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Constitutional Development in Nigeria
1945 – 1960

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Dedications

I dedicate this work to :

-my beloved parents, above all my sweet mother

-my sisters and brothers

-my husband who has been constantly patient, and whose support has allowed this work to see light.

Acknowledgements

I would like to express my deepest gratitude to my supervisor, Pr Fewzi Borsali for his valuable advice, judicious comments and constant supervision.

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Abstract

Constitution-making is generally a complex process, and the success of a constitution is tacitly dependent upon the proliferation of a set of factors, notably the participation of all the fringes constituting a society, the careful reflection of their demands, and a judicious process of ratifying the constitution.

In the context of colonisation, it was, greatly, the colonising power, and, to an extremely lesser extent, the representatives of the colonial peoples who were the active actors in making constitutions. This process became more acute with the decolonisation movement with colonial participation increasing steadily given both external and internal exigencies. The intent of this thesis is to hindsight this process in Nigeria in the period 1945-1960, with a view to acknowledging the major constitutional changes, and assessing their contribution to nation-building. In other words, it will address the major question of how the British conceived an independent territory with its specific peculiarity of ethnic and linguistic diversity. For this sake four periods will be analysed: the first from before 1945 traces the history of the territory within this period; the second (from 1945 till 1951) deals with the post-war constitutional change, that is the Richards' Constitution; the third (from 1951 to 1954) gets an insight into the first constitutional review, that is the Macpherson Constitution; and finally the last (from 1954 up to 1960) tackles the second constitutional review, that is the Lyttelton Constitution that paved the way to independence. An extensive bibliography has been used in this work, above all primary sources, both published and unpublished.

List of Acronyms:

AG: Action Group

ANTUF: All-Nigeria Trade Union Federation

BYM: Bornu Youth Movement

CPP: Convention Peoples' Party

CDWA: Colonial Development and Welfare Act

COR: Calabar Ogoja Rivers

DPNC: Democratic Party of Nigeria and Cameroons

EHA: Eastern House of Assembly

INC: Indian National Congress

KNC: Kamerun National Congress

KPP: Kamerun Peoples Party

NCBWA: National Congress of British West Africa

NCNC: National Council of Nigeria and the Cameroons

NEC: National Emergency Committee

NEPU: Northern Elements Progressive Union

NHA: Northern House of Assembly

NIP: National Independence Party

NPC: Northern Peoples Congress

NUS: Nigerian Union of Students

NTUC: Nigerian Trade Union Congress

NYM: Nigerian Youth Movement

UGCC: United Gold Coast Convention

UMBC: United Middle Belt Congress

WHA: Western House of Assembly

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Introduction

The concept of constitution has been defined in different ways. Some asserted that it is the embodiment of all forces conditioning the perception of a people, and powerful enough to be accepted as a guide for future action (Okoli and Okoli 1990). Others defined it as the totality of rules and regulations, both legal and non-legal, which ordain, order, regulate and sustain the government of a given country (Bagehot 1999). In essence it refers to the array of rules, norms, and practices (both written and unwritten) according to which a given people are governed. Basically, it is the supreme law that all the constituents of a society (governing and governed strata) should abide with. It is oriented to the establishment of peace, good governance, and the sustaining of justice.

Constitutions are not modern innovations; they are as remote as history itself since societies could not live without a certain set of principles (usually based on religion and custom) to regulate them. Such constitutions were mainly unwritten and limited in scope in view of the size of the polity and the small needs of the peoples at those times.

The constitution puts, first, a premium on the type of government, and then settles the other aspects of life (economic, social and cultural). The type of government evolved depends on the finalities of the constitution-makers, giving henceforth birth to a specific type of government that complies with the particularities of the historical setting. This could be a republic (full presidential, semi presidential, parliament supervising the executive), a totalitarian system (with only one political party), or a representative democracy (where people elect representatives to rule them). No one of these systems could be said to be more effective than the other because, as said earlier, this depends on the specificity of the territory, i.e the historical environment in which it had evolved. Aristotle, a Greek political philosopher whose ideas have largely inspired modern constitution-makers, believed that the best form of government was a way between oligarchy and democracy. He emphatically maintained that extremes in life should be avoided in favour of the moderate level.

In cases where there is a variety of ethnic groups, or where a common group desire to

have a degree of autonomy the expedient to be written in the constitution is federalism. Ideally, the latter is thought to be the most successful means for promoting unity in diversity.

Constitutions are generally designed through a process called constitution-making; therefore constitutional reform refers to a change of rule. In practice constitutional-making is most commonly used to cover both terms (the making of a constitution or its reform). Constitutional designing comes mainly as a response to a set of situations: state building when a new state emerges (most frequently during the decolonisation process) civil wars, overthrow of authoritarian regimes, or simply in cases where the creation of peace and co-operation is highly desired (the case of the United States).

The approach to constitution-making may either be gradual or cataclysmic. Usually, the former is thought to be the most liable in creating well-effete constitutions because the nature of things progresses in this way. In this stance, England stands as a significant example with a long history of constitutional reform that incorporated both customs and conventions with two essential documents: the Magna Carta (1215) and the Bill of Rights (1689).

A major difficulty of the constitutional process is the non heterogeneity of the territory. In a society whose constituents share the same religion, language, values and aspirations, the approach may be quite easy. By contrast, in a country that comprises a myriad of ethnic groups, with practically no points in common in terms of social organisation and cultural traits, the constitutional-designers would be unable to depend on common values and practices. The sole expedient would be a partial reliance on the rules and procedures inscribed in the constitution; but this would have a great danger as traditional loyalties still persist and perhaps even acquire a more political importance with time.

Past and modern constitutional approaches differ deeply. The former gave momentum to the monarch in the conceiving of a constitution to the people; the most common examples being those of Koweit Saudi Arabia and Jordan...etc. Colonies were also a fertile land where the colonial powers could impose their constitutions on the natives without a moral victimisation. The close years of the nineteenth century and the beginning of the twentieth have witnessed the development of more democratic approaches to constitution-

making with either parliament or a constituent assembly granted the task of drafting constitutions. With time the practice has increasingly widened with the intensification of participation (either through organisations, individuals or communities).

The basic components of a constitutional-making process revolve around seven elements. First, the key-actors (that is the constitutional-designers) should be chosen on a sound basis because it is their ideas and values which by the end are concretised in the constitution. In fact, the key-actors are expected to use rational and reason in debating and proposing solutions, however they can never dissociate themselves entirely from their personal interests and preferences. The second component is autonomy, this means that the constitutional actors should be under no constraint; otherwise the final outcome would not survive for a long. Third, the constitutional process should pay a great heed to participation, inclusivity and diversity. In other words, all the different factions within a society, whether they are in a minority or a majority, should be clearly represented and their divergent aspirations ought to be glaringly reflected in the constitution. Frequently, there is an overlapping of the interests of the dominant factions, marginalising thereby the other groups. This hampers then the success of the constitution. Yet, it is also acknowledged that wide-public participation in the constitutional designing operation may simply generate sharp divisions within a society. The fourth element has to do with the transparency and openness of the process through the publication of the debates and resolutions. The fifth component is related to accountability and legitimacy via either a referendum or a constitutional convention to attest for the public acceptance of the constitution. In this respect the process of ratifying the American constitution was greatly applauded as the most prosperous approach in history whereby a simple majority at state conventions in two-thirds of the states was urged. In the sixth place, the constitutional draft should account for a system of checks and balances that would institute a separation of powers, but with a certain degree of combination. Finally, there should be a tenacious guarantee for the protection of basic human rights and fundamental freedom through constitutional and legislative procedures, and above all a judicial process for re-instituting violated rights.

The success of a constitution in a given country does not always necessarily mean that the constitutional designing would encounter a parallel success by the country adopting it; for the simple reason that it is a different environment and for the specific features of that

setting (one salient feature being the diversity of ethnic groups). This could mainly apply to the British decolonisation movement.

British constitutional-making in the African territories involved two political actors: the British and the Africans, displaying hence different environments and different cultures. Essentially, it was the British who directed the constitutional process, and primarily held the ultimate role in approving the constitutional drafts through the Colonial Office, represented by the Secretary of State, the British Parliament and the Queen. In such conditions one would not evade asking the question: to whom did the final constitutions profit?

The British had precedents in constitution making conceived in a number of their earlier colonies that were geared for the transfer of power, notably Canada which was formed into a federal state by the Constitution Act of 1867, Australia that became a federation of six states in 1901, and India which, under a number of Acts, was partitioned into India (inhabited by the Hindu and Sikh) and Pakistan (inhabited by the Muslims). In all the three territories parliamentary systems of government involving bi-cameral legislatures were created, and most importantly they all joined the Commonwealth displaying clearly the guarantee of British interests. It is partially on the basis of those experiences that Britain initiated constitutional approaches in her African colonies, but this model of transplantation was not as efficient as the previous colonies.

The present thesis revolves around the analysis of constitutional development in Nigeria in 1945-1960. The peculiarity of Nigeria in terms of its complex ethnic composition, alongside the deep divergences in history and culture on one hand, and the existence on the other hand of the British colonizing power as a key actor in settling the constitutional process constitute a pernicious problem to the settlement of the post-colonial state and its stability. This puts into the fore the following questions: did the process generate any difficulties in regard to the disparate ethnic interests? How did the British manage to conciliate those interests? Were the Nigerians able to reach a complete unconditional consensus? Were the guarantees of the different groups, above all the minority ones, carefully and solidly balanced? Did the British conceive any form of profitable post-independence relations for Britain? Finally, did the constitutional arrangements pave the way for the rise of a stable state?

On the basis of that we advance the following hypotheses:

- 1- the constitutional process would be fraught with great difficulties
- 2-it would be difficult to conciliate the wide controversies unless recourse would be made to concessions
- 3- the constitutional arrangements would give birth to a frail state that would basically favour the interests of the ex-colonising power.

