sprout here and there particularly following the relative prosperity which Nigeria enjoyed at the end of the First World War. During this period both private organisations including missionary bodies as well as the government continued to spend more money on education till 1930 when Nigeria was hit by the prevailing economic depression.

The period between 1930 and 1959 was marked by historic events the Second World War, intense Nigerian nationalist movement, the introduction of the

ious Nigerianisation schemes (1930s, 1948 and 1952), regional self-government, and accelerated demand by Nigerians for increased educational opportunities. It could be recalled that during Lugard's tenure he made attempts to unify the Southern and Northern educational systems, a merger which came only in 1925 with the setting up of a Department of Education under the directorship of Mr. E.R.J. Hussey. The prevailing depression forced the hands of the colonial administration to reduce the number of their European staff and urged departments to embark on in-service training of their Nigeria staff. One unintended consequence of this decision was the satisfaction of the Nigerian quest for higher education. This in brief explains the establishment of the first higher educational institution on Nigerian soil, the Yaba Higher College in 1932. The College later became the nucleus of the University of Ibadan in 1948.

Crucial to the success of all effects by the colonial administration to expand and improve education in Nigeria was the issue of funding in order to procure staff for teaching and administration as well as for research and planning. The Colonial Development Act of 1929 was the first colonial attempt to secure regular funds for colonial development. However, it contained two restrictive provisions. First, annual expenditure would not exceed £1,000,000.00. Secondly, the expenditure was limited to assisting agriculture and industry.³⁸ However, another Act which came eleven years later corrected the above anomaly by inserting any purpose likely to promote the development of the resources of any colony or the welfare of its people.³⁹ It was only after the passage of the Act that education in the colonies received any form of assistance from that source.

In spite of the apparent generous financial provision of £120,000.000 million provided by the Act of 1945, education still needed more liberal funding by the colonial administration in Nigeria. This demand, explains in part, the background to the conception of Nigeria's Ten-year Education Plan which was launched in 1944. According to Adesina, its aims included a type of education suitable for the needs of the country; better conditions of service for teachers employed by the missions and other voluntary bodies in order to provide a better trained and more content staff; adequate financial assistance to the missions and other voluntary educational bodies; and finally financial assistance to native administrations to assist them to expand education in their areas.⁴⁰

Rapid expansion of education in all its ramifications called for increased spending by the colonial administration. Thus, the sum of £263,456 was spent on education in 1929, just over 4 percent of the budget for that year. This was a considerable improvement over the figure of 1.1 per cent for 1919. Because of the economic situation referred to earlier, there was a drastic reduction in the amount disbursed in the form of grants-in-aid.⁴¹ Table six below spells out in greater detail the colonial administration's financial commitment to education between 1914-195

Table 10:6⁴²

Colonial Government Expenditure on Education in Nigeria, 1914-52

Year	Expenditure on Education	% of Total	% of Total
1914	£47,900	1.3	1.8
1919	49,216	1.1	4.3
1925-5	116,301	1.7	4.7
1929-30	263,456	4.2	4.0
1934-35	225,038	4.5	4.8
1939-40	264,461	4.3	8.1
1944-45	485,113	4.5	16.9
1949-50	2,300,530		
1951-52	8,324,000		

The above figures give eloquent testimony to the colonial administration's lack of concern for rapid and adequate development of education in Nigeria. A careful look at the expenditure from 1949-51 would reveal that the administration was being generous. Far from it. The increase is explained by the initial heavy capital expenditure on the new University College, Ibadan, founded in 1948. The apparent phenomenal rise between 1951-52 could be explained by the attempts of the colonial administration to implement the MacPherson's Constitution under which the city of Nigerian governments would come to power in the region and Lagos. All laid renewed emphasis on the expansion of education. This is the context in which one could appreciate the boast by the Board of Education that Education could have its share of government revenue, and that it was getting that.⁴³

The colonial administration's funding capacity improved considerably in the 1950s for the following reasons. In 1952 a small group of experts in Britain submitted a report on education in the colonies. There was also Cambridge Conference on education which discussed the expert's report. These two events were jointly taken up by the Nuffield Foundation and the Colonial Office which, in an attempt to reward the gallant efforts of colonial peoples towards British war efforts, became liberal in granting funds for educational development in Nigeria as elsewhere. Also because of the improved economy of Nigeria, Lagos, for instance, was able to defray the bulk of its educational expenditure.⁴⁴ It was in the atmosphere of recovery and optimism that the 1952 conference was held. It must be noted, however, that although the conference did not produce a document in educational planning in Nigeria *per se*, the principles established in the conference were designed to guide the formulation of educational policies as well as educational plans in Nigeria as elsewhere.

Furthermore, the international rumblings preceding the onset of the Second World War coincided with intense political activities in Nigeria. For example, there was the formation of the first mass political party in Nigeria - the Nigerian Youth Movement - comprising all such groups which were critical of the educational policy of the colonial administration in Nigeria. According to one educationist, 'the butt of

their criticism was directed particularly to the Director of Education's new pet-baby - the Yaba Higher College - established in 1934 for the purpose of producing Assistant Medical Officers, Assistant Agricultural Officers, Assistant Education Officers, and Assistant Surveyors.⁴⁵ The net effect was the Elliot Commission for Higher Education of the colony as a result of the recommendation of which a University College of Ibadan was established in 1948.

In the late 1940s the distant rumblings of the nationalist movements were coming home to roost in Nigeria. In Lagos, the leaders of the nascent political consciousness included those who had received some Western education, some of whom had completed their studies in Great Britain, the United States of America and elsewhere. Individuals such as Herbert Macaulay, Dr. C. C. Adeniyi-Jones, Messrs Ernest Osofisan, Eyo Ita, H. O. Davies and Nnamdi Azikiwe and Obafemi Awolowo were animating the nationalist movement. Into that political scene Dr Azikiwe subsequently thrust his own daily newspaper *The West Africa pilot* in Lagos. This political development saw the emergence of the National Youth Movement and the Nigeria National Democratic Party.

Events later revealed that the colonial administration refused to be a passive observer of the Nigeria political scene. This was the situation when the Governor-General, Sir Arthur Richards, introduced the Richards Constitution in 1947. Nigeria was subsequently divided into three regions: East, West and North each of which contained a dominant and largest ethnic group of East with Igbo, West with Yoruba and North with Hausa-Fulani. According to Fafunwa:

This event marked the beginning of active ethnic politics in Nigeria. Everything in sight was regionalised, not the least, education . . . active political activities emerged with regionalism . . . three major parties NCNC, NPC and Action Group, were all formed and each reflected ethnic and regional bias. Each of the parties formed the first regional government of their respective power-bases. Fierce educational competition followed, dwarfing the erstwhile missionary competition of the previous decades.⁴⁶

In spite of the introduction of regionalism into field of education considerable expansion took place between 1950-1960. Both the Western and Eastern regional governments place highest priority on education. The West, for example, launched the boldest and ambitious scheme of free, Universal Primary Education in Africa in 1955. The East was not left behind. The Northern government paid more attention to adult education. The result was that primary school enrolment in the West jumped from 456,600 in 1954 to 811,432 in 1955 and to 1.25 million in 1960. The figure from the East rose from 665,000 in 1954 to 1.42 million in 1960; that of the North rose from 16,900 in 1954⁴⁷ to 23,800 in 1960. Total attendance at Secondary Schools rose from 9,408 in 1947 to 84,998 in 1958, an increase of 85 percent for the South with Northern Nigeria registering an increase of 1,600 percent. Similar phenomenal increase took place in the growth of teacher training facilities and vocational and technical schools.⁴⁸

While the Nigerian nationalists were busy examining the details of the 1951 Constitution introduced by Sir John Macpherson, the colonial administration brought forth two major reports which were in several ways critical in the determination of Nigeria's educational development. The first was the *World Bank Report* which was issued in 1954. The second was the *Ashby Report* which later became the bible for educational development strategies during the first decade after independence.⁴⁹ The World Bank was to assess the resources available for future development in the country. Its major areas of concentration were as follows: a check at a possible explosion of primary enrolment; expansion of secondary level education that would help improve the quality of trained teachers; an increase in the supply of teachers that would help improve the quality of primary education; and a modest increase in higher education to the level that it could be accommodated in the nation's educational budget.⁵⁰ The report drew violent criticism from several quarters and its major defect being "paying little attention" to how the revenue was to be generated. This and other considerations forced the Federal Government of Nigeria in 1985 to set up another commission: the Ashby Commission.

Also as a result of the pressures on the Federal Government to adopt a more vigorous and deliberate Nigerianisation policy the government appointed a commission in April 1959 "to conduct an investigation into Nigeria's needs in the field of post-school certificate and Higher Education over the next twenty years".⁵¹ The report is significant in several respects. It attempted in a manner never done before to forecast Nigeria's needs not only in the area of post-school certificate and higher education but also in the overall educational system and in the future. Secondly, it conceived of the educational needs of Nigeria in terms of their economic development. Finally, it succeeded in rousing the Federal Government from its slumber and gave further impetus to the regional governments. The Federal Government subsequently published a White Paper - *Sessional Paper No.4 of 1961* - which endorsed Ashby's Report with slight modifications. The White Paper, for example, raised the university enrolment target from 7,500 to 10,000 by 1970 and recommended that at least 75% of the students should be taking courses in science-pure and applied. From every indication, the Ashby Report, as far as education was concerned, constitute the basis for education in Nigeria's first National Development Plan. In the words of Asiwaju:

Accepted almost in its entirety by government, the Ashby Report came to be regarded as Nigeria's education Bible, whether in faithfulness to or in criticism of the Commission's recommendation. Nigeria's educational development since Independence has been hinged on the Commission's proposals.⁵²

The major point that emerges from the analysis so far are clear. We observed earlier that the colonial government in Nigeria virtually and unofficially delegated to the missionary bodies the responsibility to educate Nigerians. However, it reserved to itself the power to control and regulate the operations of all educational institutions in the country. Thus, between 1914 and 1960, there were not less than five education ordinances. The Governor of the Colony and later the Governor-General

appointed all members of the Education Board. He could prohibit the opening of a new school as well as order the closure of existing ones. In short, for the large part of the colonial period the power structure was strictly pyramidal and decision-making was highly centralized.

In statistical terms, the picture of education that emerged in the 1960s could be summarised as follows: Christian Mission controlled at the primary education sector 77.8% of the pupils, 90.55% of the teachers, and 79.70% of the schools. At the secondary school sector the figures were 78.20% of the pupils, 86.27% of the teachers and 30.14% of the schools. In the teacher training colleges, private organisations controlled 71.21% of the pupils, 81.23% of the teachers and 76.94% of the schools.⁵³ A significant aspect of the Ashby Report was the establishment the same year of the University of Lagos, and Ahmadu Bello University and the University of Ife (Now Obafemi Awolowo University). The University of Nigeria Nsukka, the second oldest higher educational institution, was established by law in 1955 but opened in 1960, the year the Ashby Commission submitted its report to the Federal Government. Then by 1963, the total enrolment of student population stood at 3888.⁵⁴

In spite of the impressive array of figures above representing our efforts and achievements in growth rate in pre-independence Nigeria, one major defect stares us in the face. Nigeria is both still far from running an educational programme that prepares both the country and its citizens for self-reliance and for the task of nation-building. In other words, after thirty five years of political independence, the country is still being 'plagued with the dependence syndrome.'⁵⁵ Before explaining reasons for this development it might be necessary to keep in proper perspective the aims and contents of the Western style education by quoting Fafunwa at length:

Before the colonial era each ethnic or linguistic group in what is now Nigeria was a nation-state on its own, educating its children in its own traditional system. The Islamic religion was finally established between 11th and 18th centuries with its own system of education in juxtaposition with the traditional system. The Christian mission arrived in the mid-19th century and each with its own distinctive educational system which was precursor of the colonial cum western system of education. Each missionary group was pre-occupied with its own evangelical mission both spiritually and educationally. Consequently, there was considerable competition among them for the souls of men. When the British colonial government took over the management and control of education, its policy of "divided rule" was a direct negation of the principle of nationhood.⁵⁶

Political Implications of Colonial Control of Education

It should be obvious from the records that the colonial government never pretended to build a Nigeria nation through education. There is no empirical evidence to show that in their numerous policy statements and programmes on education one could find a systematic process whereby the young in any Nigerian community could be taught

the necessary skills for coping with his environment and acceptable behaviour patterns as well as the norms and values of that society. On the ground, the missionaries who introduced education into Southern Nigeria and, to a limited extent, into Northern Nigeria emphasized the Bible as the centre of civilization. Indeed, soon Nigerian converts "discovered" that ability to read the Bible was the key to the Whiteman's magic as well as breaking into a new kind of society.⁵⁷ Later, mission schools started producing Nigerians who would be useful to the European enterprises. In effect, the missionaries at this time designed curricula and syllabuses which negated African value systems. In fairness to the Christian missions, it needed to be emphasised here that early in their missionary endeavour, their programme of evangelisation, as clearly pointed out by Ade Ajayi, also contained seeds which, under favourable conditions would have produced Nigerians who were ready to contribute effectively to the task of building a new Nigerian nation. The early educated elite had a clear vision of a new Nigerian nation in the nineteenth century, comparable to those in Europe and elsewhere in the world.⁵⁸ This could not be, for the control of education by the colonial administration became an investment for promoting colonialism which is a direct negation of the principle of nationhood. However, a redirection of colonial attitudes did occur from time to time but gradually. For Example, from the Phelps-Stokes Commission on Education in Africa, the colonial government in Nigeria was condemned for fostering on Nigerians what could be called "colonial mentality by creating an elite of pen-pushers who were undermining native authorities and leaving the mass of the people uneducated". Government reacted by laying down several policies on education and emphasized co-operation between government and other agencies. On the aim of education, it stated, *inter alia*, that "education should be adapted to the mentality, aptitudes, occupations and traditions of the various peoples, conserving as far as possible all sound and healthy elements in the fabric of their social life: adapting them where necessary to changed circumstances as an agent of national growth and evolution".⁵⁹ In other words, "education should strengthen feelings of responsibility to the tribal community".⁶⁰

The government response was quite feeble. It set up a Department of Education which co-operated with local authorities to influence government policies and guidelines on education. This was indirect rule in practice helping to strengthen the feeling of responsibility in the local community. The curriculum was British in content. English language and literature were compulsory subjects followed by mathematics and science subjects. The history which mission schools taught was British Empire history and had little to do with the history of Nigerian peoples – past and present – All in all, according to Eleazu, the educational system at both primary and secondary levels in the colonial period lacked a specific political culture on education.⁶¹

As we look closely at the school environment, it did not provide an opportunity for learning political skills and attitudes. For example, the flag that was used in scout meetings was the Union Jack; the national anthem was "God save the Queen"; and the language of instruction was English. It was only in 1984 that the Buhari regime made it mandatory for every school and public building to fly the national flag and sing the national anthem. Before independence, colonial education

ly socialised Nigerians into the symbol of the British Empire rather than building the Nigerian nation.

In Northern Nigeria, after the initial setback for the missionary bodies, particularly in the predominately Muslim stronghold, and in order that the North may not lag behind the South, the government through the agencies of Native Authority provided schools in which Western-style education took place, without the Christianappings. In Margery Perham's words, "the Emirs generally built and supported (schools) but out of the native administration funds, and the government strongly supported their wish that they be kept in close harmony with the existing social and religious system and that no alien Africa teachers should be employed".⁶² Indeed, such schools were kept small and open only to the children of the traditional elite. Here in lies the origin of the educational imbalance between the South and the North though today policy makers are implementing the so called quota system in the vain hope of redressing the imbalance.

With the introduction of regional politics in 1954 one saw a ray of hope in the educational sector. Indeed, nationalist leaders were not blind to the faults of the existing system. Some of them were critics of the system. They realised early enough that the burden of self-government necessitated the development of the required manpower to replace the expatriate officers on the approach of independence. However, they saw that problem only in a technical sense of developing necessary skills needed for industrialisation rather than the erection of a healthy citizenry. There is no record to show that the nationalists made any worthwhile efforts to overhaul the syllabus or the existing curriculum. Only a few changes took place here and there. For example, in many schools, the pictures of the premier of the region either hung side by side with or replaced that of the Queen.

Even at a level of higher education, extreme regionalism was most manifest. Each Region (West and East) embarked upon free and Universal Primary Education (UPE). Secondly, they ignored Ashby's caution that even if regions wanted to own their universities they should avoid extreme regionalism in the matter. The Report states:

The distances in Nigeria, the variety of peoples which compose her population, and above all, the need for diversity in higher education all point to the need for at least one University in each Region. But we go at once to say that it would be a disaster if each University were to serve only its own Region . . .⁶³

The nationalists took what they wanted from the Report and ignored what was not favourable to them. Consequently, regional universities were built, each admitting students predominantly from its region with a token number from other regions. In effects, higher education as much as the lower level of education had no manifest political content. The only trappings that could be found came in the form of federal and regional scholarships. regional politics in establishing them and the politics of control over the regional universities Ife, University of Nigeria Nsukka, Ahmadu Bello University etc.

During this era of regionalism in education there was no concrete way in which Nigerian nationalists sought to inculcate the specific sense among the citizens of developing a common political culture which was co-existent with the nascent Nigerian state as well as developing a feeling of nationhood. As noted earlier, both the mission schools and the colonial administration conducted instruction in the English Language. The nationalist did not alter that situation. Admittedly, that language did provide a kind of integrative force by facilitating communication across ethnic and regional lines. However, convenient as it might have been, nationalists could have discontinued the practice and since they did not, English has become the *lingua franca* of the elite in Nigeria.

As for the educational disparity between the North and the South, the gap seems to widen daily and this the North sees as an obvious political threat. The late Sardauna captures this feeling when he said:

If the British Administration had failed to give us the even development that we deserve and for which we craved so much and they were on the whole a very fair administration – what hope have we from an African Administration? The answer to our own minds was, quite simply, just nothing, beyond a little window dressing.⁶⁴

The resultant feeling of hostility between the North and the South is what Eleazu calls "a zero sum conflict situation".⁶⁵ The direct off-spring of that feeling of hostility which the North had towards the South is today's "quota system and federal character" referred to earlier.⁶⁶ In all these educational development ethnic hostilities and mistrust developed in place of a spirit of unity among Nigerian peoples.

A close survey of the existing literature on educational expansion in Nigeria between 1842-1960 has clearly shown that no government either colonial or Nigerian, had even come out boldly to deliberately and consciously promote the inclusion of civics and citizenship education in the school curriculum. It was not surprising that at the end of the Nigerian Civil war, many Nigerians felt the need for national unity, common identity and national integration. However, the picture is still that successive military administrations have failed to take adequate advantage of that development. There is a ray of hope in the New Policy on Education (NPE) which recognises the urgent need for active promotion of national integration, common nationality and national unity included in the school curriculum. Indeed, the Federal Government White Paper which was published in 1981 supported the promotion of effective citizenship, national consciousness, national unity, self-realization, as well as socio-cultural, economic, political, scientific and technological progress.⁶⁷ Hopefully, our leaders would translate these lofty ideas into practice. There lies our road to national unity and to a true federalism.

Bibliography and References

S. Adesina, "The dilemma of the Educational system since Political Independence" in Tekena N. Tamuno *et al* (eds), *Nigeria, Since Independence: The First 25 years*. Ibadan: Heinemann-Educational Books, 1989, Chapter six, p.122.

A. Fajana, "Missionary Educational Policy in Nigeria", *West African Journal Of Education*, XIV, 2, June, 1970.

S. Adesina, *Planning and Educational Development in Nigeria* Ibadan: Educational Industries Nigeria Ltd, 1977, p. 6-8

Ibid.

Quoted from Chapter 3 of A. B. Fafunwa "The coming of the Missionaries" in his *History of Education in Nigeria*. London: George Allen and Unwin, 1974, p. 73.

E. A. Ayandele, *The Missionary Impact on Modern Nigeria 1842 - 1914: A Political and Social Analysis*, London: Longman, 1966, p. 286

For more details see Fafunwa, *Education in Nigeria*.

For more details consult J.F.A Ajayi *Christian Missions in Nigeria*. London: 1965, p. 126. For a fuller treatment of the original source see T. J. Bowen, *Missionary Labours and Advertisements in Central Africa*. Charleton, USA, 1857, p. 121.

Quoted in Adesina, *Planning and Educational Development*, p. 5.

10. *Ibid.*

11. See S. S. Osoba & A. Fajana, "Education and Social Development During the Twentieth Century" in Obaro Ikimo (ed), *Groundwork of Nigerian History*. Ibadan: Heinemann, 1980, p. 572.

12. *Ibid.*

13. Adesina, *Planning and Educational Development*, p. 10

14. *Ibid.*

15. A. Fajana, "Colonial control of Education: The Development of Higher Education in Nigeria", *JHSN*, 6, 3, Dec., 1977, p.324.

16. *Ibid.*
17. Adesina, *Planning and Educational Development*, p.13
18. E. A. Ayandele "Lugard and Education in Nigeria," Chapter 12 of his *Nigeria Historical Studies*, London: Frank Cass, 1977, p.250.
19. Quoted in a letter from the Sultan of Sokoto to Frederick Lugard, May 1902 in M. Crowder, *The Story of Nigeria*, London: Faber and Faber, 1962, p.199.
20. Adesina, *Planning and Educational Development*, p.15.
21. For more details see Ayandele, "The Missionary Factor in Northern Nigeria 1870 - 1918" in his *Nigeria Historical Studies*. Chapter 7, pp.140 - 160.
22. Morel Papers (London School of Economics) quoted in Ayandele "The Missioning Factor", p.159.
23. M. Omolewa, "Myth and Reality of the Colonial Legacy in Nigerian Education, 1951-84", in Tamuno, *Nigeria since Independence*, p.11
24. Quoted in Adesina, *Planning and Educational Development*, p. 21.
25. A. E. Afigbo, "The Background to the Southern Nigerian Education code of 1903", *JHSN*, IV, 2, 1968.
26. Fafunwa, *History of Education*, pp.97-9.
27. *Ibid.*, pp.108-9.
28. *Ibid.*
29. *Ibid.* p.113.
30. M. Perham, *Lugard: The Years of Authority 1898-1945*. London, 1960, p. 586.
31. Sir, F. D. Lugard, *Report on the Amalgamation of Northern and Southern Nigeria, and Administration, 1912-1919*. Com. 468 (HMSO, 1920), p.60.
32. *Ibid.*, p. 19.
33. Sir, Hugh Clifford in *An Address to the Nigeria Legislative Council on 29 December, 1920*. Lagos: Government Printer, 1920. pp.199-200.

1. For a fuller report see Phelps Stokes, *Report on Education in Africa*, abridged with introduction by L. J. Lweis, London: Oxford University Press, 1962.
2. *Ibid.*
3. Memorandum on Educational Policy in British Tropical Africa (HMSO, 1925).
4. Fafunwa, *History of Education*, p.125.
5. The British government Colonial Development and Welfare Acts Command Refer 9375 (London, HMSO, 1972), p.1; also referred to extensively by Adesina, *Planing and Educational Development*, p. 25.
6. *Ibid.* p. 26.
7. *Ibid.*
8. O. Nduka, *Western Education and the Nigerian Cultural Background*. London: Oxford University Press, 1964, p.47.
9. Osoba, "Educational and Social Development", *op cit*, p. 577; also quoted in Nduka, *Western Education*, pp. 38, 47 and 77, and J. S. Coleman *Nigeria. Background to Nationalism*. Berkeley, University of California Press, 1963, p. 126, table 13.
10. Osoba, "Education and Social Development", p. 576. For details see A. *Bulletin of Educational Matters*. Published by the Education Department Nigeria, Lagos vol. 3 no. 2, April 1929, p.11:
11. F. H. Hilliard, *A short History of Education in British West Africa*. London: Thomas Nelson and Sons, 1956, p.146. see also Adesina, *Planning and Educational Development*, p.30.
12. S. Onabamiro, "Education Practices in Nigeria" in *Nigerian Education: Trends and issues* (ed) S. Adesina Kunle Akinyemi and Kayode Njaji. Ile - Ife: University Nigeria, 1983, p. 292. of Ife Press, 1983, p. 292.
13. Fafunwa, "National Policy in Education", *op.cit.* p. 39.
14. *Ibid.*
15. Osoba. "Educational and Social Development", p. 577.
16. Adesina. '*Planning and Educational Development*'

Failure of British Policy and the Contradictions in the Nigerian Colonial State

Just as the Richards Constitution proved to be unworkable because it was a curious type of unitary government, the Macpherson Constitution proved also to be unworkable because it was a curious type of a federalist document. By 1953 it had become clear to Whitehall that under the tight leadership of three regionally based parties, each under the huge thumb of three overwhelmingly dominant personalities – Awo in the West, Sardauna in the North and Zik in the East – the survival of Nigeria as a nation-state depended on the formulation of a more realistic federal arrangement for its governance. That it took Britain that long to come to terms with this glaring elementary lesson of Nigerian history may not be as surprising as it seems. As the head of a world-wide empire, Britain was certainly confronted with nothing new in Nigeria. Nevertheless, its aversion to federal government as the solution for the nationalities problem is well known. In our period, therefore, Britain was forced by the matrix of Nigerian history, culture and politics to admit that its gentle and subtle policy of evolving a Nigerian state that resembled more the United Kingdom of Great Britain and Northern Ireland than the complex federalism of the United States of America had failed. Nigerian political leaders, on their part, instead of presenting a united front against foreign domination, preferred the selfish policy of struggling for the dominance of their respective regions in the post-independence period as well as of ensuring that they would not yield first place to none. In the circumstance, they exacerbated the fears of minority groups.

This struggle for dominance at both the national and personal levels did not become pervasive until the inauguration of the Macpherson Constitution under the Nigeria (Constitution) Order-in-Council of 29th June, 1951. This curious document which Awo regarded surprisingly as "a prominent land-mark in our political evolution" replaced, as we saw, the unpopular Richards Constitution. Contrary to the views of the majority of Nigerians (no doubt, manipulated by their political leadership) who demanded a federal constitution, the British government astounded them by forcing on the country a hermaphrodite condition that was neither truly unitary nor federal in any sense of the word. It did, however, sanction the existence of three regionally-based political parties. Like the NCNC, the Constitution oscillated annoyingly between centralism and federalism but with centralist ideas clearly dominant. This position contrasted sharply with the concept of "Unity in federation" espoused by the Egbe Omo Oduduwa and its ebullient off-spring the AG as well as with the NPC's unrepentantly sectionalist concept of "North for the Northerners" but joined to Nigeria in what amounted to a confederation.² Such were the contradictions in Nigerian politics that while it was the NCNC leaders who led the assault that resulted in the demise of a constitution that best conceptualised their woolly vision of a united Nigeria it was the AG that nailed the coffin shut solidly. On this issue, the Northern political leaders and the British colonial administrators who behaved as if they were identical twins were in temporary disagreement. It was not surprising, therefore, that the 1951 Constitution lasted for just over three years before it was replaced. The political developments in Nigeria within this period have been chronicled and analysed in detail. Those developments brought into sharper focus certain contradictions in

16. *Ibid.*
17. Adesina, *Planning and Educational Development*, p.13
18. E. A. Ayandele "Lugard and Education in Nigeria," Chapter 12 of his *Nigeria-Historical Studies*, London: Frank Cass, 1977. p.250.
19. Quoted in a letter from the Sultan of Sokoto to Frederick Lugard, May 1902 in M. Crowder, *The Story of Nigeria*, London: Faber and Faber, 1962, p.199.
20. Adesina, *Planning and Educational Development*, p.15.
21. For more details see Ayandele, "The Missionary Factor in Northern Nigeria 1870 - 1918" in his *Nigeria Historical Studies*. Chapter 7, pp.140 - 160.
22. Morel Papers (London School of Economics) quoted in Ayandele "The Missioning Factor", p.159.
23. M. Omolewa, "Myth and Reality of the Colonial Legacy in Nigerian Education, 1951-84", in Tamuno, *Nigeria since Independence*, p.11
24. Quoted in Adesina, *Planning and Educational Development*, p. 21.
25. A. E. Afigbo, "The Background to the Southern Nigerian Education code of 1903", *JHSN*, IV, 2, 1968.
26. Fafunwa, *History of Education*, pp.97-9.
27. *Ibid.*, pp.108-9.
28. *Ibid.*
29. *Ibid.* p.113.
30. M. Perham, *Lugard: The Years of Authority 1898-1945*. London, 1960, p. 586.
31. Sir, F. D. Lugard, *Report on the Amalgamation of Northern and Southern Nigeria, and Administration, 1912-1919*. Com. 468 (HMSO, 1920), p.60.
32. *Ibid.*, p. 19.
33. Sir, Hugh Clifford in *An Address to the Nigeria Legislative Council on 29 December, 1920*. Lagos: Government Printer, 1920, pp.199-200.

4. For a fuller report see Phelps Stokes, *Report on Education in Africa*, abridged with introduction by L. J. Lweis, London: Oxford University Press, 1962.
5. *Ibid.*
6. Memorandum on Educational Policy in British Tropical Africa (HMSO, 1925).
7. Fafunwa, *History of Education*, p.125.
8. The British government Colonial Development and Welfare Acts Command Refer 9375 (London, HMSO, 1972), p.1; also referred to extensively by Adesina, *Planing and Educational Development*, p. 25.
9. *Ibid.* p. 26.
10. *Ibid.*
1. O. Nduka, *Western Education and the Nigerian Cultural Background*. London: Oxford University Press, 1964, p.47.
2. Osoba, "Educational and Social Development", *op cit*, p. 577; also quoted in Nduka, *Western Education*, pp. 38, 47 and 77, and J. S. Coleman *Nigeria. Background to Nationalism*. Berkeley, University of California Press, 1963, p. 126, table 13.
3. Osoba, "Education and Social Development", p. 576. For details see A. *Bulletin of Educational Matters*. Published by the Education Department Nigeria, Lagos vol. 3 no. 2, April 1929, p.11:
4. F. H. Hilliard, *A short History of Education in British West Africa*. London: Thomas Nelson and Sons, 1956, p.146. see also Adesina, *Planning and Educational Development*, p.30.
5. S. Onabamiro, "Education Practices in Nigeria" in *Nigerian Education: Trends and issues* (ed) S. Adesina Kunle Akinyemi and Kayode Njaji. Ile - Ife: University Nigeria, 1983, p. 292. of Ife Press, 1983, p. 292.
46. Fafunwa, "National Policy in Education", *op.cit.* p. 39.
47. *Ibid.*
48. Osoba, "Educational and Social Development", p. 577.
49. Adesina. 'Planning and Educational Development'.