Therefore, the objective of this thesis is to enlighten the nature of the constitution-making process with a view to assessing its contribution to nation-building. A significant volume of research has been done on constitutional development by a number of writers, most notable among whom Kalu.Ezera, Benjamin Obi Nwabueze, and Aghalino, yet the present work will rather hover around the unsuitability of the constitutional process in giving birth to a stable state with regard to the absence of the main pre-requisite, i.e autonomy of the constitutional actors, and their deep divergencies. To pursue that, an extensive array of archival material will be used.

The thesis is divided into four chapters. The first is a historical background that includes four elements. First of all, the examination of pre-colonial socio-political organisations will reveal the basis of government of traditional polities by catering for three institutions: the ruler, the political administration and the army. Second, the institution of colonial rule aims to enquire into the process put to subjugate the different polities. Third, the enquiry about colonial government will assess the means resorted to by the British to govern the peoples. Lastly, the study will hinge on the constitutional development from 1925 till 1945.

The second chapter deals with the Richards' Constitution (1945-1951). It comprises two elements: the first traces the different factors (international, African and colonial) that constituted a cataclysm for the change; the second gets an insight into the constitutional change itself taking into consideration the analysis of the way through which the constitution was elaborated, its provisions and above all the position of the nationalists towards it, with a particular emphasis on the reactions of the NCNC and the endeavours it made to break the Richards' Constitution.

The third chapter sheds light on the next constitutional change, i.e the Macpherson Constitution (1951-1953). Firstly, it attempts to delimit the different factors that were a foreground to the constitutional review, mainly colonial agitation in Asia and West Africa

that shook the assumptions of the Colonial Office urging it to review its policy drastically. Secondly, it tackles the long process of the new constitutional change. The third fourth and fifth elements enquire into the extent of progress made in the following fields: the Africanisation of the Civil Service, local government and socio-economic development. The last element unveils how the Macpherson Constitution had generated the regionalisation of the nationalist movement with the rise of regional parties such as the NPC and the AG.

The final chapter revolves around the last steps towards independence involving the Lyttelton Constitution in 1954, and a series of constitutional conferences in 1957 and 1958. Special importance will be given to the minority problem with a view to acknowledging how the colonial government had resolved this intricate issue. Equally significant also is the analysis of the 1959 federal elections and how they had insured the formation of a national coalition government that enabled Nigeria to become independent in 1960.

Chapter I: Historical Background (1900-1945)

Nigeria is the home of a great variety of ethnic groups⁽¹⁾ that exhibit striking cultural and historical differences. Throughout time, those peoples had evolved a number of socio-political organisations that displayed disparities in the size and form of government. Prior to the nineteenth century, three polities, that could be classified into centralised and decentralised⁽²⁾, could be distinguished. These were the Yoruba kingdoms to the west, the Sokoto Empire to the north, and the Ibo villages to the east.

Those political entities depended on trade (with North African and Egyptian peoples) as an important economic activity. ⁽³⁾By the close end of the fifteenth century, a new trade nexus (across the sea) started to develop between the Europeans and the peoples living on the coast (the Yoruba and the Ibo), and later extended to the hinterland around the nineteenth century. However, the growth of British trade interests entailed the imposition of British colonial rule and the subjugation of the diversified peoples under a single government.

It is the chief concern of the present chapter to enquire into pre-colonial socio-political organisations with a view to identifying the form and nature of their government. Second, it will shed light on the process of colonial rule and the means put forward to achieve it. Finally, it will examine the constitutional instruments evolved by the British to govern the multitude range of peoples.

1-Pre-Colonial Political Systems

The first two political entities (the Yoruba kingdoms and the Sokoto Empire) typified the example of centralised states where authority was vested in a single ruler, whereas the last (the Ibo settlements) exemplified the case of decentralised communities where authority was diffused in the whole society. In so far as the interference of such terms as

state, kingdom and empire poses a problem of ambiguity, it is therefore imperative to define them. The concept of state in traditional Africa, Nigeria in particular, referred to a territory with well-organised institutions under the authority of a single ruler (usually a king). It had, thus, the same connotation as kingdom. Hence, one can speak of Yoruba Kingdoms in the same way as he speaks of Yoruba States. The term empire denoted an extended kingdom, i.e a kingdom that had subdued, through conquest, its neighbouring areas. State could, therefore, also be used to speak about empire.

The analysis of the three socio-political organisations will take into consideration three criteria: the origin of the polity, the machinery of government and the army. The first element involves, systematically, the date of emergence, its location and the factors impinging on its formation. The second criterion deals with central and local or provincial governments. The former is concerned with the ruler's position, his prerogatives and his appointment, in addition, of course, to the prerogatives of the state's council and its membership. The latter, on the other hand, has to do with the powers of provincial rulers, their appointment and finally the functions of their advisory councils. The last element is the organisation of the army which involves its size, its military divisions, its weapons and its war tactics. For analysis purposes, a chronological as well as a thematic approach has been chosen to examine centralised states and decentralised communities.

1.1 Origin of Traditional Polities

A major problem hindering the exact delimitation of the date of emergence of pre-colonial polities is that of the lack of written resources, except for the Muslim political systems which had the tradition of recording their history. Genealogies and oral traditions are the main tools resorted to by pagan communities to refer to their origin.

Among the three systems, the Yoruba Kingdoms were the first to emerge around the eleventh century, in the lower western Niger area, in the forest zone.⁽⁴⁾The first state was Ife Ife. It was founded by Oduduwa. Following his death, his sons dispersed in Yorubaland, forming, in turn, other states on the model of Ife Ife such as Owu, Benin, Ila Sabe, Pobo and Oyo. Benin and Oyo were the most prominent states in terms of consolidation of political rule and territorial extension. The Benin Empire (1350-1850), founded by Eweka I, reached its height in the fifteenth and sixteenth centuries, through

expansion from Idah to Lagos. Similarly, the Oyo Empire (1700-1900), founded by Oranmiyan in the savanna north of Ife, succeeded to bring under its rule a large area, bounded on the north by the Niger, on the south by the mangrove swamps, on the east by Benin, and on the west by modern Togo.⁽⁵⁾(See map 1)

The Sokoto Empire (1804-1903), on the other hand, came much later around the beginning of the nineteenth century, following a rebellion by the Fulani people ⁽⁶⁾against the corrupt Hausa rulers. The holy war, which was waged in 1804, was commanded by a Fulani scholar, called Othman Dan Fodio, and was intended to conquer the state of Gobir.

At first neither the Fulani nor the Hausa were able to mark a successful campaign.⁷⁾Within the summer of the same year, however, the Fulani bowmen achieved a sweeping victory over the Gobirawa horsemen.⁽⁸⁾The jihad was, then, extended over the other Hausa States, and by 1808 the Fulani were able to seize power from the Hausa, giving birth to the Fulani (or Sokoto) Empire. (See map 2) The Fulani kept the same system of rule of the Hausa which was based on Islam (Koran and Malakite law), and which rested on a well-organised taxation system, a code of land tenure and a trained judiciary.⁽⁹⁾

In contrast with the Yoruba States (notably the Benin and Oyo Empires), the Sokoto Empire encompassed a far larger area. By the middle of the nineteenth century, the empire stretched over 1,500 kilometers from Dori in modern Burkina Faso to southern Adamawa in Cameroon, and included Nupe lands and Ilorin (in northern Yorubaland), and much of the Benue Valley.⁽¹⁰⁾

If the origin both of the Yoruba Kingdoms and the Sokoto Empire was more or less easy to delineate, that of the Ibo villages is completely less clear, in view of the inefficiency of human memory as a tangible source. Nonetheless, it is usually believed that most of the decentralised polities placed their origin three or four generations above the ancestors.

As to the factors impacting the formation of states in pre-colonial Nigeria, one can generally cite emigration, trade and conquest. In the case of the Yoruba kingdoms, waves of emigrants had swept the country, the most notable being that of Oduduwa and his family, coming there from the east, precisely Nubia (upper Egypt).⁽¹¹⁾ Interactions

between the different groups had, undoubtedly, culminated in the rise of Ife Ife and later the other kingdoms such as Oyo.

The Sokoto Empire, by contrast to the Yoruba kingdoms, reveals the importance of trade⁽¹²⁾ and conquest in the state-formation process. Originally the Hausa States had developed thanks to an extensive system of trade, across the sahara, with North African states (Morocco and Tunis), West African states (Songhay and Kanem), and Egypt. Monopolisation of trade boosted, likewise, the rise of the Hausa States. Besides, trade was usually an agent of dissemination of Islam which brought new ideas and practices in the region.⁽¹³⁾ Later, the conquest of these states by the Fulani contributed to the emergence of the Fulani Empire.