50. *Ibid.*
51. *Nigeria: Federal Government Commission on Post School Certificate and Higher Education in Nigeria, Investment in Education, (The Ashby Report)* Lagos, 1960.
52. A. I. Asiwaju "Ashby Revisited", *African Studies Review*, XV, I, April, 1972.
53. Adesina, "Dilemma of the Nigerian Educational System", *op.cit*, p.124.
54. Fafunwa, "National Policy on Education", *op.cit*, p. 42.
55. J. A. Átanda: "Towards Education for Self-Reliance and Nation-Building", Tamunò. *Nigeria Since Independence*, p.316.
56. Fafunwa, "National Policy on Education", *op cit*, p. 40.
57. Eleazu, *Federalism*, p. 127.
58. J. F. A. Ajayi, "Henry Venn and the Policy of Development", *JHSN* 5, 1959; also his Nineteenth Century of Origins of Nigerian Nationalism", *JHSN*, 11, 1,1961.
59. Eleazu, *Federalism*, pp. 110-11
60. *Ibid.*
61. *Ibid*
62. M. Perham, *Native Administration in Nigeria* (London: O.U.P., 193 reprinted in 1962.
63. *Ashby Report*
64. Ahmadu Bello: *My Life: Autobiography of Sir Alhaji Ahmadu Bello, The Sardauna of Sokoto*. Cambridge, The University Press, 1962, pp.110-111.
65. Eleazu, *Federalism*, p.127.
66. There is a growing literature on this matter. See, for example, A.E. Afigbo, "Federal Character: Its meaning and History" in Peter Ekeh and E. E. Osaghae (eds) *Federal Character and Federalism in Nigeria*. Ibadan: Heinemann, 1988, pp.3-18.
67. *National Policy on Education (Revised)*, 1981, p. 7.

INDEPENDENCE AND THE TRIUMPH OF FEDERALISM, 1954-1960

S. E. Majuk

Introduction

By 1950 Britain had more or less concluded that granting independence to Nigeria was only a matter of time. But Whitehall had also counselled that fixing a date for that independence was both premature and unwise. There were simply too many loose ends that needed to be tied up. In essence, the pace and timing of the country's inevitable march to freedom was to be determined, not so much by the British government, but by the Nigerian political leadership. So also would the nature of the constitutional arrangement under which an independent Nigeria would be governed. In this respect, compared to most African countries (especially in the White controlled South and with Algeria in the North), Nigeria was especially lucky. Nigerian independence was regained, as Nnamdi Azikiwe put it appropriately, "on a platter of gold". But precisely because independence was so easily regained, that is without bloodshed and prolonged nationalist struggle, it was not possible for the country to produce a nationalist leader and hero embodying the nation's aspirations and around whom its unity would pivot. The lack of such a leader was also a function of the country's diverse histories and cultures. Azikiwe (or "Zik" as he is popularly known) had the best credentials among his peers to fill such a role but unfortunately he was not really a steadfast revolutionary. Nor, indeed, did Obafemi Awolowo (popularly called "Awo") and Ahmadu Bello (popularly called Sardauna of Sokoto), his major rivals, allow him to be the rallying point of a pan-Nigerian unity.

Of course, had there really been a major nationalist cause to fight and die for at this time which Zik embodied, he would have appealed over the heads of his rivals to the wider Nigerian public and would, probably, have been widely supported. But unfortunately there was no such cause. Half a century of British colonial overrule had ensured that Nigerians saw their so-called country as being made up of a congeries of different nationalities having nothing in common with one another, warring with one another, but mercifully brought together through the enlightened benevolence and philanthropy of Britain. To force a unitary constitution on such a country, the British official mind was convinced, would create insurmountable difficulties; to rule it as a federation or a con-federation (as its history suggested), although attractive also as a veritable instrument for a divide and rule policy in a colonial situation, was to invite the disaster of disintegration. That, as we have seen, was the British dilemma in Nigeria. The decade between 1950 and 1960 was devoted to the successful resolution of this dilemma for whatever it was worth.

Failure of British Policy and the Contradictions in the Nigerian Colonial State

Just as the Richards Constitution proved to be unworkable because it was a curious type of unitary government, the Macpherson Constitution proved also to be unworkable because it was a curious type of a federalist document. By 1953 it had become clear to Whitehall that under the tight leadership of three regionally based parties, each under the huge thumb of three overwhelmingly dominant personalities – Awo in the West, Sardauna in the North and Zik in the East – the survival of Nigeria as a nation-state depended on the formulation of a more realistic federal arrangement for its governance. That it took Britain that long to come to terms with this glaring elementary lesson of Nigerian history may not be as surprising as it seems. As the head of a world-wide empire, Britain was certainly confronted with nothing new in Nigeria. Nevertheless, its aversion to federal government as the solution for the nationalities problem is well known. In our period, therefore, Britain was forced by the matrix of Nigerian history, culture and politics to admit that its gentle and subtle policy of evolving a Nigerian state that resembled more the United Kingdom of Great Britain and Northern Ireland than the complex federalism of the United States of America had failed. Nigerian political leaders, on their part, instead of presenting a united front against foreign domination, preferred the selfish policy of struggling for the dominance of their respective regions in the post-independence period as well as of ensuring that they would not yield first place to none. In the circumstance, they exacerbated the fears of minority groups.

This struggle for dominance at both the national and personal levels did not become pervasive until the inauguration of the Macpherson Constitution under the Nigeria (Constitution) Order-in-Council of 29th June, 1951. This curious document which Awo regarded surprisingly as "a prominent land-mark in our political evolution"¹ replaced, as we saw, the unpopular Richards Constitution. Contrary to the views of the majority of Nigerians (no doubt, manipulated by their political leadership) who demanded a federal constitution, the British government astounded them by forcing on the country a hermaphrodite condition that was neither truly unitary nor federal in any sense of the word. It did, however, sanction the existence of three regionally-based political parties. Like the NCNC, the Constitution oscillated annoyingly between centralism and federalism but with centralist ideas clearly dominant. This position contrasted sharply with the concept of "Unity in federation" espoused by the Egbe Omo Oduduwa and its ebullient off-spring the AG as well as with the NPC's unrepentantly sectionalist concept of "North for the Northerners" but joined to Nigeria in what amounted to a confederation.² Such were the contradictions in Nigerian politics that while it was the NCNC leaders who led the assault that resulted in the demise of a constitution that best conceptualised their woolly vision of a united Nigeria it was the AG that nailed the coffin shut solidly. On this issue, the Northern political leaders and the British colonial administrators who behaved as if they were identical twins were in temporary disagreement. It was not surprising, therefore, that the 1951 Constitution lasted for just over three years before it was replaced. The political developments in Nigeria within this period have been chronicled and analysed in detail.³ Those developments brought into sharper focus certain contradictions in

the Nigerian colonial state that frustrated all efforts to achieve genuine unity in the country.

The first, and perhaps, most important of those contradictions was the formal ethnicisation of politics by the AG. The AG, by inducing elected Yoruba NCNC members into the Western House of Assembly to cross carpet left a sour taste in the mouths of all true Nigerian nationalists. So did the shocking and unsuspected *volte face* of two Yoruba NCNC member³ from Lagos who refused at the critical moment to step down as arranged previously so that Zik would move over to Ibadan to take over the leadership of government there where his party had a comfortable majority. As far as most NCNC members – especially the Igbo members of the party – were concerned what happened exposed the ugly face of "Yoruba tribalism". This unfortunate development had the effect of driving Zik to scurry back to the East to seek security, as it were, among his Igbo people. From that day Nigerian history and politics were not to be the same again. As Ikime has put it; "Since the Zik episode few Nigerian politicians have dared contest elections outside their region, their state, or their local government areas. Even when a man has lived his entire life outside his local government area, it is to that local government area he goes when he decides to run for election. Yet we speak of a common Nigerian citizenship. What can such citizenship mean?"⁴ It will be recalled that Zik, born in Zungeru in the North, and educated in Calabar in the East and in Lagos in the West, had lived and worked in Lagos since his permanent return to Nigeria in the late 1930s, was representing Lagos in the Legco. He had the option to contest the 1951 election in Onitsha, his home town, but he chose to do so, quite correctly, in Lagos and won convincingly.

His humiliating and embarrassing retreat to the East and his subsequent and unfortunate overthrow of the Eyo Ita government through means both foul and fair was the second contradiction. The Eyo Ita episode also left a bitter taste in the mouths of Zik's friends and foes alike, even among some prominent Igbo politicians. What happened lie at the root of the distrust that existed and indeed, still exists, between the non-Igbo and Igbo of the East on the one hand, and between the Igbo and the Yoruba on the other. As Uzoigwe has put it:

For the non Igbo what happened was a good example of Igbo "tribalistic domination" even though the majority of those who lost their positions as a result of Zik's action were Igbo. For the Igbo, the Yoruba were never again to be trusted despite the fact that the majority of those who elected Zik in the first instance were Yoruba and there were still many Yoruba in the NCNC, some of whom were holding significant positions in the party, and were prepared to skin their grandmothers, so to speak, in the party's interest. In any case, had Azikiwe and his NCNC been allowed by Awolowo and his AG to form the government in the West, perhaps, at least, Zik might have become the national leader that Nigerians desperately needed in those crucial years but that it was not the lot of Nigerians to have. But that was not to be. Thus, the ethnicisation of Nigerian politics forced Zik to become a reluctant federalist and perhaps a less

reluctant ethnic leader in the circumstances.⁵

However, these bizarre developments also facilitated the rise of Nigerian federalism for good or ill. The third contradiction was the nonchalant attitude of the NPC leadership throughout these developments. They were satisfied to plod along, wrapped in sectionalist and Religious chauvinism, at their own pace as if they were not part of the same country. This attitude infuriated both the AG and the NCNC, but the AG perhaps more so, The contempt with which the AG leadership held the NPC leadership was no secret; but there seemed to have been a more tolerant and understanding relationship between the NCNC and the NPC perhaps because the two parties espoused essentially conservative philosophies (even though they differed in their vision for Nigeria) which contrasted markedly with the relative radicalism of the AG. However, the NCNC would have been happier with the NPC if their leaders had shown any signs of making it a national party. Satisfied that the North controlled slightly less than two-thirds of Nigeria's landmass as well as slightly more than half of its population (unreliable though the census was) and a 50% representation in the House of Representatives in Lagos, the NPC had no reason, so it believed, to change its policy. Any party or group that desired to ally with it should have it as it was warts and all. The leadership adopted this arrogant and unnationalistic attitude because of their superb appreciation to the contradictions in the Nigerian colonial state. They knew that the distrust that existed between the Yoruba and the Igbo and between the Eastern minorities and the Igbo would keep the South divided for a long time to come. If their silence was madness there certainly was method in it.

This complacent attitude nurtured by the belief that the South was incapable of forming a united front against the North was shattered by 1953. This was the fourth contradiction. A few years of working closely with Southern politicians for the first time had demonstrated to the NPC leadership that they had no monopoly of arrogance. The AG leadership particularly despised them as conservative and extremely unprogressive, a drag on the rest of the country and backward. Disillusioned, the Northern politicians felt, quite unfairly, that Lugard and his successors were justified in painting the awful pictures they did of the Southern elite. That was why in 1953, for all practical purposes, they demanded, more strenuously than ever before, secession from Nigeria at worst and, or best, a quasi-federal arrangement with the rest of the country.⁶ It did not apparently occur to the NPC and the Northern Emirs that those who aspire to political leadership in a democracy must be prepared to live with public insults and abuses. For them to mount their high horse and threaten to secede from Nigeria just because they were humiliated by a Lagos mob must have made them look like a quaint curiosity in the eyes of the democratic world. Given the surge of nationalism throughout Africa at that time, any party that voted against achieving independence within a few years, even for perfectly good reasons, must be considered lucky to have been so easily let off with the calling of its leaders such names as "His Masters Voice", "Kolanut men" and so forth by an irrational mob. Frustrated by the NPC's posture, the AG and NCNC were driven, to the surprise of many, to form an alliance which demanded a Southern federation with residual powers delegated to regional governments if the North refused to agree to

self-government in 1956.⁷ Fragile and a temporary marriage of convenience as the alliance later turned out to be, it taught nevertheless the sobering lesson to the North that driven to the wall a Southern alliance was a practical possibility and that they should not push their luck too far.

Finally, frightened by the visible and apparently irresistible move towards the partition of Nigerian by the "big three" – Hausa, Igbo and Yoruba – the Nigerian minorities (the most vocal of whom were members of the NIP, later, the UNIP, who had earlier either been expelled or resigned from the NCNC), became more than ever convinced that their salvation lay in a strong Nigeria. They were thus driven to demand a strong government in Lagos and the creation of more states. In short, they called for a strong federation. The contradiction lay in the fact that the creation of new States would also result in the rise of new minorities. In any case, the more unstable states were created, the stronger the Federal Government and the more unitary Nigeria would become, a development which the NPC and AG would oppose most rigorously.

It was all too fascinating even if quite confusing. Nevertheless, it is against the background of the failure of British policy and the contradictions within the colonial Nigerian state that the Lyttleton Constitution which was inaugurated under the Nigeria (Constitution) Order-in-Council of 1st October, 1954⁸ will be analysed. Convinced that the time had come to put an end to the system of unworkable constitutions under which Nigerian had been administered since 1898, Oliver Lyttleton, Britain's Colonial Secretary (with whose name the 1954 Constitution is usually associated), intervened robustly to arrest what appeared to his government as a frightening process of decentralisation which, if improperly managed, might mean the end of Nigeria as a united entity. He called, therefore, for a new constitution which would "provide for greater regional autonomy and for the removal of powers of intervention by the centre in matters which could, without detriment to other regions, be placed entirely within regional competence"⁹

The Lyttleton Constitution 1954: Federalism on Trial

After protracted negotiations in both London and Lagos the three regions were induced to agree on a federal constitution which transferred residual powers from the centre to the regions. What happened "was a great compromise" as Uzoigwe has put it. He goes on: "In this compromise the Colonial Secretary did not play an inconsiderable role. The agreement reached marked the beginning of that characteristic ingredient in Nigerian party politics – sadly missing under military dictatorship – namely, the great ability of Nigerian political leaders to always draw back from the brink of disaster and reach a compromise however temporary"¹⁰. It may be said that the agreements did, indeed, amount to some sort of triumph of federalism but Uzoigwe has also pointed out it was not a total triumph "because the central government retained wider powers than the North, for example, had anticipated". For Coleman the agreements "reflected an ingenious compromise of what had been regarded as intractable positions. The acceptance of federalism and the allocation of residual powers to regions reassured the north, as it also pleased the west . . .

retrospect it could be argued that it was the north that won the day. The Northern leaders obtained much greater autonomy for the regions, and they really conceded nothing on the issue of scheduled self-government . . . the conference produced a profound transformation in attitudes, not only between British and Nigerians, but also among Nigerian leaders themselves. Yet it did not weaken the determination of Southern leaders to pursue the objective of self-government for all Nigerians in 1956.¹² As for Awolowo, the agreements are important because they "relaxed the tightness of the Macpherson Constitution and made certain provisions in the new constitution which were designed to advance Nigeria further on the road to true federalism". He goes on: "specifically, it made provisions for the Regional governments to be co-ordinate with and independent of the Federal Government in the spheres of functions allotted to them."¹³ Among the other features of the constitution were the regionalisation of the Public Service, the Judiciary, and Commodity Marketing Boards. It also "succeeded in killing once and for all the demand for an extremely loose federation – a confederation or Customs Union, to be exact-which was very seriously and passionately canvassed by an important section of the Nigerian delegation (the NPC delegates) before and during the conference."¹⁴ Sklar sums up the results of the agreements as follows:

However, the Action Group-NCNC alliance on federalism did induce the Northern Peoples Congress to alter its pre-conference stand of separatist or extreme regionalism. Subsequently, it became apparent that the action Group gained substantially from the fiscal arrangements which were devised to buttress the new federal systems. These provided for the allocation of revenue returned to the region of origin. Owing to the relatively great importance of revenue derived from the export of cocoa, grown mainly in the Western Region, the principle of derivation was bound to benefit the West. Its effect on the North was beneficial from a reduction in its proportionate allocation.¹⁵

Thus, the consensus of informed opinion is that, all things considered, the East lost more than any of the other regions.

From whatever angle it is looked at, the 1954 Constitution is important because it determined the shape of things to come in Nigeria. That the North had no objection to the West and East becoming self-governing in 1956 and the Saradauna's almost apologetic declaration that the North had no intention of holding any region back were conciliatory enough.¹⁶ That also the Constitution was to be reviewed in 1956 signified, in reality, that federalism in Nigeria was on trial in the intervening years. It was one thing to reach compromises; it was another thing to make them work. The calm political atmosphere in the country was just ideal to enable Nigerian leaders see if they could really work together. For all practical purposes the struggle for independence was over.

Now that his constitution had been discarded, old John ("jock") Macpherson was to retire in 1955. He was praised by Nigerian political leaders for the manner in

which he had managed the country during those turbulent years.¹⁷ He was to be replaced by another Scott, Sir James Robertson, who had successfully helped to negotiate the transfer of power in the Sudan. Sir James' mission to Nigeria was clearly that of planned decolonisation. He was expected to do for Nigeria what he had done for the Sudan. In retrospect, considering the future histories of the Sudan and Nigeria it is difficult to conclude that he did a successful job of either assignment. What mattered for Nigerians, however, between 1955 and 1956 was to see how they would work the new Constitution. Moreover, the projected royal visit to Nigeria early in 1956 necessitated that every group should try to be of good behaviour. Nothing should be done or said that might cause the derailment of the independence train.

And yet any serious observer of the Nigerian political scene of the 1950s knew that the much trumpeted compromise was paper thin. It was made to ensure that Nigeria would be granted its freedom, if not in 1956, but soonest. Indeed, Trevor Clark a senior British colonial officer in the Northern Nigeria Civil Service in the 1950s, as recently noted with much propriety: "In the face of so much improbability... the conference ended successfully on 26th August with a flimsy clothing of responsibility to cover the naked enmities, and it agreed to the draft report the next day, unanimously."¹⁸

The first note of discord was struck by Awo even before the ink dried up on the paper containing his signature to the unanimous agreement. He told the London press that he would only work the constitution if Lagos was merged with the Western Region; and that while he would reluctantly tolerate an "Ottawa" he would never accept "extra-territoriality".¹⁹ It will be recalled that Lagos was tied to the Western Region in the 1951 Constitution but in the 1953-1954 negotiations, in the face of the opposition of the NCNC and the NPC (which had reversed its earlier opportunistic support of the AG on the issue probably as a reaction to the rough handling meted out to Northern leaders by the Lagos mob and newspapers in 1953 following their unwillingness to go along with Anthony Enahoro's motion of destiny), the British government had also reversed its position and granted Lagos the status of a Federal Capital Territory. Awo's lobbying in London could not change the decision and it became part of the 1954 Constitution. Awo's behaviour in London embarrassed his "British sympathisers and apologists" who found it difficult to treat him and his "party any longer as the bourgeois Benthamites who had emerged from the Egbe Omo Oduduwa".²⁰

The first casualties of this development were the AG/NCNC alliance and the AG/NPC understanding on the issue. The result was the rather illogical-given their differences regarding the proper constitutional arrangement for Nigeria-closer relationship between the NCNC and the NPC. Commenting on this development, the rumbustious ultra-Northerner, Muhammadu Ribadu, made the clever, tongue-in-cheek remark. "I am a politician and a party man. I'm really going in for politics when I get back" to Nigeria.²¹ As far as he was concerned the NCNC and NPC were strange bedfellows. Amazed at how Nigerian politicians could shout at and fight one another and at the same time reach unanimous agreements on some of the most known problems, Lyttleton, too, had been driven to say to Macpherson: "you know, Jo

my heart rather warms to those Nigerians of yours".²² From then until 1960 while the NCNC and the NPC moved closer and closer to each other, the AG moved further apart from each of them in spite of Ribadu's preference for a Northern-Western alliance.²³ But Jock's Nigerians did not really love one another much.

On the other hand, while the NPC generally trusted the British (a Trust that was profusely reciprocated), the NCNC and the AG generally mistrusted the British (a mistrust that was equally reciprocated). Naturally this development worked to the North's advantage. Surely, the British were not going to allow their perceived "enemies" to be in charge of an independent Nigeria! Abubakar Tafawa Balewa, leader of the NPC group in Lagos, was neither close to Zik nor to Awo, but I suspect that if he had to choose between the two, he would probably have chosen Awo. Balewa's dilemma was that his boss, the Sardauna, appeared to have been closer to Zik than to Awo. Neither Zik nor Awo seemed to have had a personal dislike of Balewa but they were irritated by his weakness as a leader and his ultra-Northern posture. Awo, of course, was contemptuous of the Sardauna; and between him and Zik, there was no love lost. Assessing these intricate relationships but focusing attention on Balewa, Clark has written:

He [Balewa] could understand and work with Igbos, because even those individuals around him who were patently crooked, were "honest crooks". He understood the Yorubas, but despite their claims to cultural affinity with Northerners, he found the deviousness of some affecting his trust of them all. So, at least, judged his senior British colleagues. But most of his political allies at the time, if given the opportunity would have chosen to crush their opponents utterly, offering neither compromise nor forgiveness, in the tradition of most past conflicts ("enslave the unslaughtered"), the most compassionate comment he expected from them could have been "*vae victis*".²⁴

One finds it difficult, indeed, to know what to make of Clark's claptrap. Were Balewa and the Northerners without any blemish whatsoever? With what force would they "crush" their opponents "utterly"? The British were known to dislike the Southern politicians but surely not to the extent of ailing the North to conquer and enslave the South! There must have been something grievously wrong with many of the British officers who served in Northern Nigeria. How on earth could they claim to be more North than the Northerners themselves? The relevant point for our purpose, however is that those entrusted with the responsibility of working the new constitution did not trust one another.

A major test that faced the new Constitution was the federal elections that soon followed its inauguration. It was the government formed after the elections that would work the Constitution. "The histories", Clark has revealed, "do not adequately tell how much near the 1954 constitution was to collapse from the very start, partly because the elections in the North were held later than those in the South".²⁵ The results of the elections in the South frightened the NPC, Against all calculations, the

NCNC practically swept the board in the East and won comfortably in the West. Its victory in the West occurred particularly because the non-Yoruba largely rejected the AG, and to some extent, because the AG's taxation policy was unpopular. The detailed results simply astonished the AG. The NCNC won 23 of the region's 42 seats. It captured Ibadan and half of Abeokuta; it won eleven districts in Oyo and Ibadano (the AG won seven and the two parties shared five). Since the elections in the North were scheduled to come later, there is no doubt that these results directly influenced what happened there. The NPC simply ensured that it would win a landslide victory and it did so. The results of the 1954 federal elections are as follows: *East*: NCNC (32), UNIP (4), AG (3), Independents (3); *West*: NCNC (23), AG (8), Commoners Liberal Party (1); *Southern Cameroons*: KNC (all five seats); *Lagos*: NCNC (1), AG (1); *North*: NPC (79), NPC's Northern Allies (5), Independents (4), and EPU/NCN Alliance (0). It is clear from the above results that the NPC was a purely regional party. And because the Constitution allotted to the North 88 seats to the South's 84 (divided equally between the East and the West), the party had no wish to waste its time and resources to campaign in the South. This was clearly a travesty of federalism. Yet, incredibly, Whitehall was only worried about "whether a mere NCNC/AG alliance or coalition could rank as a party' singly commanding a house majority in strict terms of the constitution."²⁶ The worry may have been a fine point but it was totally misplaced since Nigeria was not a unitary state. Nor were the electoral laws universally applied. For example, in the North the elections were indirect and only adult males were allowed to vote; in the West only adult native males were permitted to vote without restrictions. However, non-native adult males who had lived and paid taxes in a constituency could vote; so also could adult females of the same category but whose taxes were over £1 per annum. In the East direct adult suffrage applied. Because, in the view of the British government, no party had an overall majority it quite correctly refused to appoint a Prime Minister.²⁷ A private member's motion in 1955 to that effect by Jaja Wachuku arguing that there nevertheless was need to appoint a Prime Minister who would coordinate the activities of the Council of Ministers was defeated.²⁸

How the AG would react to the perceived closer understanding between the NPC and the NCNC was another worry. The closer relationship between the two parties had the effect of allaying somewhat the fears of the North regarding a Southern electoral alliance given the results of the recent elections. But because the NCNC was entitled to appoint six federal ministers having won both the Eastern and Western Regions and the NPC only three there developed the curious situation that while the NCNC dominated the Council of Ministers, the NPC had a slim overall majority in the federal legislature. In spite of the so-called understanding between the NPC and the NCNC, the situation so disturbed Balewa that he confided in the Governor: "This is a bigger and better crisis than last year's". As he perceived it, the North was "doomed".²⁹ The panic within the ranks of the NPC was unbelievable. The reaction of the AG took a back seat. Northern leaders tried all sorts of devices to frustrate the NCNC. An NPC-AG alliance was unsuccessfully canvassed. Balewa went so far as to toy with the idea of seducing some AG elected members (because it is impossible to seduce NCNC elected members) to cross over to the NPC. He pro-

the AG ministerial appointments if as a consequence of the crossing over the AG/NPC alliance controlled the Western Region. It would seem that the NPC was not so much opposed to the NCNC as a party as it was implacably opposed to the South ruling Nigeria at all. If the situations of the NCNC and the AG had been reversed, the NPC's response would probably have been the same. Just as the NPC feared "that the NCNC would use its federal power to consolidate its particular interpretation of 'one Nigeria' in the North",³⁰ it had no doubt that the AG would have done the same if similarly placed. To the assurances by the NCNC that they "would not 'overdo' their northern campaign and that though they would 'lead' in the Council of Ministers, the NPC would be allowed to 'lead' in the house, the NPC's response was that they might do their worst, but that they would not trust them". Indeed, "the men in Kaduna were talking about dissolving NPC, AG and NIP and creating a united front against the common enemy"³¹ as if they had the power to do so.

The NPC thus found itself in a self-manufactured dilemma. The party had convinced itself to adopt the irrational posture that perpetual domination of Nigeria by the North was a good thing and that on no account, therefore, would the South be allowed to rule the country. That was yet another problem that faced the working of federalism. Would such a posture make for unity in a federal state? What were the bases for presuming that what was good for the North (which by no means was monolithic) was good for Nigeria and what the North did not want Nigeria should not always want? The NPC did not bother itself with such logical questions; it did not even bother to justify its position. Nothing else mattered but the protection of the interests of the North. Balewa confided in a British official that alliances with Southern parties were fraught with difficulties: "one with the AG would be shameful; one with the NCNC would be one-sided, since their ministers would support the government but let their back-bencher oppose, leaving NPC officials and special members to enjoy the ignominy of passing unpopular measures". The British official's response was impeccably diplomatic. Balewa, the official counselled, "must play according to the rules, with the cards as they had fallen."³² After the NCNC had failed to persuade the NPC to see reason, K. O. Mbadiwe, the NCNC leader in the House, was forced to warn his friend and counterpart in the House, Balewa, that while his party had made several concessions to the NPC in the past in the interest of national unity even to the point of alienating its traditional Northern supporters, NEPU and MBPP, the "NCNC and the South most resist Northerners trying to run the whole country".³³ Balewa appeared unimpressed. Throughout these developments the wily Zik made himself calculatedly inaccessible; the unamused Awo kept studiously silent; the superficially unconcerned Sardauna adroitly manipulated events from behind the scenes. Zik and Awo patently waited for either the NPC or the Governor to put a foot wrong: before jumping into the fray with a bang.

The die was cast; the 1954 Constitution was on the verge of being still born because of the intransigence of the NPC. Macpherson had to do something before he left Nigeria. He had earlier warned Balewa, under pressure from Whitehall, "that if the constitution did break down before it began, all the obloquy would be the North's to bear"³⁴ but the NPC remained adamant. There was suspicion in London and in Lagos that British Northern officers were strongly in support of the NPC. As Clark,

of those officials has written: The result of the "the indirect elections in the north was contrary to Whitehall's expectations, based on perceived experience in other colonies. The result strengthened the discreetly voiced, because ill-founded, London and Lagos suspicions that certain British officers close to the Sardauna not only were opposed to 'unity' but somehow also had the influence to hinder it".³⁵ But according to Uzoigwe "Clark's position is understandable; but he may have overstated the perception of the South on the issue, at any rate. The belief among the Southern progressive elite was, rightly or wrongly, that not only British officers in the Northern Nigeria but the British government itself would be most willing to transfer power to the Nigerians if the country was ruled by the North".³⁶ In the end, Macpherson's intervention proved decisive. After a lot of bargaining and hand-twisting, the NPC was persuaded to realise that the Governor held the constitutional trump card and that there was no way he could avoid the 6:3:1 formula for power-sharing, that is, six for the NCNC, three for the NPC and one for the Southern Cameroons. Reluctantly, the NCNC accepted his ruling but insisted on being assigned the ministerial portfolios of Works and Transport, Mines and Power. The Governor complied.

Consequently Balewa became Minister of Works and Transport; Ribadu became Minister of Lands, Mines and Power; and Inua Wada, the third Northerner, became Minister without Portfolio. To appease the North, as it were, "Northern ministers received honours [that is the Queen's 1955 New Year's Honours] in orders of Chivalry for public service while still holding political office, a gesture apparently withheld from British and, so far, Southern Nigerian Ministers".³⁷ Macpherson became Governor-General according to the 1954 Constitution; Lt. Governor, Bryan Sharwood Smith, rewarded with the KCMG in addition to his CBE, became Governor of Northern Nigeria; and the Lt. Governors of the Eastern and Western Regions were accordingly appointed Governors of their respective regions. The new alignments in the House were interesting. While Balewa, in his heart of hearts, still believed that "The NCNC are still enemies of the NPC" (supplied)³⁸, it transpired that the NCNC had no problems working with his party. On the other hand, the AG and the UNIP formed the royal opposition with Samuel L. Akintola as the leader of the opposition. As part of the compromise reached, Macpherson insisted that while Mbadiwe led the Eastern Region in the House, Adegoke Adelabu, a Muslim Yoruba and an NCNC member should lead the Western Region. This was against Zik's better judgement. NEPU, unrepresented (because it won no seats) and left out in the cold, demanded a uniform, direct electoral system throughout the country. The party believed that it lost the elections through NPC's manipulation of the indirect electoral system in the North.