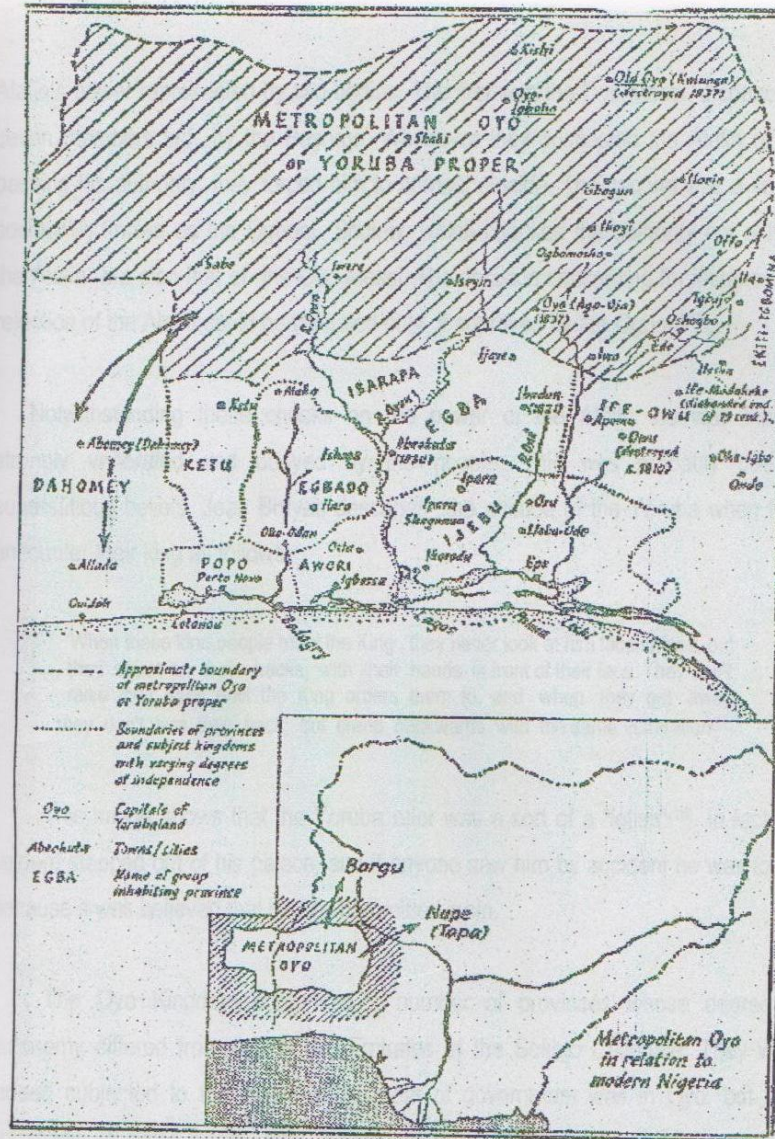
The decentralised Ibo villages, on the other hand, reveal a strikingly different picture that of a society insulated from foreign contact by the thick forest.⁽¹⁴⁾ The isolation of the, Ibo was, hence, an outstanding factor in shaping their system of rule⁽¹⁵⁾ as it tended to limit their mental and political horizon.⁽¹⁶⁾

Differences in origin between the Yoruba Kingdoms, the Sokoto Empire and the Ibo villages were, further, reflected by differences in their machineries of government, both central and local. The question is to find out how these were structured.

1.2 Central Government in Traditional Polities

The examination of the central administration of the three-mentioned polities involves automatically the investigation, within each, of three institutions, notably: the ruler, his advisory council, and the army.

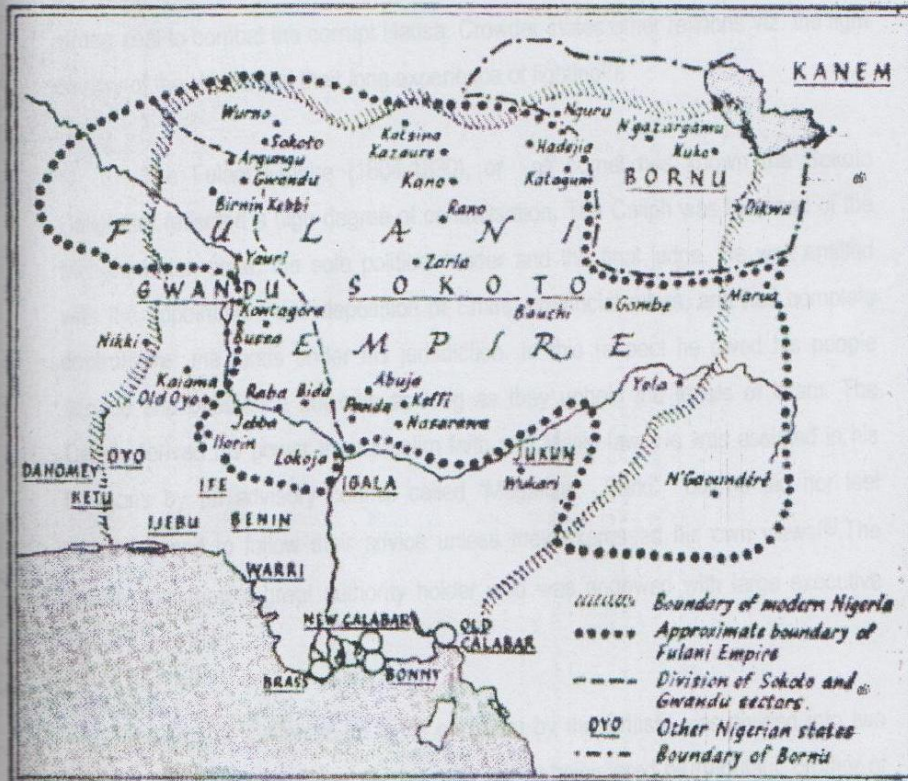
Map 1



5. Metropolitan Oyo and Yorubaland in the middle of the eighteenth century

Source : Michael. Crowder , The Story of Nigeria , London, 1978, p 85

NB : No scale was mentioned in the original map .

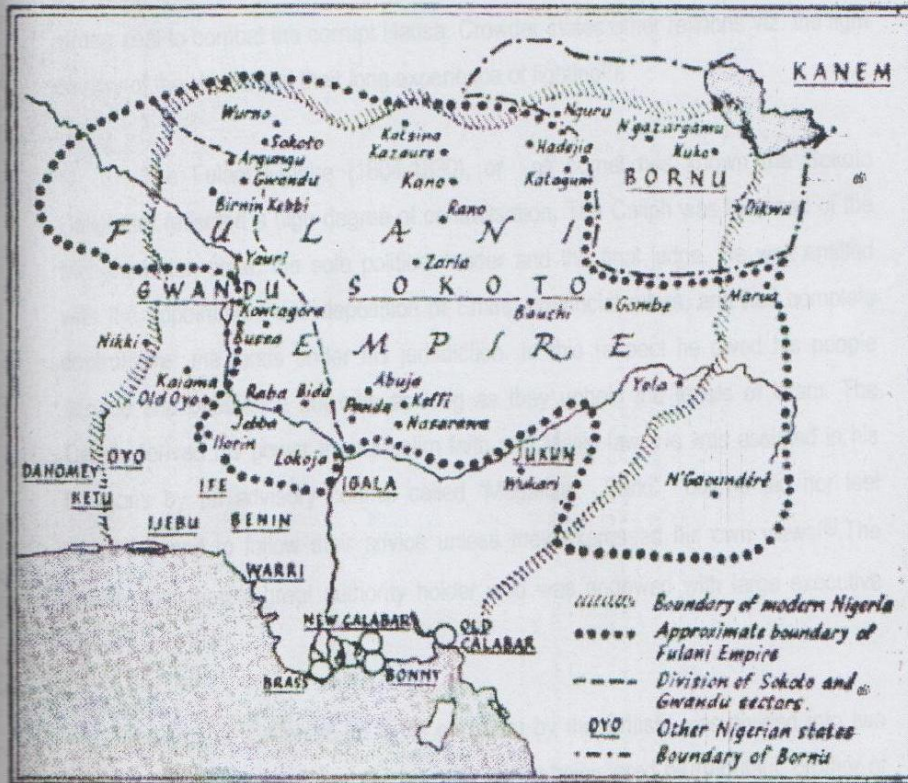


4. The Sokoto Caliphate (or Fulani Empire) and Borno, circa 1850

source: Michael. Crowder, The Story of Nigeria, London, 1978, p 70

NB: no scale was mentioned in the original map.

Map 2



4. The Sokoto Caliphate (or Fulani Empire) and Borno, circa 1850

source: Michael. Crowder, The Story of Nigeria, London, 1978, p 70

NB: no scale was mentioned in the original map.

1.2.1 The Ruler in Traditional Polities

The nature of the prerogatives of the ruler and the extent of his power differed widely from one political system to the other. In virtue of their centralised status, both of the Yoruba States and the Sokoto Empire had single rulers, though with considerable differences in terms of their powers. The Yoruba ruler, commonly known as Oba, ⁽¹⁷⁾was a divine king entrusted with momentous religious functions, as religion (ancestor-worship) regulated practically every aspect of the Yoruba life. He was frequently required to perform rituals for the welfare of his people since he was believed to have magic religious powers, enabling him to communicate with the spirits of the dead. The Yoruba called him Ekije Orisa, that is a companion of gods and lord of life.⁽¹⁸⁾He was also the dispenser of justice in case of conflicts between the descent groups. Furthermore, he was the supreme overseer of the nation ⁽¹⁹⁾ since he was the proprietor of tribal land, controlling both its allocation to the cultivators and the distribution of food in case of famine. One can hardly deduce from such aura of powers that the Oba was an absolute monarch. In fact, there were many constraints upon his prerogatives. Besides, he could not make a decision alone. All the government's acts were undertaken in his name by his councilors.

The office of the Oba was hereditary in the same family, but not always from father to son. Generally an electoral college, constituted from the lineage heads, selected the future king among numerous candidates. There were three parameters for choosing a king: his eligibility, popularity, and capacity to undertake the great responsibilities which evidently involved the knowledge of all rituals. Once the process of selection was terminated, the Oba was to live in total seclusion stepping out of the palace only in the case of special feasts and rituals.⁽²⁰⁾The motive behind this seclusion was to hasten the grandeur of the king and stir more respect to him⁽²¹⁾ensuring, thus, the best safeguard for public orders.⁽²²⁾

On the other hand, the ruler of the Fulani Empire stood in a completely contrasting position. He was acknowledged as Caliph (or Sarkin Musulmi), that is head of the Muslim community. He was the chief executive as he was the sole political leader, the final judge and the commander-in-chief of the army. He was also entitled with the appointment of Emirs or Provincial rulers, and had complete control over the lands under his jurisdiction. In this respect, he owed his people great respect and obedience as long as he upheld the tenets of Islam.

The Caliph was chosen by the state council. A set of criteria was to be taken into consideration including: rate of learning and personal conduct. In other words, the candidate had to be well-versed in theology and jurisprudence, in addition to compliance with Islamic creeds. These were highly valued by the Fulani as the Caliph was to portray a model for his populace.

In the third case, the Ibo ruler (or chief), on the other hand, presents a particular case in view of the fact that the Ibo had small autonomous structures where authority was divided among the lineages, kingship societies, age-grades,⁽²³⁾ secret and title- holding societies.⁽²⁴⁾The chief was simply a ritual functionary. This means that he was vested with only moral authority rather than political leadership (such as disputes between father and son or between brothers). The chief had no coercive force to compel the rebel to obey him, but the fact that he was believed to embody the spirits of the ancestors was sufficient to bring the recalcitrant to respect his orders.

The Ibo chief was chosen on the basis of his wisdom itself dependent on age and experience. It was overwhelmingly believed that an elderly person was more suitable for leadership in view both of his great experience (which conferred upon him a readiness to deal with all issues), and his nearness from the world of the dead.

Parallel to the ruler in the socio-political control of the Ibo communities were the village council and the village-group council. The first was empowered to settle frictions between lineages. It included all the heads of the lineages under the leadership of the head of the senior lineage. Persons wishing to voice their views on particular issues could also attend signifying, thus, the example of a democratic society. Matters of a common interest between villages or cases of clashes fell within the competence of a village-group council which rarely met, owing to the fact that villages were autonomous. This council comprised all the village heads together with the elders, and was presided by the head of the senior village (known as Obon Ison).

The foregoing notes reveal two important facts. The first is that in centralised systems (the Yoruba Kingdoms and the Sokoto Empire), rulers tended to be vested with more powers than their counterparts in decentralised systems (the Ibo villages). The second is

that within the animist polities (the Yoruba Kingdoms), rulers were less powerful than the leaders of the Muslim polities (Sokoto Empire). This leads, then, to enquire into the status of the advisory council within each political system.

1.3 1.2.2 The Advisory Council in Traditional Polities

In the Yoruba Kingdoms, the Oyo Mesi⁽²⁵⁾ served to advise the Oba on the management of his kingdom, and acted at the same time as an executive, a legislative and a judiciary council. Moreover, it exercised a great check on the Oba's power. If, for instance, the Oba was found guilty of not conforming to Yoruba rituals, or acting in tyranny, the council forced him to commit suicide. In this way, the Yoruba system of government displayed an instance of checks and balances.⁽²⁶⁾ The Oyo Mesi comprised seven members⁽²⁷⁾ headed by the Basorun, a kind of prime minister. Their offices were elective dependent upon broad support.

The Sokoto Empire, by contrast, had a body, known as the Magalisar Sarki, to assist the Caliph in the administration of the empire. It included a number of wazirs, the most important of whom were the vizier, kind of prime minister, to whom the Caliph entrusted all affairs, the executive wazir whose task was to cater for the carrying out of all judgments, since he was the chief of police, and finally the advisory wazir whose concern was mainly with the judiciary. Appointment to the council was elective. Officials had, of course, to be learned and capable of undertaking their responsibilities.

The case of the Ibo villages, again, is very particular in the sense that the chief had no council of his own to assist him. Instead, the affairs of the village, as it was shown earlier, were the reserve of different competences (the village and village-group councils).

It could be argued that the Yoruba Kingdoms and the Sokoto Empire had more elaborate state councils than the Ibo settlements. Yet, it is worth mentioning that the specialisation of functions (within the Yoruba and Fulani councils) was not highly developed as in modern societies. If relative sophistication was a major feature of the central governments of the first two polities by contrast with the Ibo communities, could this also apply to their respective provincial governments?

1.4 1. 3 The Provincial Government in Traditional Polities

The Yoruba States were divided into a number of provinces (or towns) headed each by a chief and his council, administering a number of settlements, known respectively as: quarters (group of compounds including a population varying between 100 and 200),⁽²⁸⁾ and compounds (hamlets that contained the extended families). Yoruba provinces used to be generally autonomous, though recognising a nominal allegiance to the Oba. The number of provinces was directly related to the territorial expansion of the kingdom. The empire of Oyo, for instance, encompassed by far the largest number of provinces, almost all of Yorubaland.

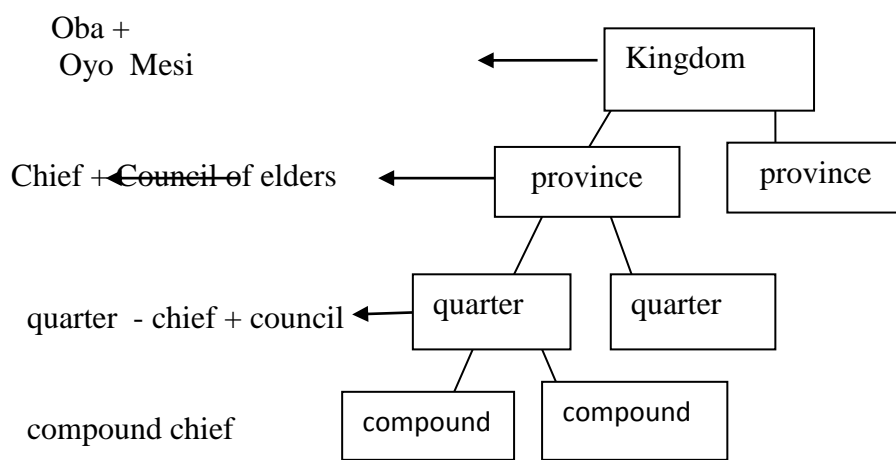
At the top of the hierarchy was the chief who was chosen from the lineage of the founder of the town by the other lineages,⁽²⁹⁾ and did not have absolute powers. He was, in fact, under the close control of a council of elders who constituted the chiefs of the different lineages inhabiting the town. At the head of each quarter was the quarter-chief who performed both social and jurisdictional functions. The quarter-chief was the head of the oldest family within the quarter. Matters which could not be settled by the quarter-chief were debated by a council of elders. The smallest administrative unit, the compound, was under the responsibility of the senior member. (see diagram 1)

The Sokoto Empire, on the other hand, was divided into two sectors comprising each a number of provinces called emirates which in turn administered a number of districts and villages. The western sector had its headquarters at Gwandu,⁽³⁰⁾ while the eastern sector had its capital at Sokoto. The latter continued, however, to be the capital of the whole empire, in view of its dominating position in the jihad. Each emirate was under the responsibility of a governor, or emir, bearing the title of Sarki who was assisted by an advisory council. Both of the districts and villages were administered by their respective heads and alkalis. (see diagram 2). The number of emirates tended to increase with time, as new provinces were annexed. Prior to the middle of the nineteenth century, there were about 30 emirates,⁽³¹⁾ the most important of which were: Sokoto, Kano, Katsena, Zaria, Hadejia, Adamawa...etc. Emirs were chosen by a council of clerics, called Mallamai, and confirmed by the Caliph. They enjoyed a considerable rate of autonomy, though acknowledging the supremacy of the Caliph. They were vested with the administrative and

judicial affairs of their respective provinces with advisory councils to assist them in discharging these functions.

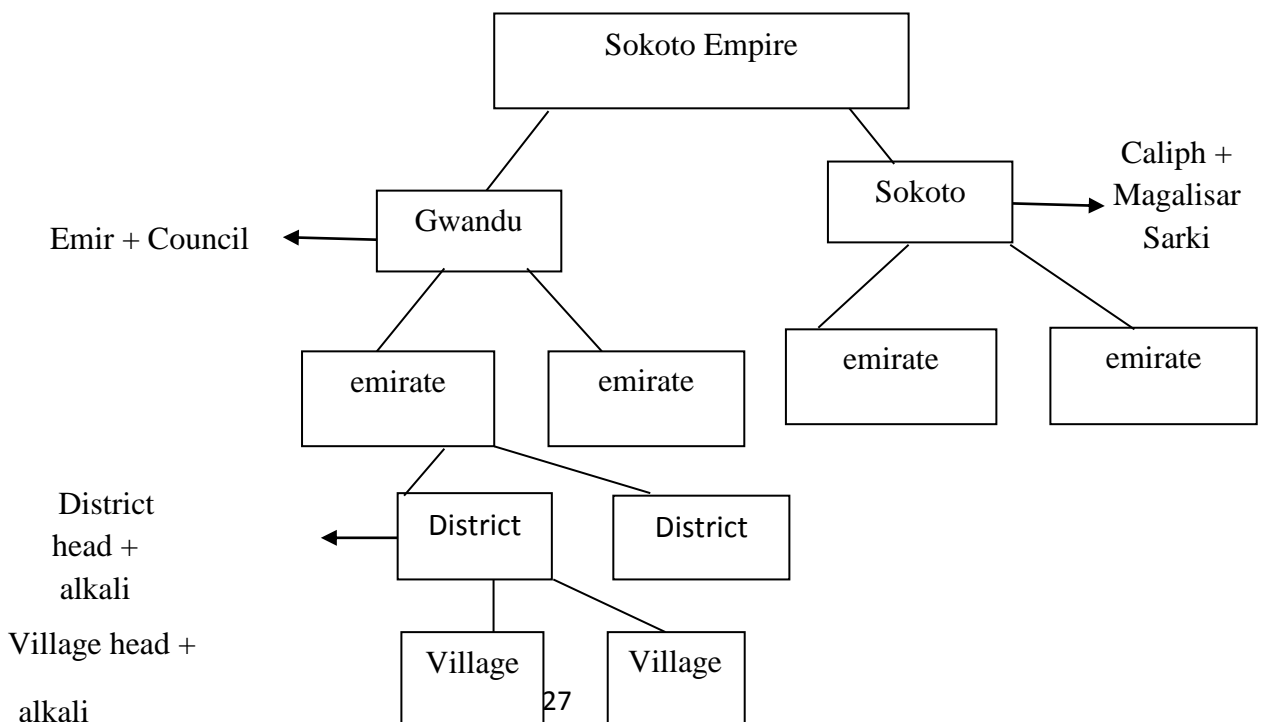
At the head of each advisory council was an official, known as Ghaladima who exercised a great influence. Below him in rank was the Serki-n-dakay (the master of the horse). This function was extremely important given the role played by the cavalry in the Fulani army. Next to him was the commander-in chief of the emirate's military force, then the alkali