From the constitutional point of view the years 1955 and 1956 were quiet ones in Nigeria in contrast with the turbulence in several other British possessions. But the Southern politicians did not fail to take note of the fact that the NPC would do anything in its power to ensure that it formed the government of independent Nigeria. Lyttleton had resigned as Colonial Secretary and was succeeded by Ala Lennox - Boyd; Lyttleton was elevated to the peerage as Viscount Chandos. He obviously did not think much of the Colonial Governments (Nigeria included) some of which he had helped to negotiate into existence. Most of them, he said, "would ma

a bad to do council in Oxford".³⁹ Whatever was the case, the new federal government, in spite of Balewa's fears, was working amicably enough. Indeed, Akintola derisively described it as a "glee club" or "a mutual admiration club"⁴⁰ and accused the NCNC of failing to take advantage of its majority. "If Zik had been asked why his party" Uzoigwe has written,

had worked so amicably with a party to which philosophically he was opposed, he probably would have retorted that he was more concerned with Nigerian independence than with anything else. His detractors would probably have responded that he was more interested in holding office at the centre than with anything else. Perhaps a more dispassionate explanation is that the realities of the prevailing political situation, especially the perception that British officials were firmly behind the North left him with no choice. An NCNC/AG alliance at the time made no political sense; a hostile attitude towards a frightened and recalcitrant North was likely to have been counter-productive. Moreover, the departure of Macpherson and the coming of Robertson, the assumption of office of Lennox-Boyd and the royal visit in 1956 necessitated some sort of truce at the national level. It was important that Nigeria made a good impression.⁴¹

At the regional levels the situations were less tranquil and harmonious; but the North was more peaceful than the others. Its leaders worked assiduously to gain the confidence of Robertson and Lennox-Boyd. If indeed there was a mutual admiration society in Colonial Nigeria, it existed between the NPC leadership and the British officials. Suffice it to say that each group had mutual interests to protect and preserve. For example, we are informed that during "Lennox-Boyd's visit to Kaduna (he did not visit Ibadan or Enugu) on his way home, the Northern regional Ministers . . . were encouraged to sign an elegant letter to *The Times* (of London) comforting 'expatriates' that their future service was assured, that British officers who had left the Sudan would be welcome to come to the North, and that Northerners had nothing to fear from any new foreigners who might come on fixed contracts to do work for which no Northerners were yet trained."⁴² Southern Officers were not wanted since it might be difficult in future to remove them. NEPU and MBPP opposition to the tight NPC control of the North was too feeble to yield any result; and the rather intellectual Mallam Ibrahim Imam from Borno was regarded by the NPC leadership as an oddity because of his nonconformist attitude. Imam was, in the end, driven to take "temporary leave from the arena of Nigerian politics" as he himself put it.⁴³ In the West and the East, the NCNC administrations adopted what was called a "frigidaire" policy, by which new appointments or promotions of expatriate officers were, more or less, effectively frozen and were not to be replaced. This did not, of course, endear the South to the British. But when it is realised that unlike the North, the South had the necessary manpower, the policy of the NCNC becomes unassailable. The British Officers did not see it that way. They attempted to get even

with the party by exploiting its difficulties in the East. Pointing to the Justice Ikpeazu Commission which investigated corruption accusations against Mazi Mbonu Ojike which led to his resignation (with neither Azikiwe nor the NCNC generally lifting a finger to help him)⁴⁴ and his unfortunate death at the early age of forty four years, they persuaded Whitehall to consider withholding self-government for the East in 1956. Of course, if that happened, the NCNC would have initiated a crisis that would have had incalculable consequences. It needed wiser counsel on all sides to persuade Whitehall to desist from such a course of action. After all, corruption was equally prevalent in the North and the West. In the end, Zik was admonished by Lennox-Boyd to show more prudence in financial matters as well as to shelve such money-guzzling projects as the universal primary education scheme, the setting up of a new university, and so forth. In the West, even the NCNC Ministers were opposed to the employment of Easterners in their public service, the Police especial. "The West also", Clark has written "created trouble for all the governments by introducing the minimum regional daily wage of 5' . . . whereas its former provincial scales had varied from 2' 3^d to 3' 5^d. Had there not been relative immobility of labour, the East could have long adhered to between 1' 6^d and 2' 7^d; nor the North to 1' 6^d - to 2' 3^d, figures to 2' 3^d, figures which reflected local cost and standard of living."⁴⁵ It must be pointed out that there was nothing necessarily mischievous in this Western policy. In a federation wages and remunerations do not have to be uniform. Before these issues could be fully resolved, the African Continental Bank scandal broke out and unscrambled everything. The crisis led to the postponement of the scheduled review of the 1954 Constitution in 1956.⁴⁶

The Ethnicisation of Nigerian Politics: The Core issue

That the British colonial policy of indirect rule and divide and rule encouraged ethnic particularism is now generally conceded. Whatever differences of policy that may have existed between Lugard and Clifford regarding the administration of Nigeria, they both agreed that the diverse Nigeria groups would be encouraged to preserve their separate identities. This view is best articulated in Clifford's famous or infamous - depending on ones point of view - address to the Legco in 1920.⁴⁷ For Clifford and the British government Nigeria was not a nation and any talk about nationalism and patriotism made sense only in the context of the country's "natural" units. These units, Clifford stressed, were "separated from one another by great distance, by differences of history and traditions, and by ethnological, racial, tribal, political, social and religious barriers." It was, therefore, his government's policy to ensure that "each separate people (had) the right to maintain its identity, its individuality and its nationality, its chosen form of government, and the peculiar political and social institutions which have been evolved for it by the wisdom and accumulated experience of generations of its forebears."

Clifford was reflecting the contemporary knowledge of Nigerian society - history. Since 1920 that knowledge has been drastically revised. But even assuming that the picture he painted was correct, it is clear that he had simply not thought through properly the implications of his speech. For example, how many "nat

units existed in Nigeria? When did they become identified as natural units? Was it being suggested that Nigeria should then be split administratively into these natural units ranging from those that comprised a few thousand people to those that were counted in millions? If so, was it being suggested that Nigeria should be ruled as a confederation of natural units irrespective of population and landmass? If not, what exactly were the British doing in Nigeria? We know that between 1920 and 1954 Nigeria was ruled neither as a confederation nor as a unitary state. The confusion thus created lay at the root of Britain's administrative dilemma in Nigeria in this period. Far from working towards the making of a united Nigerian nation-state, British officers in the North encouraged religious and ethnic differentiation and bigotry. Some were even openly accused of manipulating the 1951 election results in favour of the NPC in the dubious belief that they were protecting the emirate system from deleterious Southern influences. Zik's protest to Whitehall on this issue was simply ignored. The NPC and the Northern Native Administration were even upset that Zik was interfering in their internal affairs.⁴⁸ Northern-Southern relations became further strained and polarised. The absurd thing about the whole policy was that by 1951 the so-called natural units had, in reality but unhistorically, been reduced to the Hausa (Northern Region), Igbo (Eastern Region) and Yoruba (Western Region).

It is understandable, therefore, when the minorities in Nigeria became very much alarmed. If the Fulani judged it to be in their interest to be absorbed by the Hausa, that was well and good for them. The numerous other ethnic groups in the North were not keen to follow the Fulani example. They were simply coerced into voting for the NPC. In the West, the Igbo, Edo, Ijaw, Urhobo and other similar groups had no wish to be absorbed by the Yoruba. And in the East the non-Igbo were determined to maintain their separate identities. All the minority groups began to struggle to be reckoned within the Nigeria political equation. By 1956, the liberation of Nigeria from colonial rule had become reducible to its liberation from the three major groups at the regional level; at the national level the issue was the struggle for dominance among the big three. At bottom ethnicity was the core issue. Given the positions of the NCNC, the AG and the NPC on the vision for Nigeria, it was only the NCNC which would have preferred that the country be ruled as a unitary state that, curiously, attracted the most opposition from the minorities. Because of this, the NCNC position became inconsistent. Awo, apparently echoing Clifford, had declared in 1947 that "Nigeria is not a nation. it is a mere geographical expression. There are no 'Nigerians' in the sense as there are 'English', 'Welsh', or 'French'. The word 'Nigeria' is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria from those who do not".⁴⁹ But nobody even argued that there were. Awo simply set up a straw man to knock about. He failed naturally to point out that there are people called British who inhabit a unitary state called officially the United Kingdom of Great Britain and Northern Ireland. Not to be outdone by Awo, Balewa declared in 1948: "Since 1914, the British Government had been trying to make Nigerian into one country, but the Nigerian people themselves are historically different in their backgrounds, in their religious beliefs and customs and do not show themselves any sign of willingness to unite . . . Nigerian unity is only a British intention for the country."⁵⁰ Here again is another incorrect reading of Nigerian history

derived from Clifford, British anthropologists and Alan C. Burns.⁵¹ And yet the AG had qualms about incorporating the future Mid-West into the Western Region; and the NPC was later to coin its slogan of "One North, One people, irrespective of religion, ranks or tribe."⁵²

Consequently, Nigerian minority leaders began increasingly to see the politics of the AG and the NPC as also incoherent and hypocritical. Thus in 1950 a Mid-West party, led by Denis C. Osadebay, was formed to fight for the creation of a Mid-West State. But Osadebay is an Igbo, a minority group in the proposed State as well as a founding member of the Igbo State Union and NCNC's legal adviser. What, then, was the point of founding such a state if linguistic, ethnic and cultural affinities – the indices of natural units – were the criteria? In 1953, the Edo decided to form the Benin and Delta peoples Party (BDPP) in which the Igbo, Ijaw, Urhobo and so on formed significant minorities. In the East, following the NCNC overthrow of the Eyo government, a conference of chiefs and leaders of Calabar, Ogoja and Rivers provinces called for the creation of a COR State. This state, too, contained several entities who were by no means natural units. In the North, the NEPU, founded in 1947 was practically obliterated by the combined forces of emirs and British officers.⁵³ They replaced it in 1951 with a party acceptable to them as the sole Northern party.⁵⁴ And yet the North contains more than two hundred natural units!

The Federalist Constitution of 1954 which granted a lot of autonomy to the three regions helped somehow to minimize the contradictions. Ethnicity remained the core problem, nevertheless. Agitation for the creation of more states became louder than ever among ethnic minorities. Hoping to derive some political advantage and consistent with its policy – the AG resolved formally in 1955 to support the creation of a separate state similar to the BDPP. Thus encouraged, a Mid-West State Movement was founded in 1956 to fight for the creation of such a state. But this Movement allied with the NCNC and apparently absorbed the BDPP. In the East, the COR State Movement was formed in 1954 and was allied to UNIP. The strength of this Movement was weakened by the demand for the creation of an Ogoja State and Rivers State respectively. Curiously enough, while the NCNC supported the creation of states in other regions, it opposed the creation of the COR State, arguing that the main reason for its existence was hatred of the Igbo. In the North, the mainly non-Muslim and non-Hausa peoples of the Middle Belt formed the Middle Belt Movement to fight for the creation of a Middle Belt State as a sort of federation of a motley of ethnic parties. It became an affiliate of the NCNC. The Borno Youth Movement (BYM) also sprang up as a Kanuri party and became affiliated to NEPU which it regarded "as a party of the Hausas".⁵⁵ Clearly, then, the 1954 Constitution had the direct effect of exacerbating ethnic issues.

The rising tensions just generated became the main focus of Nigerian politics between 1955 and 1958. Indeed, it had become clear that the core issue in the Nigerian colonial state since the formation of the AG and NPC parties has been the ethnicisation of politics. The 1957 Constitutional Conference would have been torpedoed if it had not been decided to appoint a Minorities Commission. This Commission, headed by Sir Henry Willink, was given a broad mandate which required it to look carefully into the fears of minority groups and recommend how these f

could be allayed.

The trouble with the Commission was that, deep down, the British government that set it up did not really want the creation of more states and Willink knew it. Nor, indeed, did the three major parties, deep down, want their own regions carved up. Each party, of course, would not have minded if the other regions were split. The AG which officially supported the creation of a Midwest State hedged that support with all sorts of conditions that rendered the support meaningless. It had a good reason for doing so; it would not be fair to split the West while the North and the East remained intact. The major anomaly in Nigerian federalism, namely, the lopsided nature of the country in favour of the North was not even addressed by the Commission. There seemed to have been a mutual understanding by all that anomaly should be left well alone. And yet the stability of the Nigerian political system and of Nigerian federalism depended on the splitting of the North in such a way that it could no longer, on its own, dominate the federal government and hold the country hostage. The NPC's argument that the North was an indivisible entity irrespective of religion, ethnic origin and class was, of course, unhistorical and untenable and all concerned knew it. The NCNC's talk of the Eastern minorities hating the Igbo, even if true, is hardly a serious argument against state creation. If the British government could amalgamate the East and the West in 1906 and later separated them in 1939, why did it consistently leave the North untouched? The issue of the creation of states in colonial Nigeria was governed by illogicalities and double standards.

Given the hidden constraint under which the Willink Commission worked, a perceptive contemporary student of Nigerian affairs could have written its report before it settled down to work. The Commission, as is well known, did not recommend the creation of states.⁵⁶ Admittedly, the argument about viability and the point that any new state created would inevitably create new minorities who would, in time, agitate for the creation of their own states, has a lot of merit. The only way this might have been possibly avoided was the creation of some three hundred ethnically cleansed states, the vast majority of whom would be economically unviable. This would, of course, create some other problems. A lot of the so-called "natural" units have little historical claim to ethnic purity; many more number less than a few thousand souls and it would have been madness to create them into states. If this was done, nonetheless, their cohabitation with states numbering several million souls would have been very problematic. The problems were intractable, no doubt; but real were also the minority fears. All things considered, it was the Commission's view that the interest of the minorities would be best served in the meantime within the existing political arrangement subject to certain constitutional guarantees. Summing up the Willink Report Awa has written: In an important sense the Minorities Commission and its report are of great interest to the student of Nigeria's political development, for they reveal (1) the inability or the unwillingness of Nigerian leaders to face the issue raised by the unusual nature of the federation, regarding the relative size of the units and their powers, and (2) Britain's determination to pass the problem intact to Nigerians to handle as best they could after independence"⁵⁷

The three main political parties did not protest too loudly against the report.

The parties of the minority groups, presented with what was clearly a *fait accompli*, protested vigorously but ineffectively. In any case, they and the majority parties were mischievously blackmailed by the British government. They were told that if they insisted on the creation of new states, so be it. But in that case, Nigerian independence in 1960 must wait because the issues involved were too complex to be dealt with given the time available.⁵⁸ The majority parties had found an escape route; the minorities had been out-manoeuvred. All agreed that the attainment of Nigerian freedom was far too important to be sacrificed on the altar of minority ethnic chauvinism. But a great opportunity to avoid future problems had been missed.⁵⁹

The Independence Constitution, 1959: An Object Lesson in Unbalanced Federalism

The Independence Constitution of 1959 was an object lesson in unbalanced federalism. The handwriting was on the wall that an independent Nigeria under such a constitution was headed for trouble. In the euphoria of the prospect of regaining freedom nobody seemed to care. That was perhaps inevitable given the wind of change blowing all over Africa. It will be recalled that the Lyttleton Constitution was conceived as an interim arrangement, more or less. As the first federal constitution in the country, it was given a trial period of just over two years before it was reviewed in 1956. One would have thought that the question of the size of the North would have been a major issue in the review but it was not even discussed. Thus Nigeria was condemned to wobble into independence with an unbalanced federation. The repercussions were disastrous.

We saw that the first few months of the trial period were particularly difficult but that after the new parliament was successfully convened early in 1955 and the new coalition government took office, the next two years were relatively peaceful at the national level. Unfortunately, the Foster-Sutton Tribunal had two consequences. First, the constitutional review conference was postponed and, second, the achievement of internal self-government for the Eastern and Western Regions was also postponed.