Diagram 1: Basic Political Structure of a Yoruba Kingdom



(Number of provinces, quarters and compounds is not mentioned in view of lack of sources)

Diagram 2: Basic Political Structure of the Sokoto Empire





(chief justice), then the Gado (Lord of the Treasury,), and finally the Serki-n-shano who was responsible for the military stores.⁽³²⁾

In the case of the Ibo villages, the largest unit was the village-group (or ison)⁽³³⁾ which was a loose structure. Each village (obio) was formed of a number of wards (or lineages), headed, each, by the ward head (the senior member of the lineage vested with moral pressure) and the lineage council (in matters requiring legal power). Wards were further subdivided into a set of ward-sections (or sub-lineages) where authority was dispersed among the heads of the sub-wards and their respective councils, assuming the same functions as the leaders of the lineages. (See diagram 3).

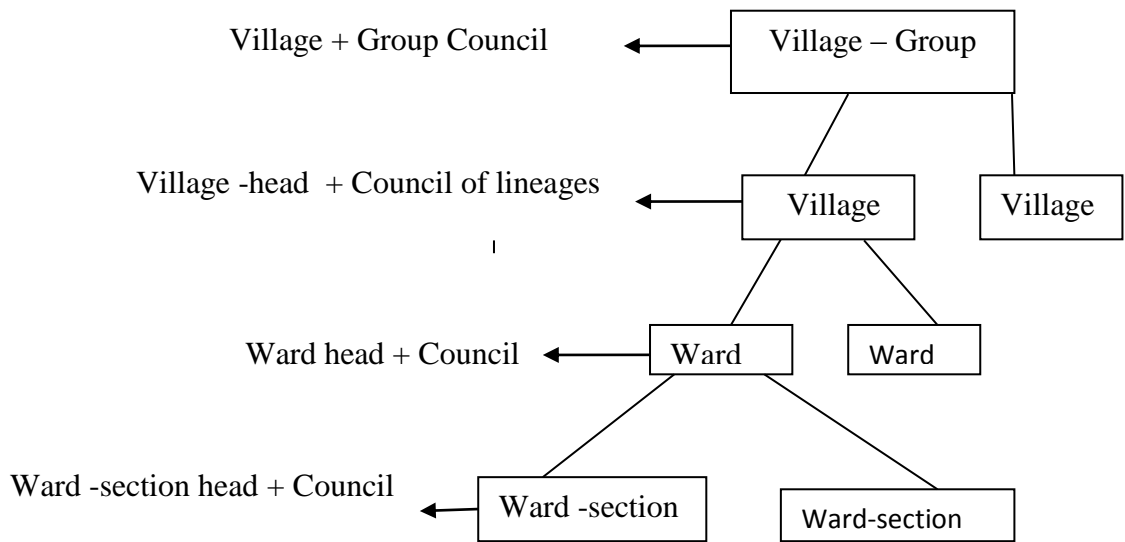
All in all, it could be said that the centralisation of government both in the Yoruba States and the Fulani Empire had enabled them to evolve well-elaborated institutions to manage their affairs (both centrally and locally). However, the absence of this pattern in the Ibo villages had not inhibited them from conceiving their proper organs which fitted their needs. A pertinent question, yet, would be to see the way in which the three polities had perceived the question of the stability of their governments, in other words how the three systems (the Ibo in particular) organised their armies?

1.5 1.4 The Army in Traditional Polities

Since political stability depends on defence capabilities the question is to find out the importance of the army in those traditional polities. In the case of the Yoruba Kingdoms, above all the Oyo Empire, constant threats from the kingdoms of Nupe and Dahomey made necessary the development of a strong army. The size of the Yoruba armies differed with time according to the resources of the kingdom.⁽³⁴⁾ Clapperton, in his exploration travels across yorubaland, in the early eighteenth century, noticed that an Oyo army, sent against Dahomey, consisted of many thousands of horsemen.⁽³⁵⁾ The Oyo army was under the leadership of a general, called Are-Ona-Kakanfo, who was directly responsible to the Basorun. It was formed from the caboceers (chiefs) and the retainers. It comprised both horsemen and infantry. The former were armed with bows, swords and

lances. Though firearms were introduced in West Africa in the seventeenth century by the Portuguese, they were not used until around the 1840's.⁽³⁶⁾

Diagram 3: Basic Political Structure of the Ibo.



(Number of Villages, Wards and Ward -sections isn't mentioned owing to lack of sources)

The Yoruba had an efficient philosophy which harnessed the same zeal in soldiers as the one boosted by Islam. According to that philosophy, 'an Eso (warrior) must fight and conquer..must fight and perish' and 'one who wears a coronet must never flee in battle.'⁽³⁷⁾In fact, victory in battles did not haunt just Yoruba soldiers, but even their generals who according to custom had to commit suicide in case of defeat. It was no doubt these rigid rules which had made feasible the strength of the Yoruba armies, and consequently the expansion of the kingdoms.

Good organisation and efficiency was also the same peculiarity of the Fulani army whose size varied with time. The constant threats from the emirates of Kebbi, Zamfara, and Nupe urged Fulani generals to deplore great efforts for the strengthening of their army. Each emirate had its own military force to make law and order. In case of a civil war, a general mobilisation was made among the different peoples constituting the empire.

The Fulani army was made up of horsemen and infantry. The principal weapons were swords, bows, javelins, and battle axes. When on the point of encountering their enemy, the Fulani relied on two tactical formations. The first was that of the cavalry being followed by the infantry and then the reserve. The second rested on placing both of the cavalry and the infantry in the lead, and the reserve behind them. By the end of the nineteenth century, another pattern was adopted relying on a detachment of musketeers, archers, and infantry, being put into the vanguard.⁽³⁸⁾ It was certainly this good organisation which stimulated the victories of the Fulani.

Unlike the Yoruba States and the Fulani Empire, the Ibo villages did not possess a standing army. It is true that they were sheltered from the outside world by the forest, yet this does not imply that they were immune from external attacks.⁽³⁹⁾ In times of crisis, leadership was assumed by the most influential persons, notably those with good physical strength. In fact, the Ibo had rituals where fights were engaged to prove the soldier's power. War leaders used surprise attacks (at high noon) which had the effect of weakening their enemies' response. Once the crisis was over, they relinquished their command to avoid, probably, any abuse of power.

If the Yoruba and Fulani armies were, certainly, better organised with well-disciplined soldiers and efficient tactics, the decentralised Ibo villages had, nonetheless, conceived a particular system to deal with external problems.

The three socio-political structures, examined above, help draw certain conclusions. First, the scale of political organisation evolved by these polities was highly influenced by the system of beliefs. The Yoruba States reflected the influence of animism and ancestor-worship in developing kingdoms where the rulers were sacredly venerated, but whose powers were curtailed by an effective system of checks and balances. The Sokoto Empire portrayed, par excellence, the example of a centralised state where Islamic law framed the political life of the empire. The Ibo villages, on the other hand, displayed a set of fragmented autonomous communities where people could participate in the law-making process, and where ancestor-worship served as a code for social and political control.

Apart from the religious parameter, other factors had, certainly, had their impact on these different polities. The case of external contact with other peoples, through emigration, trade, or conquest, showed clearly the prominent role played by interactions in affecting the political organisation respectively of the Yoruba and Fulani. By contrast, the isolation of the Ibo settlements was deeply influential in promoting the development of a polity that had evolved along its own rhythm. The period, stretching from the fifteenth century till the beginning of the twentieth, marked the inauguration of a new phase of external contact between those three traditional political entities and the Europeans who had a completely different system of beliefs and values, correlated with a relatively developed technology. This contact was to impact those polities in a completely different way leading ultimately to their colonisation. It is interesting, in this junction, to see how this contact was issued, and to measure, equally, its repercussions on those three polities.

2. Institution of Colonial Rule:

Contact of the natives with the Europeans was, generally, by means of trade, above all slave trade entailing, henceforth, commercial relations first with the coastal peoples (the Yoruba and the Ibo), and later with the Fulani. The slave trade was, initially, inaugurated by the Portuguese who were supplanted later by other powers, notably the British. However, competition between European powers over trade and other interests, on one hand, and on the other hand squabbles with the natives led Britain to proclaim colonial rule over a number of areas with a view to protecting her interests (Lagos Colony, the Niger Coast Protectorate, the Southern Protectorate and the Northern Protectorate). The focal point of interest is to shed light on these developments.

The Portuguese were the first European people who, in the course of geographical exploration,⁽⁴⁰⁾ set foot on West African lands, particularly those lying between the Gold Coast and the 'Slave Coast.'⁽⁴¹⁾ In 1470, they set foot in a village called Eko, situated on an island in a "lagoon", and called it Lagos. In 1486, they erected a post at Ughoto (Gwato) to set direct relations with the king of Benin, through the exchange of ambassadors and the sending of missionaries to convert people into Christianity. As the Portuguese remarked a great population density in the Yoruba and Ibo lands, above all the large number of slaves, and as they had a soaring need for labourers capable to work under harsh conditions, they found nothing wrong in initiating a trade in slaves with the natives.

⁽⁴²⁾ The latter, in virtue of acquiring European luxurious goods, notably spirits, did hardly question the implications of that trade on the indigenous society. They simply preferred to impose conditions as to the materials from which the trading posts should be built (that is mud and thatch), and the necessity to build these stations close to the natives' towns so as to be put under their control.

The Portuguese succeeded in establishing their monopoly over the slave trade for about seven decades.⁽⁴³⁾ Starting, however, from 1650, new powers, viz the British, the Dutch and the French developed a great greed to join the trade. Their respective sugar plantation colonies in the West Indies suffered from a great shortage of an able labour force since the Indian labourers proved virtually ineffective. As a response to that, the three powers set rival forts, challenging consequently the Portuguese privileged position in West Africa. The British established their stations in the Gambia Rivers and the French in the Senegal River, competing both with Portugal on the Congo-Angola coast. By the eighteenth century, the rising demand for a labour force in the cotton plantations of the North American colonies made trade highly competitive.

The slave trade, presented a controversial issue for Europeans. It was extremely profitable, but it had harmful consequences on the Africans, in virtue of its inhumane character. ⁽⁴⁴⁾ **Slaves were uprooted from their homelands, shipped in very miserable conditions across the Atlantic and brought to endure a harsh life.** ⁽⁴⁵⁾ No wonder, then, that some humanitarians, above all the Protestants and the Catholics, rose to defend those helpless people and end this inhumane traffic. Initially, they attacked the institution of slavery and its promoters through their writings, but it soon became evident that their efforts could not bear their fruits unless an alternative was found: in other words a legitimate and more profitable trade. Fortunately, the growing needs of the British industries in terms of vegetable oils that were necessary for the manufacture of soap and candles, as well as lighting, came to solve the problem. Likewise, the humanitarians found in the development of palm oil trade a double profit: on one hand, it was to be a strong justification for their cause, and on the other hand it was to be a lucrative profit for the British businessmen and traders. So, under the pressure of these humanitarians, the Chief Justice of England declared slavery illegal on the English soil by 1772. Furthermore, parliamentarians such as William Wilberforce hastened the abolitionists' struggle, the thing which induced the British Parliament to pass an act in 1807 forbidding the slave trade for the British subjects. ⁽⁴⁶⁾ To undertake this scheme, Britain sent a naval force to patrol the West African waters, but it was not sufficient. Four years later, Parliament enacted another act according to which heavy penalties would be imposed on those who would continue to trade in human

beings. In 1815, the other European powers followed suit. Yet, it was primarily Britain in virtue of her great naval power which could uphold the anti-slave campaign. The latter made effective use of the trials of slavers, treaties with chiefs and diplomatic relations with foreign powers.

The outlawing of the slave trade and its substitution by the palm oil trade symbolised a cataclysmic change in the African-European nexus. There were by now three forces operating in Africa: the merchants, the missionaries, and finally the geographical explorers who had worked in parallel with them, serving the interests of each other. ⁽⁴⁷⁾ It was, noticeably, the activities performed by these three European forces, the merchants in particular, which significantly altered and impacted the kind of relations between Europe and Africa, and engendered the proclamation of colonial rule.

This was particularly the state of things in Lagos and the Delta creeks where the numerous slaving stations were transformed into bases for the purchase of palm oil. The latter marked a considerable growth from 200 tons, exported from the Bight of Benin and Biafra ⁽⁴⁸⁾ in 1804, to 13,945 tons in 1834. ⁽⁴⁹⁾ This momentous increase reflects no doubt the importance of palm oil for the British and suggests at the same time Britain's readiness to protect this trade. It goes without saying that when this source of wealth was put at stake, at one time or another, through for instance the lack of co-operation of the natives, the British did not hesitate to interfere in the natives' affairs. The case of Bonny, a coastal state, is fairly illustrative. In 1836, a dispute sprang between the British naval responsible officer, Tryon, and the regent of Bonny following the former's seising of Spanish slaving ships stationed in Bonny. Given the good entente between the Spanish and the regent, the latter jailed Tryon, the thing which urged the precipitation of the Navy into Bonny so as to force the regent to sign a treaty for the protection of British subjects. ⁽⁵⁰⁾ The regent, however, showed no co-operation in conformity with the terms of the treaty, and within a short time, he arrested a British trader. As a result, he was deposed in 1837 by the Navy and replaced by William Dappa Pepple. The latter proved more willing to help the British, and in 1839 he signed a treaty for the abolition of slave trade. Similarly, Lagos, which had become an important market of slaves, required the same treatment. In 1849, John Beecroft, the Consul for the Bight of Benin and Biafra who was sent in an expedition to Dahomey to end the slave trade, reported that the latter could

not be banned unless it was cut from its source in Lagos. The traffic was phenomenally prospering in that place under the auspices of king Kosoko who had usurped the throne from his nephew Akitoye. The latter promised the British effective co-operation if he restored his throne. Thus, a small imperial force attacked the town, and Akitoye was installed as king on January 1, 1852. In return for that, he signed a treaty whereby he agreed to abolish the slave trade and encourage the establishment of missionaries.

It is fairly evident that by installing new kings the British not only interfered with the natives' affairs but acquired more influence that would certainly safeguard their trading interests in Bonny and Lagos. This certainly implied the relative weakness of the new kings, and their predisposition to comply with the orders of the British if they were to keep their positions. An illustrative example of that was the case of King William Dapa Pepple who, in 1853, attacked his neighbour, Amakiri of New Calabar, threatening thus British trade. Consequently, Consul Beecroft dispatched a force of marines to solve the problem. He exiled the king of Bonny, and signed a convention with the Bonny chiefs providing for the non-interference of Bonny kings in trade. Other troubles developed in Old Calabar, where King Eyo, in alliance with the Sierra Leoneans, was shipping oil directly to England without paying the trust to the British merchants.⁽⁵¹⁾ The latter called on Consul Linslager who, confronted with the king's refusal to pay, attacked and destroyed the town in 1856. The act was justified as a measure for ending human sacrifices.

These examples demonstrate clearly the extent to which the British found themselves indulged in local politics, and the consequent use of force to protect their interests. They make no hints as to British schemes for territorial expansion. However, the security of trade was such an important issue that the British consuls were convinced of the necessity to acquire a foothold in the coastal towns. This is the background against which later events could be understood, notably the annexation of Lagos.

2.1 Establishment of the Lagos Colony:

Trade affairs in Lagos were prosperously increasing, yet they were marred by the intrigues of the deposed king who did not want to arrange for permanent security. In 1853, he organised an army and raided the town in hope to restore the throne. It was only to the cost of many efforts that the British Consul, assisted by the marines, came to terms with

this rebellion. Things, however, became worse owing on one hand to the mounting tension between the Egba and Dahomey, and on the other hand to the breaking out of a war between the Egba and Ijaye in 1858. In view of this situation, Consul Linslager, fearing the repercussion of this on trade, intervened to settle the problem but to no avail. In 1860, Ibadan called on Dahomey causing hence a great instability. Witnessing the feeble and helpless role of the consulate in regulating such troubles, the Consul recommended the necessity of annexing Lagos, either as a possession or a protectorate, ⁽⁵²⁾ especially as the French had sent a delegation to the new king, Dosunmu, son of Akitoye. Accordingly, the Colonial Office ordered the Consul to prepare for the occupation of Lagos. ⁽⁵³⁾ Dosunmu was, thus, obliged to sign a treaty in August 1861, the terms of which were to grant the British Crown the port and the islands of Lagos with all the profits and rights. In return, he was to be allotted a yearly pension of 1,200 bags of cowries' worth about £ 1,000.⁽⁵⁴⁾ Lagos was hence proclaimed a colony in 1862, with Sir Henry Stanlope Freeman as Governor (1861-1864). ⁽⁵⁵⁾

Though the British justified the annexation of Lagos on the grounds that it aimed to protect the natives from the slave traders, develop trade and mediate between the surrounding warrior tribes, ⁽⁵⁶⁾ it was largely criticised. Dosunmu and his chiefs protested that they had not understood the terms of the treaty. Further, the liberated Africans from Sierra Leone, together with the merchants and the missionaries were unfavorable to the British decision as they were deeply suspicious of such an act. Moreover, it was stated that an injustice was made to the king to which the British argued that Dosunmu's office depended entirely on the protection he was afforded.

On the whole, the proclamation of the Lagos Colony was, indeed, the first move towards British official intervention in one part of the socio-political entities examined earlier, particularly the Yoruba States. It is of interest to precise here that by that time the British had no desire to extend their rule over the neighbouring areas, since the idea of possessing colonies was not yet valued. In fact, the military intervention against the Ashanti in the Gold Coast ⁽⁵⁷⁾ was such an expensive enterprise that the House of Commons passed a resolution in 1865 precisising:

‘All further extension of territory or assumption of government, or new treaties offering protection to natives, would be inexpedient and that the object of our policy should be to encourage in the

natives the exercise of those qualities which may render it possible for us more and more to transfer to them the administration of all governments, with a view to our ultimate withdrawal from all, except probably, Sierra Leone' .⁽⁵⁸⁾

It is true that the British government rejected further commitment in the African territories, however it was practically impossible for men on the spot, under special constraints, to reject the natives' demand for assistance. Particular events usually compelled the Governor and Consuls to interfere more and more with the natives' affairs. In 1865, the Egba, who feared for their independence, attacked Ikorodu, an important town for Ibadan's trade route to the coast. Accordingly, Ikorodu traders asked for help from the Governor of Lagos who sent, immediately, a military force. The latter succeeded to overcome the Egba resulting in the extension of the area under British authority.