The Report of the Forster-Sutton Commission of Enquiry was published on 16 January, 1957. It found Azikiwe guilty of misconduct. This raised the disturbing possibility among his party and admirers that the great nationalist might not be allowed to participate in a conference that was preparing Nigeria for independence. And all hell would have broken loose if Zik was prevented from the conference. Fortunately, Zik and the NCNC took two quick and important decisions that were great relief to Nigerian nationalists. The party announced that it had "advised" its premier (Zik) - and he has accepted - to transfer all rights and interests in the balance to the Eastern Nigeria Government."⁶⁰ Zik then proceeded to dissolve the East House of Assembly and chose 15 March, 1957 as the date for new elections. He asked for an overwhelming mandate to enable him participate effectively in the proposed conference. To nobody's surprise the NCNC was returned to power with a solid majority. The way was thus cleared for his participation in the conference which was scheduled to be held in London and not in Nigeria as originally proposed.

between 23 May and 26 June, 1957. The AG had earlier held its own regional elections in May 1956 so that, as Awo put it, the party "could go to the next Constitutional Conference fully armed with mandate of the people in respect of all major issues which will be raised at the conference."⁶¹

The East was ready for the conference; so was the West. What of the North? The AG appeared to have precipitated another crisis when in 1956 it sponsored a motion to the effect that the party demanded independence for Nigeria in 1957. To minimise, or hopefully avoid, a robust NPC rejection of the motion, Jaja Wachuku (who had recently rejoined the NCNC from UNIP to which he had earlier defected), supported by T. O. S. Benson (an NCNC member), amended the motion to substitute 1959 for 1957. To every one's surprise the AG accepted the amendment. The NPC was again backed into a corner. Would history repeat itself? The House waited in suspense. There was a great relief when Balewa, speaking for his party, confounded all interested parties by announcing gravely that he "saw no reason why (the NPC) should not agree to 1959" because in his party's view, Nigeria had "come of age".⁶² The stage was set for the conference; and Nigerians were going to London as a country united in their determination to regain their independence.

The three premiers met in Ikorodu for two days in April, 1957. Here they worked out mutually agreed and binding issues to be included in the agenda of the conference. Among the issues agreed at the Ikorodu Summit were the Ikorodu Proposals for the creation of new states. It was reported that at this Summit "Zik in particular found no difficulty in coming to friendly terms with the N.P.C. leader (the Sardauna)".⁶³ The agenda of the London Conference included the revision of the 1954 Constitution based on how it had worked; self government for the East and the West in 1957) and for the North in 1959; the enlargement of the Federal House of Representatives elected nationally on the basis of universal adult suffrage although in the North women were to be denied the vote; and the appointment of a Federal Prime Minister.⁶⁴

Except for the creation of states these were not contentious issues. The London Conference easily endorsed most of these agreed positions. But it postponed decision on such crucial issues as the minorities problem, the creation of states, revenue allocation, and the inclusion of fundamental human rights in the constitution. These matters were deferred for resolution at a conference to be held in 1958. The consensus seems to have been that the 1954 Constitution had worked well. Therefore, the Nigerian delegates unanimously demanded national independence on 2 April, 1960. The Secretary of State for the Colonies refused to commit his government to that date. Summing up the achievements of the conference Coleman has written: "Thus, the 1957 conference was one of solid achievement as regards the details of the evolving political structure, but also one of postponement of some of the more provocative political issues".⁶⁵

On 8 August, 1957 both the Eastern and Western Regions became self-governing. A few weeks later a "national government" was formed with Balewa as Prime Minister. It was not apparently difficult for Balewa to persuade the NCNC that held the majority in the Cabinet to agree to the formation of a national government in which he would be the Prime Minister. The AG, too, came on board. Balewa's

letter to Rotimi Williams urging the AG to "come into the Council and share with us in carrying the burden of piloting Nigeria to independence" was persuasive. "I have given this matter of a National Government very careful thought", the letter goes on, and I now feel confident that if Nigeria is to achieve independence on April 2, 1960, it is essential that the three major political parties should work together in close cooperation in all matters of policy and planning".⁶⁶ He reinforced the content of this letter in a speech he made during the debate on the Governor-General's address from the throne and regarded "the period between now and 1960 as one of national emergency, a period in which we should bury our political differences and work together as a team . . ."⁶⁷

Nigerian leaders had once more demonstrated their uncanny ability to compromise. "Balewa, the consummate Northerner had been transformed miraculously into a consummate Nigerian", Uzoigwe has written, "but there has always been method in all their madness". He continues:

The conversion of Balewa and his party to Nigerian nationalism was the realization that by 1957 the North was better placed than any of the other regions to lead an independent Nigeria. Although, the AG and the NCNC might have found it unpalatable that an unabashedly sectional party was now poised to reap where it did not sow, they reluctantly accepted the situation as one of those unfortunate ironies of history. They felt that to precipitate a crisis that would delay the achievement of independence would negate all that they had laboured for. Moreover, while deep down the North would feel that the postponement would not hurt them unduly since it would give them more time to plan for it, their leaders would come out smelling of roses in the eyes of the world in such an eventuality. Moreover, Azikiwe and Awolowo would have done anything at that time to deny each other political power. No such animosity existed between Azikiwe and Ahmadu Bello, for example. That worked to the advantage of the NPC.⁶⁸

The bitter irony of the situation is that we are informed in all sincerity that the Sardauna, the NPC leader, if ever he "imagined himself as a Nigerian *tout court*, must have been as a future caliph or emperor, pavilioned with panoply and praised-singers"⁶⁹ The implacable determination of the North, as represented by the NPC, to rule Nigeria at all cost using its contrived and prefabricated parity of representation is the fundamental crisis of Nigerian federalism.

The new cabinet was made up as follows: NCNC: K. O. Mbadiwe (Commerce and Industry); Festus Samuel Okotie-Eboh (Labour and Welfare); Aja Lwachukwu (Education); Raymond Amanze Njoku (Transport); Kolawole Balogun (Research and Information); J. M. Johnson (Internal Affairs); A.G.: Samuel Ladoko Akintola (Communications and Aviation); Ayetunde Rosiji (Health); NPC: Muhamadu Ribadu the hardnosed and boisterous Fulani from Adamawa nicknamed "Hardo", a Fulfuld word meaning "power of power" was appropriately given the ministries of Lag

Affairs, Lands, Mines and Power; Inua Wada from Katsina (Works and Surveys); Zanna Bukar Dip Charima, the combative Kanuri from Borno and defector from the NCNC (Minister of State); Tafawa Balewa (Prime Minister and Finance). The composition of that cabinet is interesting. Of the six NCNC Ministers, four were university graduates (the non-graduates being Nwachukwu and Johnson), and comprised three Igbo, two Yoruba, and one minority. The AG's two ministers were all Yoruba Lawyers; and the NPC's four Ministers comprised two Hausa - Fulani, one Kanuri, and one minority from Bauchi (Balewa). There was no university graduate among them. None had any nationalist credentials. The Middle Belt was not represented. The Yoruba ethnic groups had the most members; and the so-called minority provided the leadership of the Council of Ministers, ironically. This, then, was the cabinet that was expected to lead Nigeria towards independence on 2 April, 1960 if they worked amicably. And they did.

In the resumed Constitutional Conference in London in 1958, the Nigerian delegation, as we saw, were induced to accept the Minorities Commission Report. The AG. was forced to abandon its insistence that Ilorin and Kabba must be returned to the Western Region because the NPC. threatened that that would be at the cost of postponing the date of Nigerian independence. The AG and the NCNC were also persuaded to agree that an independent Nigeria would be better off with a nationally controlled Police Force than with a regionally controlled force especially to allay minority fears. All parties dodged the question of sub-dividing the oversized Northern Region so as to create a better balanced federation precisely because the Conference would collapse if it was discussed. Such a subdivision persuasively urged by the Citizens Committee for Independence and by Nigerian students abroad (70) were ignored. The Citizens Committee was made up of a small group of Nigerian intellectuals and professionals most of whom were liberal.⁷¹ Ignored also by the Conference were similar calls by a Philip Mason in a series of articles he contributed to the Magazine, *West Africa*.⁷² On the whole, the 1958 Conference merely crossed the t's and dotted the i's of the 1957 Constitutional proposals.⁷³

These proposals formed the provisions for the Independence Constitution that came into effect on 1 October, 1960. The new Constitution is essentially the same document as the 1954 Constitution. Although Awolowo believed that a federal constitution for Nigeria was "a necessity"⁷⁴, he nevertheless admitted also that one of the "The evils which afflicted Nigeria and brought about the ruin of the First Republic" was the "abnormal imbalance in the constituent units of the Federation".⁷⁵ From the point of view of its constituent units, the constitution is a good example of what a federal structure should not be. Nigerian political leaders deliberately ignored this in-built weakness in the structure of the Nigerian state and the country paid dearly for their short-sightedness.

The last struggle that could have caused the postponement of the date of independence beyond 1960 was the federal elections of 1959. It was the members of parliament elected as a result of that exercise who would approve and operate the new Constitution. The 1959 elections were therefore the independence elections. In preparing for the elections, the political parties did not hide the fact that the new Constitution was a compromise. "Our ideal", declared the AG "is a quasi-federal

constitution with residual powers in the centre and providing for not less than eight autonomous provinces, bicameral legislatures, uniform electoral laws based on universal adult suffrage, direct elections and single-member constituencies"⁷⁶ If it named the government the AG pledged to create the Mid-West and COR States after independence. The NCNC would modify the regionally-based 1954 Constitution (and by implication the new Constitution) by creating a strong central government which is strongly believed was the best guarantee for Nigerian unity. Such a constitution would be based on provinces (not regions) as component units.⁷⁷ The NPC's preference for strong regions and a weak centre remained unchanged. The party had wished to create states in the North or pander to minority interests. It was convinced that its hammering on the danger of Southern domination would enable it to sweep the North: "subject to whatever temporary difficulty might be made by the Borno member, who were not ready to bow the back to the 'Fulani-Hausa', or by the Middle Belt members who were reluctant to court humiliation", a contemporary observer has written, "policy was what the Sardauna believed would benefit the existing Northern structure. What the federal government did was of little consequence unless it conflicted with that belief".⁷⁸ The Sardauna was encouraged to adopt this undemocratic attitude because members of the Middle Belt were more frightened of the South than of the Caliphate; by joining the NPC they would gain more in terms of political appointments and other services since they could compete favourably with the Caliphate regarding the availability of Western educated personnel; and because of the North's prefabricated parity in the House of Representatives. It is incredible that the same parties which had just endorsed the New Constitution were campaigning against the same Constitution openly: Clearly then, that Constitution left a lot to be desired.

The result of the elections justified the Sardauna's calculations. Although the Southern parties and their Northern allies presented a total of 700 candidates for the 312 seats to be contested and campaigned vigorously throughout the country, and the NPC and its Northern allies fielded only 202 candidates (all in the North), the NPC still won a larger number of seats than any of the national parties. But it failed to win an outright majority. The results were as follows:

Party	North	East	West	Lagos	Total
NPC/Allies	135	1	7	-	143
NPC/Allies	8	58	21	2	89
AG/Allies	25	14	33	1	73
Independence	6	-	1	-	7
	174	73	62	3	312 ⁽⁷⁹⁾

The eight votes credited to NPC in the South were protest votes by the Niger Delta Congress in the East and the Mabolaji Grand Alliance in the West. The NCNC's

Western seats were won mostly in the Mid-West and its Northern seats were won through the activities of NEPU and the Middle Belt allies. The AG's Northern seats came from the Ilorin and Kabba areas where the Yoruba dominate and its impressive fourteen seats in the East were won by its UNIP allies. Because of this election an erroneous conclusion has been drawn that the AG was the most "national" party in outlook of all the other parties.⁸⁰ On the contrary, the ethnic distribution of leaders of the major parties on the eve of the elections paints a different picture as follows:

Ethnic Distribution of Leaders of the Major Nigerian Parties in 1958 as Percentage of Total⁸¹

Party	Igbo	Other Eastern groups	Yoruba	Other Western groups	Hausa/Fulani	Other Northern groups	Others
NPC	-	-	6.8		51.8	32.4	9.4
NCNC	49.3	9.9	26.7	3.6	(2.8)	5.6
AG	4.5	15.2	68.2	7.6	(3.0)	1.5

In terms of the leadership of the parties, therefore, the Igbo were a minority in the NCNC, the Hausa/Fulani a slight majority in the NPC and the Yoruba a big majority in the AG. In terms of the seats won the NCNC had also a better spread than the AG when it is realized that the AG's Northern supporters were essentially Yoruba. The realities of the situation in 1959 was that eventhough the six Northern independents conveniently declared for the NPC subsequently, the party still failed to have an overall majority. The stage was thus set for the final negotiation that would lead the country to a shaky, because unbalanced, and therefore turbulent independence.

Independence Regained: Triumph of Federalism

As, indeed, Lyttleton (Lord Chandos) was to put in it in his *Memoirs*: "It was clear that Nigeria, if it was to be a nation, must be a federation, with as few subjects reserved for the Central Government as would preserve national unity".⁸² The results of the pre-independence elections made it clear that Nigerians could regain their independence only through the machinery of federalism. The results, too, called for yet more compromises on the part of Nigerian leaders. Federalism had triumphed because of the uncanny ability of these leaders to arrive at compromises they really did not like. It also triumphed because the desire for freedom was abroad in the land. Any political party that undermined it did so to its great peril. Negotiations leading to the formation of a government that would finally lead the country to freedom were thus undertaken in the context of this desire; and equally importantly is that of the ambitions of the leadership of the three major parties to rule the country. And since these parties were regionally controlled, the issue of regional supremacy is the new Nigerian state was also at stake.

Old enmities and political differences were, for the moment, on the surface at least, played down. "The sniff of power was so seductive", Uzoigwe has written: that only amateur politicians spoke the language of having either permanent friends or permanent enemies. Having won the most seats of all the parties, the NPC reckoned correctly that it was in the driver's seat. But it was dogged by the self-inflicted disability that it was by no means a national party; and since it did not have an overall majority in the House, the question of going it alone did not even arise. In any case, under no circumstances would Britain allow Nigerians to regain their freedom in such a situation of obvious instability.⁸³

If the NPC were able to induce the minority parties to form a coalition with it, as the Governor-General, James Robertson, had suggested⁸⁴ - which did not seem possible - the AG and the NCNC would have formed such a formidable opposition that would have frustrated such a government. "On the positive side, the NPC had the unqualified support of Robertson and the colonial administration", Uzoigwe continues

as well as that of the British government; and it hoped that the long-standing mistrust between the AG and the NCNC, would make the formation of a Southern government impossible. The AG and NCNC, on their part, although national parties, apparently were each willing to be a junior partner to the NPC, in a coalition government. They did not seem to be convinced that an independent Nigerian in which the North formed a formidable opposition would be a good thing for the new nation. The British government was of a similar persuasion.⁸⁵

It is in the context of the above observations and considerations that the negotiation that took place may be comprehended. The NPC, indeed, was in the driver's seat but was waiting anxiously for any of the others to come aboard.