Meanwhile, the outbreak of the civil wars among the Yoruba created a great deterioration of trade that urged the Governor to establish law and order entailing the aggrandisement of the sphere of British authority. Besides, French intrigues and attempts to acquire a foothold in the territories, either west or east of Lagos, made the Lagos Government strictly anxious about its firm establishment and the necessity to seek treaties with local chiefs in order to stop an eventual French aggression. Thus, in 1863 various areas were added to Lagos such as Badagari, Palma, Lekki, in the east and Ado and Oke-Odan in the west creating, thereby, a large competition in the Niger Delta.

2.2 The Niger Delta and Competition for Trade:

This urgency for territorial expansion made itself more acute in the Niger Delta because of two reasons. First, there was the growth of trade from the coast to the interior and all that went with it. The efforts of the explorer, Baikie, who had proved that life was possible in the interior, hastened the establishment of trading bases at Aboh, Onitsha and Lokoja. The new interest for direct trade with the hinterland was motivated by the desire to challenge the monopoly of the middlemen. It was obvious that such an undertaking would stir the opposition of the natives. Hence, they did not at all hesitate to attack and burn the trading stations when the Navy was not around. In this way, treaties were the only expedient to avoid loss of life and goods. It was with this view in mind that the Colonial

Office, in 1871, assigned W.S Simpson to negotiate with Etsu Nupe of Masaba in order to protect the British traders.

The second and most important factor was the great state of competition, not only among the British firms, but also with the foreign ones, notably the French and German ones. The leading British firms were Messrs Alexander Miller, Brothers and Co (Glasgow), James Pinnock and Co (Liverpool), West African Company (Manchester), and the Central African Trading Company (London); whereas the French had two companies: La Compagnie Française de l'Afrique Equatoriale and la Compagnie du Senegal et de la Cote Occidentale Africaine.⁽⁵⁹⁾ The Germans, on the other hand, were represented by G L Gaiser's firm, established in Mahin beach, west of Badagary. Though trade was prospering considerably, the British firms were encountering great difficulties as a result of the hostility both of the natives and the Europeans. It became evident that their activities could not succeed unless effective co-operation was achieved. It was amidst this troublesome situation that Mr. Goldie Taubman,⁽⁶⁰⁾ in a visit to the Niger in 1877, concluded that a settled government should be formed to ensure the protection of British interests. For this sake, he convinced the British firms to amalgamate, forming, thus, the United African Company in 1879. Two years later, on account of the strong competition of the French company,⁽⁶¹⁾ Goldie applied for a charter from Parliament. But, this charter was refused on the grounds that the capital raised was not sufficient. Meanwhile, the British company established new trading stations and changed its name to the National African Company. To deal with the rising French competition, Goldie raised the Company's capital to one million pounds and bought the Niger interests of the French companies.

In virtue of its position and trade interests in the Niger, the Company found itself assuming an unofficial control over the natives, some of whom were actively asking for assistance. Thus, between 1881 and 1882, the Company offered material help for the Emir of Nupe to come to terms with a rebellion. Similarly, in 1884 other treaties were made with the tribes living on both banks of the Niger according to which its people accepted British protection, in return, of course, for exclusive trade with the Company.

Foreign competitors, above all the Germans, were operating in the same way. To get access to the hinterland, the Germans sent Herr Fleggel to obtain treaties from the Caliph

of Sokoto and the Emir of Gwandu, but Goldie forestalled the Germans by sending Mr. Joseph Thompson, a representative of the Company. By this time the scramble for Africa had reached its height. ⁽⁶²⁾ Each European power wanted to secure as many lands as it would be possible for it to establish its hegemony. The Germans had declared the Cameroons their legal sphere of influence. Fortunately, for the British, Goldie had already obtained a great number of treaties with chiefs, enabling him to sit as their official representative in the Berlin Conference.

Though the history of the scramble is not an essential part in the present work, it may be useful to understand the context in which the conference was convened. In fact, there were various reasons behind the great fever for the acquisition of lands in Africa such as the need for raw materials, the search of markets,⁽⁶³⁾ the dissemination of Christianity and civilisation, the balance of political power and personal influences. With regard to the fourth factor, the British considered that the preservation of their strategic bases was an effective way for protecting their interests, and hence their power. This is why they occupied Egypt in order to control the Suez Canal which was the main outlet to the Middle East and Asia. ⁽⁶⁴⁾ The Germans seized this opportunity to create a breach between the British and the French who had already suffered a defeat in the Franco-Prussian war of 1870-71. ⁽⁶⁵⁾ The French, then, considered the occupation of the Suez a serious blow to their interests, and the idea of overseas occupation became, consequently, widely acceptable among the French statesmen. Personal influences did also have an outstanding importance. In Great Britain, Benjamin Disraeli, the Conservative Prime Minister (1876-1880), showed his desire to 'maintain the influence of Great Britain and strengthen the victory of the throne. ⁽⁶⁶⁾ Among the arguments he cited the care for the nation's interests. ⁽⁶⁷⁾ The second important figure was Joseph Chamberlain, Minister of Commerce (1880-1886) who considered colonial enterprise an efficient way for improving the life of colonial peoples, and praised the British race as 'the greatest governing race. ⁽⁶⁸⁾ In France, it was particularly the influence of Jules Ferry, Minister of Public Instruction (1879-1883) who fought to show the advantages of colonial rule: '...to prosper without taking an initiative and interfering in the affairs of the world is, for a great nation, to abdicate'. ⁽⁶⁹⁾

The fever for overseas expansion often entailed frictions between the European powers for territorial claims over a single area. ⁽⁷⁰⁾ To settle these disputes, the Berlin Conference was summoned from November 1884 to February 1885. It aimed at the creation of favourable conditions for the development of trade and civilisation in Africa, the moral and material progress of the Africans and the abolition of slavery. It established an area for free trade. It also partitioned the African continent between the European powers without taking into account the

African specificities, and set the lines along which future annexation inland would be governed. It was during this conference that a protectorate was declared over the Niger areas.

2.3 Proclamation of the Oil Rivers Protectorate:

At the Berlin Conference Goldie secured the recognition of the British claim over the Niger. Holding as a proof the various treaties he made with the native chiefs, he proclaimed the existence of the British flag on the Niger and obtained consequently the guardianship of international navigation rights on that area for Great Britain. Goldie's efforts had no doubt influenced the granting of a charter to the United African Company in 1886, the terms of which were to empower the Company to establish, in the name of the Crown, political authority over the areas whose chiefs had signed treaties with the Company. In the same year, an order-in-council was issued, announcing the formation of a protectorate over the 'Niger Districts' which was named the Oil Rivers Protectorate. The latter comprised the territories on the line of the coast between the British Protectorate of Lagos and the right or western bank of the Rio del Rey and the territories on both banks of the Niger, from its confluence with the River Benue at Lokoja to the sea, as well as the territories, on both banks of the River Benue, from the confluence up to and including Ibi.

To deal with its duties, the chartered Company established a constabulary and a high court of justice. Though it agreed to keep freedom of trade, in practice it exercised its monopoly over the indigenous peoples causing, consequently, the antagonism of the natives and foreign competitors. Among the latter, the French constituted a serious threat to the Company. In 1892, they invaded Dahomey and declared it a protectorate; this engendered a dispute over Borgu between the French and the British: each power declared itself to be the sole possessor of the area. The French were, then, urged to sign treaties respectively with the Caliph of Sokoto and the king of Bussa. As these were ignored, Goldie sent Captain Lugard to sign a convention with the king of Nikkie who was thought to be the suzerain of Borgu. When defeated, the French retaliated by establishing themselves at Illo, on the Niger, with the intention to expand south to Bussa. There followed, hence, a great friction between the French and the British. In 1898, the latter assigned the command of an imperial force to Colonel Lugard, with orders to occupy the two territories. Tensions between the two powers only ceased after a series of negotiations between Chamberlain and his French counterpart, according to which the French would leave Illo and Bussa, and in return they would be given Nikkie.

The natives constituted another source of trouble for the Company. In 1895, the Brassmen attacked Akassa, the Company's port, which forced the British to send a punitive expedition to restore the peaceful conditions of trade. It is not, therefore, surprising that the inability of the Company to deal with native and foreign hostility hastened the revoking of the charter.

The same state of hostilities was experienced by the Oil Rivers Protectorate. Following the Foreign Jurisdiction Act, passed in 1891, the Protectorate established an administration comprising various departments (customs, postal, marine, and medical), in addition to an army of 200 men. ⁽⁷¹⁾ In 1893, the Protectorate changed its name to the Niger Coast Protectorate. Foreign competitors posed less problems than the natives. Chief Nana, of the Benin River, constituted a serious challenge: he banned the road for traders along the river and continued his slave trading activities. Both of the constabulary and the Navy attacked his headquarters at Ibrohime. Nana was, then, deported to the Gold Coast. Troubles came also from the Oba of Benin who did not respect his treaty with the British concerning human sacrifices; therefore the British sent an expedition to convince him to comply with the treaty. As local rituals inhibited the Oba from meeting strangers during ceremonies, most of the expedition members were killed.

The establishment both of the Company and later the Niger Coast Protectorate reflect the essence of the British attitude vis-à-vis the natives. In compliance with the policy of the day, the British government 'acted with real reluctance', ⁽⁷²⁾ seeking co-operation with the natives through a treaty-making system in terms which the Africans could hardly interpret as an end to their sovereignty. ⁽⁷³⁾ The chiefs' readiness to accept such treaties was obviously motivated by their desire to protect their thrones against their enemies and, naturally, the subsidies given to them. However, when they became aware of the British intention to monopolise trade, they showed their antagonism by abrogating the treaties. In such cases the British found themselves compelled to infringe punishment on the natives, one effective way being the deposition of their rulers.