Awo took the initiative by proposing an NCNC/AG alliance in which Zik would be the Prime Minister and he would become his Deputy. He was probably flying a kite because it was widely rumoured that at the same time one AG delegation was at Enugu to present his proposal to Zik, another AG delegation was at Kaduna to make the same proposal to the Sardauna.⁸⁶ Whatever was the case, the NPC had a secret card which it was prepared to play at the appropriate time if the NCNC and the AG formed a government, namely, secession and the concomitant postponement of independence.⁸⁷

There was nevertheless panic in the NPC's ranks. Secession would not be countenanced by the British government. Realizing that the Constitution conferred on the Governor-General the sole right to appoint the Prime Minister, and in no doubt of Robertson's support for his party and for the North, Balewa called on him and boldly played the secessionist card. He made it clear that under no circumstances would the North accept a Southern government and that if Robertson appointed Azikiwe Prime Minister, "the country might, even now, at the last minute, break

up."⁸⁸ The trick worked. Clark has graphically described what transpired between the two friends: Said Robertson:

You are my prime minister and I am entitled to seek your advice even now, though you soon may not be my PM. This is the situation. Do you think you can find enough people from the other parties, or 'independents', or somewhere, to give you a majority? If you think you could find a number to join you, I could then make you PM now. Or would you prefer it if I waited a bit longer while you make inquiries or the situation clarified? Abubakar's answer was, "Well, I think it would really be better if you appointed me." 'John Willie', (Robertson's nickname) appointed him straight away that evening, without consulting London, accepting the advice on the simple ground [sic] that a man with 140 seats was more likely to be able to form a government than a man with 90. Still less had Sir James consulted the Sardauna, who was nevertheless later to grumble when thwarted, 'We put Abubakar in as Prime Minister, and he must remember who his patrons are?'⁸⁹

Balewa had no illusions about that. He was neither an Hausa nor a Fulani and not even a mixture of both; he "was an errand boy from a tiny minority group in the backwoods of Bauchi country who made good", as Uzoigwe put it. "That proved to be both his strength and weakness".⁹⁰

Balewa announced his own appointment (which he had advised Robertson to make!) the following day at a press conference. He declared that now that his party would form a coalition government with him as Prime Minister, there was no more need for secession. Zik was outraged by Robertson's action which he dismissed as "premature and inept". He put pressure on the Sardauna to help him get Robertson's action reversed but failed. To add insult to injury, the Sardauna announced at a mass rally in Kaduna after handing over publicly the mantle of NPC leadership to Balewa: "I, too, will divide this country (Nigeria) between my two trustworthy lieutenants (Balewa and Ribadu) when the current political battle (*Holy Jihad*) is over".⁹¹ Elated by those words an enthusiastic supporter of the NPC and of Northern hegemony in Nigeria shouted triumphantly three times from the crowd: "When will this thing (the political domination of Nigeria) be taken from us? Who can ever take it from us?". Balewa simply responded to him. "I can give you the answer to your question: It will be taken away from us when we leave the path of God - when we leave the path of God, truth and justice, and become corrupt and unjust and oppressive"⁹² The implications of the Sardauna's speech and what transpired at that rally were not forgotten by his political opponents. The speech was as provocative as it was unfortunate and utterly unnecessary. He forgot that the victory he was celebrating was won through the arbitrary act of a partisan colonial governor. He was not only pompously casting himself in the role of the great Usman dan Fodio but was also subtly ridiculing Zik. He never intended, of course, to resign from politics and did, in fact, not resign. He was simply adopting Zik's well-worn antics.

After this embarrassing celebration of victory, the Sardauna and Zik got down to negotiate a coalition government, practically over Balewa's head, as if nothing had happened. The NCNC insisted on the following terms: Zik would become the president of the Senate but would replace Robertson as Governor-General on the latter's departure; the new government would create a Midwest State; Lagos, the federal capital would be extended; the NCNC must be consulted on all appointments; Matthew Mbu should be reinstated (Mbu was an NCNC member from Ogoja Province who was sacked from his job at Nigeria House in Washington because of accusations "of financial and other irresponsibilities") finally, the party insisted that a new speaker must be elected when the new House assembled.⁹³ These were hardly terrific terms on the NCNC's part for yielding the Prime Ministership and ultimate power to the NPC which was a party representing only one section of the country. Naturally the Sardauna raised no objections to these easy terms and the two leaders endorsed them. Surprisingly, Balewa was not thrilled by the agreement. He had to accept it because it carried his boss's endorsement. He noted curiously: "if we made our lamentation, would we be helped to divide this land?. For in no way (can I agree); If it should come about that the South did [after all] unite with one voice, then, we are in trouble. I am looking for counsel".⁹⁴ The note was addressed to Robertson who, probably confused by it, may have decided to sleep on it. It is difficult for a neutral observer to discern what Balewa's problems were. To even think of Northern secession at that late hour because of inconsequential concessions granted to a party that had, in reality, made him Prime Minister, smacked of ingratitude and an irrational fear of an imaginary Southern domination. More disturbing was the fact that an unashamedly sectional leader was given the historic responsibility of governing a multi-nation state. Perhaps it did not occur to him that the South, too, had any right or, indeed, any cause whatsoever to fear Northern domination.

The Sardauna, of course, knew better. As soon as the Governor-General endorsed the accord, he knew that Zik and the NCNC had been effortlessly finessed out. As he saw it, the AG and Awo would not forgive the NCNC and Zik and that meant the collapse of a Southern solidarity if at all it existed; Zik would not become Prime Minister; the South, would not rule the country; the "Jihad" had been won without a war. For Balewa to appear to be more Northern than even the Sardauna himself and at the same time anxiously grabbing office as the Nigerian leader was one of the absurdities that landed the country into trouble not long after independence. Balewa's cabinet was weighted in favour of the North. Ministerial appointments were distributed as follows: North (10); East (3); West (3); Lagos (1); and another ministry was to be given later to someone from the Senate. Here, again, the East lost out. Did Balewa harbour anti-Eastern sentiments? There is not enough concrete evidence to support such a conclusion. But a good number of Easterners who were his contemporaries spoke to feel that he did. Whatever was the case, his great admirer and biographer believes that his cabinet "did seem rather weak in personnel and nationalism."⁹⁵ In fairness to Balewa, he was not given a free hand in choosing his own ministers.⁹⁶ Disgusted at the quality of the Council of Ministers, a contemporary Nigerian journalist, Abdul Karim Disu, wrote

there is little to commend the new federal government to the nationalists of Nigeria The late federal government was notable for its supineness to expatriate British officers. Now that government are all back. These is no virile blood. They would merit the OBE since we are going to be 'good boys' of the empire even after independence. Is it not ominous that neither Dr. Azikiwe nor the NEPU leader Malam Aminu Kano is in the federal cabinet?⁹⁷

Disu's indictment of the pre-independence cabinet may have been a bit too harsh. Indifferent nationalists or not, and weak on personnel or not, they did fulfil their historic responsibility of leading Nigerians to regain their freedom from Britain for whatever it was worth, admittedly not on 2 April, 1960 as they had proposed but on 1 October, 1960 as the British government disposed. What happened was the triumph of a particular type of federalism which no party really wanted but had to accept in the interest of achieving Nigerian independence. Serious students of Nigerian politics were under no illusions, however, that as federal power grew as inevitably it would and as the numerous contradictions in the Nigerian state became magnified as a consequence, great trouble was lurking quietly around the corner and would erupt with devastating force, sooner or later, when the euphoria of independence evaporated and Nigerians settled down to the realities of freedom.

Notes and References

I wish to express my profound indebtedness to professor G. N. Uzoigwe for the help he readily rendered to me in the writing of this chapter. He not only made available to me relevant documents, papers and books at his disposal but was kind enough to provide me with a written response to questions that I addressed to him. I wish also to acknowledge the help I derived particularly from Trevor Clark's *A Right Honourable Gentleman: The Life and Times of Alhaji Sir Abubakar Tafawa Balewa*. (Zaria: Hudahuda Publishing Company, 1991). Although the book is openly laudatory of Balewa as a person and uncritical of his achievements, it is nevertheless a mine for new information on Nigerian politics that were not available to James Coleman, Richard Sklar, Eme Awa, B. J. Dudley and so forth. It is also pertinent to note that Clark was a former Senior British Officer in the Colonial Service and that he makes no secret of his admiration for the North.

1. Obafemi Awolowo, *Thoughts on Nigeria Constitution*. Ibadan: Oxford University Press, 1966, p. 6
2. See the NPC's, *Fight Point Programme* reproduced in Eme O. Awa, *Federal Government in Nigeria*. Berkley: Univ. of Cal. Press, 1964, p. 45; James S. Coleman, *Nigeria: Sackground to Nationalism*. Benin City: Broburg & Wistrom, 1986, (ed), pp. 360-64; chapt. .17 & 18; Richard L. Sklar, *Nigerian Political Parties: Power in an Emergent African Nation*. New York: Nok publishers, 1983 (ed), pp. 125-32; Clark, *Abubakar Tafawa Balewa*; Chap. 17; Sir Ahmadu Bello, *My Life*. London: O.P.U., 1962, pp. 143-4.
3. See Coleman, *Background to Nationalism*, Chaps. 12, 14 & 15; Sklar, *Political Parties*, Chap. 3; Awa, *Federal Government*, Chapt. 3.
4. Obáro Ikime, *In Search of Nigerians: Changing Patterns of Inter-Group Relations in an Evolving Nation-State*. Ibadan: Impact Publishers, 1985, p. 23.
5. G. N. Uzoigwe, "Federalism Versus Centralism: A Nigerian Historical Experience" in Bashir Ikara, (ed), *Critical Issues in the Historical Experience of Nigerian Federalism*. (Forthcoming).
6. See *Eight Point Programme*, in Awa, f.n. 2 above.
7. Sklar, *Political Parties*, p. 129.
8. See *The Nigeria (Constitution) Order-in-Council*, 1957. Lagos: Govt. Printer, 1951.
9. Debate in the House of Commons cited in Michael Crowder, *The Story of Nigeria*. London: Faber and Faber, 1960, p. 285.

10. G. N. Uzoigwe, Personal Communication, October, 1994.
11. In "Federalism Versus Centralism".
12. *Background to Nationalism*, pp. 402-3.
13. *Nigeria Constitution*, p. 12.
14. *Ibid.*
15. *Political Parties*, p. 34. See also, for the financial arrangement, *The Report of Fiscal Commissioner on Financial Effects of Proposed New Constitutional Arrangements*. Lagos: Govt. Printer, 1953.
16. Coleman, *Background to Nationalism*, p. 402.
17. Crowder, *Story of Nigeria*, p. 290.
18. *Abubakar*, p. 222.
19. *Ibid.*, p. 223.
20. *Ibid.*, p. 223.
21. Quoted in *Ibid.*, p. 233.
22. Quoted in *Ibid.*, p. 229.
23. *Ibid.*, p. 251
24. *Ibid.*, p. 247.
25. *Ibid.*, p. 247.
26. *Ibid.*, p. 248.
27. *Ibid.*, p. 248
28. Awa, *Federal Government*, p. 74.
29. Quoted in Clark, *Abubakar*, p. 248.
30. Quoted in *Ibid.*, p. 249.
31. *Ibid.*, p. 249.

- Quoted in *Ibid.*, pp. 249-50.
- Ibid.*, p. 250.
- Ibid.*, p. 249.
- Ibid.*, p. 251.
- Personal Communication, October, 1994.
- Clark, *Abubakar*, pp. 252-3.
- Ibid.*, p. 254.
- Quoted in *Ibid.*, p. 255.
- Quoted in *Ibid.*, p. 255.
- personal Communication, October, 1994.
- Clark, *Abubakar*, p. 256.
- Quoted in *Ibid.*, p. 260.
- Ofodile, Okpara,
- Clark, *Abubakar*, p. 258.
46. For details of the crisis see Colonial Office (C.O.), Cmd. 51 *Report of the Tribunal appointed to inquire into allegations reflecting on the Official Conduct of the Premier of, and Certain Persons Holding Ministerial and other Public Offices in Eastern Nigeria*, London: HMSO, 1957. Cf Coleman, *Background to Nationalism*, pp. 374-5; G O. Olusanya, "Constitutional Developments in Nigeria, 1861-1960" in Obare Ikime (ed), *Groundwork of Nigerian History* Ibadan: Heinemann, 1980, pp 539-40; Clark, *Abubakar*, Chap. 22; Offodile, *Okpara*. pp. 28-39; Sklar, *Political Parties*, Chap. IV Awa.
47. The speech is substantially reproduced in Coleman, *Background to Nationalism*, pp. 193-4.
48. Okwudiba Nnoli, *Ethnic Politics in Nigeria*. Enugu: Fourth Dimension, 1978, pp.122-3 citing C. N. Ubah, "The Indirect Elections at Kano, 1951". (Unp. mss, 1976).
49. Obafemi Awolowo, *Path to Nigerian Freedom*. London. 1947, pp.47-8.

50. Quoted in Coleman, *Background to Nationalism*, p. 320.
51. *History of Nigeria*. London: Allen & Unwin, 1955.
52. see The Northern Peoples Congress Constitution, Appendix IV in B. J. Dudley *Parties and Politics in Northern Nigerian*. London: Frank Cass, 1968, pp. 314-23.
53. G. O. Olusanya, "Political Awakening in the North: A Reinterpretation" *Journal of the Historical Society of Nigeria*, IV, 1, 1967, p. 131; cf. Olusanya "Constitutional Developments" p. 567.
54. For a Study of the NEPU and NPC see Dudley, *Parties and Politics*, Chaps. 4 & 5.
55. Sklar, *Political Parties*, p. 340.
56. See C. O. Cmd 505, *Report of the Commission appointed to Inquire into the Fears of Minorities and the Means of Allaying them*, London: HMSO, 1958.
57. *Federal Government*, p. 69.
58. Crowder, *Story of Nigeria*, p. 26.
59. Olusanya, "Constitutional Developments", p. 543.
60. Quoted in Coleman, *Background to Nationalism*, p. 375.
61. Quoted in Crowder, *Story of Nigeria* p. 292.
62. Quoted in Clark, *Abubakar*, p. 308. The full speech is reproduced in *idem*.
63. *Ibid.*, p. 313
64. C.O., Cmd. 207, *Report by the Nigerian Constitutional Conference Held in London in May and June, 1957*. London:HMSO. 1957.
65. *Background to Nationalism*, p., 376.
66. Quoted in *Ibid.*, p. 378.
67. Quoted in Clark, *Abubakar*, p. 343.
68. Personal Communication, October, 1994.

9. Clark, *Abubakar*, p. 333.
10. See Awa, *Federal Government*, p. 69.
11. *Ibid.*, p. 69.
12. See Crowder, *Story of Nigeria*, pp. 297-8.
13. C. O., Cmd 596, *Report by the Resumed Nigerian Constitutional Conference held in London in September and October, 1958*. London: HMSO, 1958.
14. *Nigerian Constitution*, p. 28.
15. *Ibid*, p. 61.
16. Quoted in Awa, *Federal Government*, p. 71.
17. Quoted in *Ibid*, p. 71.
18. Clark, *Abubakar*, p. 309.
19. See Crowder, *Story of Nigeria*, p. 298.
20. J. B. Webster and A. A. Boahen. *The Revolutionary Years: West Africa Since 1800*. London: Longman, New Edition, 1980, p. 311
21. Richard Sklar and C. S. Whitaker, Jr. "Nigeria" in J. S. Coleman and Carl Rosberg, Jr. (eds) *Political Parties and National Integration in Tropical Africa*. Berkeley: University of California Press. For a detailed analysis of the 1959 elections see K. W. J. Post, *The Nigerian Federal Elections in 1959*. London: O.P.U., 1963.
22. Quoted in Olusanya, "Constitutional Developments", p. 536, f.n. 36.
23. Personal Communication, October, 1994.
24. Clark, *Abubakar*, p. 405.
25. Personal Communication.
26. Clark, *Abubakar*, p. 405.
27. *Ibid.*, p. 405.
28. *Idem*.

89. *Ibid.*, pp. 405-6.
90. Personal Communication.
91. Quoted in Clark, *Abubakar*, p. 406.
92. Quoted in *ibid.*, p. 406.
93. *Ibid.*, p. 406.
94. *Ibid.*, p. 407.
95. *Ibid.*, p. 408.
96. *Ibid.*, p. 406.
97. *Ibid.*, p. 409.

- Aba Riots 126
 Abadie 74
 Abdallah, Habib Raji 198, 199
 Abeokuta 96, 189, 207, 247, 253, 254, 276
 Adamawa 12, 37, 196, 210, 285
 Ade-Ajayi 92
 Adebayo, Augustus Oladipo 105
 Adebo, Chief Simeon Ola 105
 Adelabu, Adegoke 290
 Aguiyi-Ironsi 79
 Agwuna, Osita 198
 Ajala, Ajala 194
 Akinsanya, Samuel 176, 177, 195
 Akintola, Samuel L 80
 Akpan, N. C. 89, 105, 110, 113, 117, 121, 132, 133
 Alaafin of Oyo 16
 Alakija, Olayimika 176, 177
 Aliyu, Emir 217
 Alkali Courts 225, 238, 242
 Aloma, Idris 213
 Anti-Tax Rising in Warri, The 1927 128
 Arah, Ogugua 178
 Ashby Commission, The 270, 271
 Ashby Report, The 270, 271, 279
 Atanda 122, 133, 134, 221, 243, 268
 Awa, Eme 207, 295, 305-307, 309
 Awolowo, Obafemi 26, 31, 47, 53, 174, 179, 181, 183, 188, 191, 202, 218,
 259, 261, 269, 271, 273, 285, 286, 292, 294
 Ayida, Allison 105
 Babangida, Ibrahim 106
 Balewa, Abubakar Tafawa 199, 200, 246, 286, 305
 Balogun, Kolawole 198, 297
 Basel mission 257
 Bauchi 12, 37
 Bauchi 12, 37, 192, 193, 211, 213, 241, 242, 285, 289
 Bauchi Improvement Union 199
 Bedwell 11
 Bell 11, 14, 37, 211
 Bello, Sir Ahmadu 14, 134, 139, 193, 194, 200, 201, 203, 210, 217, 221, 225,
 229, 236, 241-243, 245, 252, 253, 261, 263, 268, 269, 271,
 274, 279, 285, 292, 305
 Benin-Delta Peoples Party 203
 Berlin 62
 Bida 74
 Biobaku, S. O. 197

- Birom Progressive Union 203
 Borgu 37, 57
 Boyd, William 256
 British civil servants 106
 Bussa 62
 Calabar 5, 12, 17, 20, 35, 40, 64, 65
 Cameroon, Donald 37, 43
 Captain Ross, Captain 127
 Chick, Sir Louis 146
 Chief Justice 15, 18-20, 230, 234
 Church of Scotland Mission 215, 257
 Civil service 87-112, 114, 186, 274
 Civil Service Reforms, The 1988 (Babangida) 97, 106, 107, 108
 Civil service structure in Nigeria 87
 Clauson 41
 CMS 257, 261-264
 Coleman, James 8, 13, 30, 46, 52-54, 79, 111, 133, 134, 159, 175, 183, 184,
 195, 200, 202, 203, 243, 267, 273, 284, 292-296
 Colonial civil service 17, 32, 87-106, 108, 109
 Colonial economy 21
 Colonial government 87, 96, 137, 178, 189, 190, 192, 202, 203, 210, 226, 233,
 245, 246, 248, 249, 255, 256, 258, 260-262
 Colonial Navy 75
 Colony and Protectorate of Southern Nigeria 11, 12, 20
 Constitution, The 1951 146, 150, 179, 194, 195, 259, 270
 Constitutional Conference 96, 180, 195, 197, 282, 283, 285, 295
 Constitutional Conference, The 1957 186, 202, 204, 294
 Constitutional Conference, The Lagos (1953) 96
 Cook 22, 34, 78
 COR 203, 293, 298
 Creek Town 215
 Crown Lands Proclamation of 1902 22
 Crowther, Samuel Ajayi 214, 257
 Customary Courts 240, 246, 248
 da Rocha Dr. Moses 193
 Daura 213
 de Graft William 257
 Derivation, The principle of 143-150, 157, 158, 161, 274
 Direct taxation 126-128, 136, 137, 141, 149, 157-159
 Distributable Pool Account 145, 148
 District Officer 232; also D. Os 95
 Dogbo Numa, Chief 16
 Drucker, Peter F. 91, 110
 Duke Town 215

- Economics of amalgamation 21
 Egba Society 174
 Egbado Union 174
 Egerton 11, 12, 14, 17, 32, 33, 93, 213, 252
 Ekiti National Union 174
 Ekpe Owo Movement 95, 112
 Ekumeku Movement of Asaba 222
 Eleazu, Uma 119
 Eleko, Oba Esugbhayi 96, 221
 Emir of Kano 16, 45, 212
 Enahoro, Anthony 179, 201
 Enugu Colliery Massacre of 1949 92, 94
 Ethnicity, defined 172
 Ethnicity, manifestation 174
 Eze, Nduka 198
 Ezera, Kalu 182, 190
 Federal Radio Corporation of Nigeria 102
 Federalism 87, 91, 96-99, 101-109, 116, 119-122, 124, 125, 127, 129-133,
 135, 142, 149, 150, 157, 162, 167, 177, 179-182, 185, 189,
 195, 198-200, 205, 215, 219, 220, 227, 233, 238, 264,
 268-271, 273, 274, 276, 277, 282, 283, 285, 288, 291-293
 Fitzgerald Commission 94, 96, 103, 111
 Flint 12, 23, 28, 30-32, 34, 111
 Fodio, Shehu Usman Dan 200
 Forster-Sutton Commission of Enquiry, The 295
 Fosbery 11
 Francaise de L'Afrique Occidentale 224
 Freeman, Thomas Birch 214, 257
 Fulani Empire 200
 Fuller 124, 159, 265, 266
Gaskiya Ta fi Kwabo 199
 Gboyega, Alex 132, 134
 Geary 20
 General Strike of 1945, The 95, 179
 Glover 4, 61, 74
 Gobir 213
 Goldie 2, 3, 8, 10
 Great Depression of the 1930s 141
 Harding 36, 41, 51
 High Courts 239, 241-243, 245, 246
 Honesty, Chief Eyo 215
 Hudson 74
 Ibibio Union 174, 189
 Ibo Federal Union 180
 Ibo State Union 174, 197

- Ife Union 174
 Igbirra Progressive Union 174
 Ijaiye National Society 174
 Ikime, Obaro 112, 122, 134, 184, 221, 223, 225, 243, 271, 292, 294
 Ikoli, Dr. Ernest 176, 177, 195, 269
 Ilorin 12, 14, 37, 60, 160, 196, 208, 209, 211-213, 217, 223, 224, 254, 285, 287
 Imam, Mallam Abubakar 199
 Iman, Mallam Ibrahim 201
 Indirect rule 114, 120, 126-129, 131, 134, 136-138, 142, 162, 219, 220, 233, 239, 246, 253, 272, 291
 Iseyin Rising of 1916 127
 Ita, Eyo 269, 282, 293
 Jaja 19, 35, 36
 James 11, 30, 37, 46, 52, 89, 100, 133, 175, 183, 218, 256, 274, 288, 289, 292
Jamiyyar Neman Sawaba 181
Jangali 138-140, 144
 Judicial Department 19
 Kabba 14, 37, 196, 213, 285, 287
 Kaduna 3, 14, 27, 40, 49, 75, 132, 133, 178, 188, 192, 193, 216, 223, 242, 277, 279, 288, 289
 Kalu, Ogbu 213, 222, 229
 Kamerun National Congress 202
 Kano, Mallam Aminu 181
 King George V 37
 Kontagora 74
 Lagos Colony 1, 2, 4, 8, 12, 17-20, 22, 25, 28, 40, 41, 64
 Lagos Press 13, 24, 38, 40, 110, 214
 Legislative Council 14, 18, 32, 38, 42, 46-49, 52, 54, 122, 127, 134, 171, 172, 177, 178, 187-189, 202, 213-215, 224, 266
 Lever Brothers 224
 Local government councils 87, 127, 137
 Local Government system 91, 102, 103, 117, 118, 122, 124, 126-128, 130, 141
 Lokoja 3, 8, 40, 63, 65, 75
 Longe, Gray 105
 Lugard, Lord Federick 6, 8-19, 22, 24, 25, 29, 30, 33-35, 40, 41, 43, 45, 46, 56, 57, 62, 64, 71, 72, 74, 86, 94, 113, 124, 126-132, 135, 138, 141, 142, 162, 183, 190, 207, 216-220, 232, 233, 240, 241, 244, 249-253, 260, 261, 265, 277, 283, 291
 Lutz, Father Joseph 215
 Lyttleton Constitution 96, 102, 195, 272, 273
 Macaulay, Herbert 179, 192, 222
 Macpherson, Governor John 181
 Maja, Akinola 177

- Makurdi 194
 Manufacturers Association of Nigeria 105
 March, William 257
 Marine Department 14, 76
 Martin, Jibril 177
 Mbu, Mathew 302
 McGregor 90, 91
 McPhee 22, 34
 Methodist Missionary Society 257
 Mill 37, 51
 Milner 39, 41, 51, 52
 Minor Courts 123
 Minorities Commission 204, 226, 294, 295, 298
 Morel 31, 37, 51, 251, 266
 Mundy 74
 Munshi 12
 Nasarawa 12, 212
 National Congress of British West Africa 183; also NCBWA 192, 193
 National Policy on Education 279
 Native administration 87, 102, 103, 117, 123-125, 127, 131, 132, 134, 159,
 212, 240, 241, 262, 268
 Native Authorities Ordinance of 1916 126
 Native Councils 117, 123, 124
 Native Councils Ordinance 124
 Native Courts 95, 96, 117, 120, 123-130, 132, 133, 134, 137, 138, 227,
 230-248, 251, 253
 Native Courts Proclamation, The 1900 123
 Native Revenue Ordinance 137, 141
 Native Revenue Proclamation of 1907 124
 NEPA 199, 200
 Nicolson 6, 17, 28-30, 38, 52, 92, 101, 110, 111, 113
 Niger Coast Protectorate Force 62, 64, 67, 68
 Nigerian Building Society 102
 Nigerian Council 17, 35, 37, 41, 46, 77
 Nigerian National Democratic Party 177; also NNDP 177, 192, 193, 195, 198,
 205, 208
 Nigerian Naval Service 76
 Nigerian Union of Young Democrats 205; also NUYD 194
 Nigerian Youth Movement 175, 176, 193, 197, 198, 269; also NYM 176-179,
 193-195, 198, 199, 205, 208
 Njoku, Raymond Amanze 297
 Nnamdi Azikiwe 176, 177, 179, 189, 193-197, 269, 280
 Northern Elements Progressive Union 181, 224; also NEPU 200, 205, 210, 287,
 289, 291, 294, 299, 303, 308
 Northern Nigeria's land and Native Rights Proclamation of 1910 23

- Northern Nigerian Non-Muslim League 203
 Nupe 6, 12, 63, 65
 NUS 196
 Nwachukwu, Aja 297
 O'Connor 74
 Oba of Benin 203
 Obafemi Awolowo, Obafemi 179, 187, 189, 194, 197, 198, 210, 226, 269, 271,
 280, 305, 308
 Okonjo 14, 28, 30, 35, 52, 122, 133
 Okotie-Eboh, Festus Samuel 297
 Onitsha Province 11, 67
 Orr, Charles 244
 Owo Progressive Union 174
 Phelps-Stokes Commission, The 272
 Philip, Edward 257
 Phillipson Fiscal Commission 144, 147, 149
 Phillipson, Sir Sydney 143
 Police 87, 97, 104, 117, 145, 146, 192, 217, 234, 235, 242, 243, 246, 279,
 286
 Poll-Tax 137, 141
 Primitive Methodist Mission 215
 Privy Council 240, 242
 Probyn, Leslie 262
 Produce Marketing Board 147
 Provincial Courts 130, 241-243
 Public enterprise 87, 91, 102
 Qua Ibo Mission, The 215
 Qua Iboe Church 174
 Queen's Advocate 15
 Rano 213
 Recruitment policy 66, 68, 69, 79
 Regional income tax 148
 Ribadu, Muhammadu 286
 Rimfa, Muhammad 213
 Robertson 89, 218, 274, 279, 288-290
 Roman Catholic Missionaries 257
 Rosiji, Ayotunde 197
 Royal Navy 61, 76
 Royal Niger Company 2, 5, 7, 22, 61, 63, 65, 75, 76, 84; also RNC
 Royal Nigerian Navy 76
 Royal Nigerian Navy Act 76
Sabon-garis 127
 Sales taxes 148, 154
 Secretary for Native Affairs 40, 42
 Selborne, Lord 1-3, 9, 12, 28, 31

- Society of African Missions 215
 Sokoto Caliphate 8, 32, 67
 Sokoto Jihad 213, 216
 Southern Nigerian Regiment 69
 Sudan Interior Mission 218
 Sultan of Sokoto 16, 45, 178, 250, 251, 266
 Super permanent secretaries 105
 Supreme court 18-20, 33, 123, 126, 230, 232, 236
 Taraba 12
 Temple 10, 14, 15, 32, 37, 132, 224, 225
 Townsend, Henry 214
 Treasurer 15, 192
 Ugwell, Bishop 217, 221
 Turnbull 89
 Ukpabi, Aro Ibin 222
 Union of Ijebu Youngmen 174
 Union of Young Nigerians 193, 194; also UYN
 United African Company 224; also UAC
 United Middle Belt Congress 203; also UMBC
 United National Independence Party 202; also UNIP
 United Presbyterian Church 257
 Unity Party of Nigeria 187; also UPN
 Universal Primary Education 270, 273, 291
 University College of Ibadan 269
 University of Ife 114, 164, 233, 250, 271
 University of Lagos 112, 229, 271
 University of Nigeria Nsukka 271, 274
 Uzoigwe, G. N. 111, 118, 132, 223, 271, 273, 277, 278, 285, 288, 289, 292
 Wachuku, Jaja 288, 296
 Wada, Inua 289; 297
 Waddel, Reverend Hope 215
 Wesleyan Methodists 214
 West African Frontier Force 2, 3, 5, 6, 14, 27, 32, 62, 63, 65, 66, 69, 71, 84;
 also WAFF
 Western Region Local Government Law of 1952 129
 Williams, Ayo 194
 Yaba Higher College 176, 267, 269
 Yelwa 194
 Yoruba Federal Union 198
 Yoruba Union 174
 Zaria 12, 29, 37, 67, 77, 78, 134, 188, 192, 210, 213, 217, 221, 224, 241-24
 254, 292
 Zikist Movement 181, 198, 199





IGSR is a non-profit, non-governmental research-oriented institute established to promote research on socio-political and economic problems of Africa in general, and of Nigeria, more specifically. Members of the IGSR include people from the academic, public and private sectors and practitioners in various fields of endeavour who are concerned about the socio-political and economic problems of Africa. The Institute was founded in 1994 with its headquarters located in Jos, Plateau State, Nigeria.

OBJECTIVES

The main objectives of the IGSR are to:

- a) study and conduct research in government and society as well as maintain data, especially on the Africa region;
- b) encourage and promote cooperation among government and non-governmental agencies by studying the diverse issues of government and society, development, regional integration, inter-state relations and conflict management;
- c) provide a forum for the exchange of ideas, among scholars, policy makers and administrators;
- d) establish collaborative relations with organizations which have similar objectives; and
- e) carry out all such other activities which the Institute may consider, from time to time, necessary for the attainment of its objectives.

FUNCTIONS

In order to achieve these aims, the Institute shall carry out the following functions:-

- a) promote excellence through research and award of fellowship and scholar-in-residence programmes in order to transfer to new generations the experiences of Africans in public offices and the private sector;
- b) promote understanding of government and enhance the establishment of democratic processes, institutions and culture in governance, especially within the African region;
- c) undertake commissioned or/as well as feasibility studies, assessments and consultancy service on matters within the general objectives of the Institute;
- d) provide structures and facilities necessary for the proper administration of the Institute;
- e) publish books, periodicals and other literature, as well as establish audio-visual aids for purposes of documentation and dissemination of information; and
- f) establish an Endowment Fund to be held in trust for the Institute.



Institute of Governance and Social Research (IGSR)
P.M.B. 2156, Jos, Plateau State, Nigeria
E-mail: igsr@infoweb.abs.net

ISBN 978-30738-4-2