The British technique of deporting chiefs through punitive expeditions served as a stimulating example for the Lagos government. The constant interference with trade security induced the Governor to be firmer in his position vis-à-vis people living in the hinterland. As noted before, the state of warfare in Yorubaland undermined greatly the security of trade. The Governor sent then an expedition in 1892 against the Ijebu who had

closed trade routes between Lagos and Ibadan. Consequently, the other warrior groups found it more cautious to co-operate with the British. The Egba were the first to sign a convention with the Governor in 1893. Later, the peoples both of Ibadan and Oyo signed treaties with the British. Indeed, these treaties marked the end of Yoruba kingdoms, though they scarcely made reference to the British interference with the government of the natives. The same process of treaty-making was used to the North culminating in the establishment of the Northern Protectorate.

2.4 Proclamation of the Northern Protectorate:

Once the problems of the hinterland had been settled, the British Government decided to revoke the charter of the Company rule, owing to its incapacity to deal with its political responsibilities. All its rights, except those of trading, were, hence, transferred to the Crown in return for compensation. On January 1 1900, a protectorate was declared over the areas north of the Niger and Benue Rivers, under F.Lugard as High Commissioner. The whole territory, now under the jurisdiction of the Crown, that is the Lagos Colony and the two protectorates, was given the name of Nigeria.⁽⁷⁴⁾ The Niger Coast Protectorate was designated as the protectorate of Southern Nigeria, while the new protectorate to the north was called the protectorate of Northern Nigeria.(See map 3) The latter included the Fulani Emirates and the non-Hausa speaking peoples. However, effective administration was not established there as in the case of the other two areas. All the Company had secured before 1900 was a treaty with Ilorin and Nupe;⁽⁷⁵⁾ this meant that Lugard had to bring all the other Emirates under his authority.

To subdue the Emirates' resistance, Lugard had to act steadily. He first sent his troops against Kontagora and Nupe whose Emirs showed strong resistance. By 1901, he succeeded to bring under his rule the provinces of Borgu, Ilorin, Kabba, Kontagora, Bida, Zaria, lower Benue, and upper Benue. Later, other Emirates were conquered, including Yola, Bauchi, Borno, Abija and Keffi. Lugard's task was by no means complete. He had to subdue the Caliph whose headquarters were at Sokoto. By the end of 1902, a troop constituted mainly from natives, about 1,000 natives and 50 Europeans, ⁽⁷⁶⁾ made their way to Kano. The town was stormed and in spite of the resistance of the Kano army, it surrendered. Then, the British expedition progressed towards Sokoto where it met a force of about 1,500 horsemen and 3,000 foot.⁽⁷⁷⁾ The latter, after a feeble resistance, fled with

the Caliph. With the fall of Sokoto, the essential pillar in the Sokoto Caliphate was broken. Lugard, then, convened the Emirs and the Waziri and asked them to choose a successor to the Caliphate.

Lugard's conquest of the Northern Emirates secured the recognition of the British sovereignty over this area. As to the legitimacy of that conquest, the British argued that the Fulani, themselves, were an alien race, that they had usurped rule from the Hausa, and that under their rule 'neither life nor property was safe'.⁽⁷⁸⁾ It was often suggested that the easiness within which the Sokoto Empire was taken was a sufficient fact attesting for the peoples' rejection of Fulani rule.

It is really striking to see the facility with which the Fulani Empire was conquered. It is true that the British had at their disposal more developed weapons than those of the natives. Yet, this by no means explains the rapid fall of the Caliphate. Other factors were, certainly, more prominent such as the weakness of the Fulani army owing to constant rebellions; the decaying health of the Caliph which impacted the zeal of the Fulani in mobilising a strong front for the intruders, and finally the incapacity of the Fulani Emirates to prepare a unified force since they had to deal with three menaces. The first was the French advance (from the west). The second was Rabih's force which had come from the Nile Valley and conquered Bornu. The last was the British advance from the south. These three forces together had, then, inhibited the Fulani from organising a strong defense force, inducing each Emirate to face alone the enemy.⁽⁷⁹⁾ It was this lack of centralized organisation which led to the fall of the Sokoto Caliphate.

The proclamation of colonial rule over the three traditional socio-political organisations, namely the Yoruba kingdoms, the Sokoto Empire and the Ibo villages, at varying intervals, involves the crucial question of whether the British governed these areas separately, or whether they conceived a form of central government.

3.Colonial Government in Nigeria from 1900 till 1925:

The British steady assuming of responsibility over the three areas (Lagos Colony, the Southern Protectorate and the Northern Protectorate) meant that the British were anxious to safeguard their sovereignty and promote their interests in that portion of West Africa. As

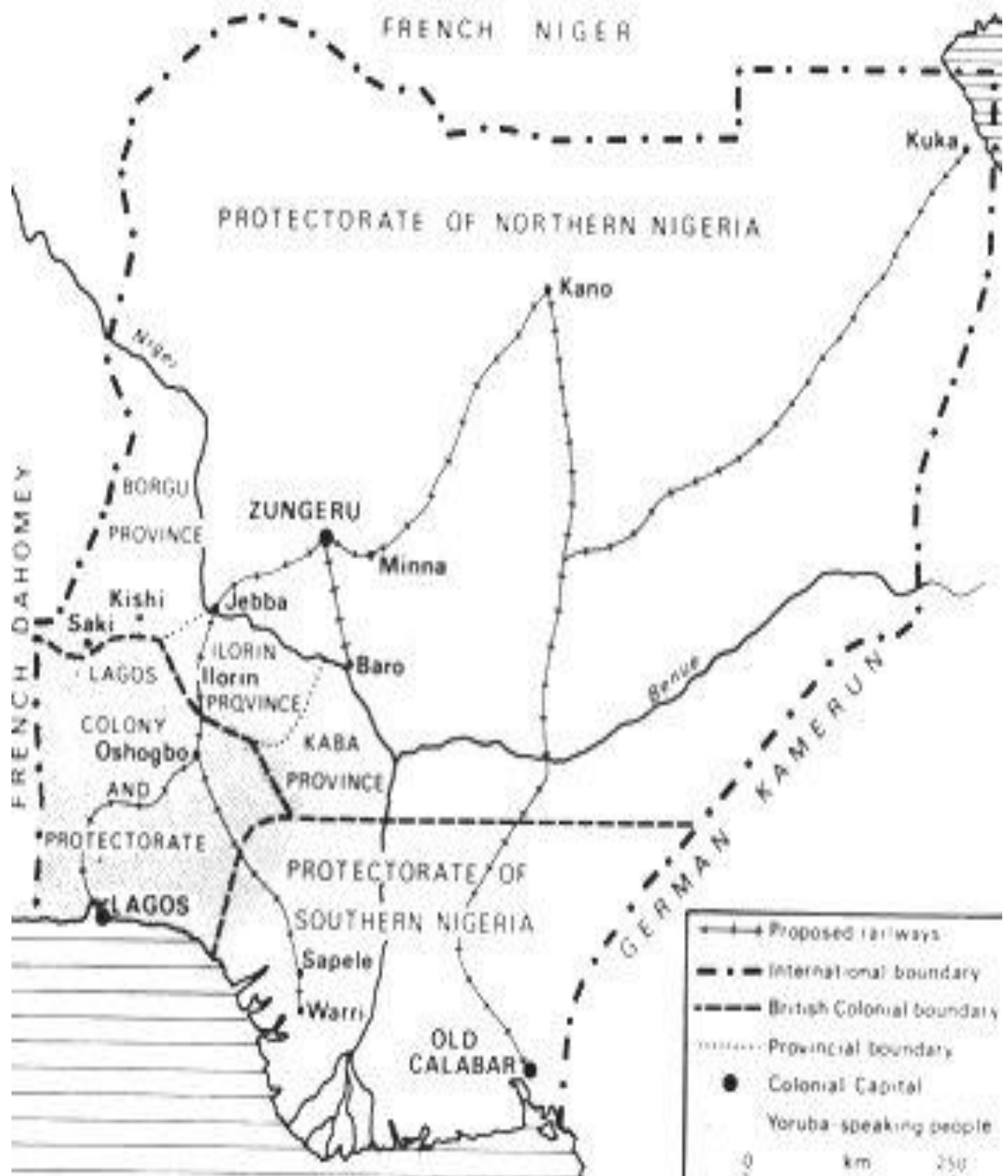
experience had already shown in the previous British colonies (Australia and Canada), necessity was to institute in the new colonial territory a political and administrative apparatus which would establish law and order. This, naturally, required a scheme of amalgamation for the three areas.

Preliminary steps towards this design were taken as early as 1898, that is before the Colonial Office became in charge of the two protectorates. A six-member committee, known as the Selbourne Committee, was convened. It was chaired by Lord Selbourne, Parliamentary Under Secretary (1895-1900), and included Mr. Reginald Antrobus, standing on behalf of the Colonial Office, Sir Clement Hill, responsible for the Niger Coast Protectorate, Sir Henry Mac Callum, in charge of the Niger territories, Sir Ralph Moor, Governor of Lagos, the Consul of the Niger Coast Protectorate, and Sir George Goldie, head of the Royal Niger Company.

The members of the Committee were unanimous on the impossibility of immediate amalgamation, owing to two problems: the inexistence of a senior experienced administrator who would oversee the large territory and the lack of effective communication between Lagos and the hinterland. They encouraged, therefore, the construction and expansion of a railway, essentially a line between Kano and the central ports. In matters of administrative arrangement, the Committee recommended the creation of two provinces: a Maritime Province (formed from the merger of the Lagos Colony and the Niger Coast Protectorate) and a Sudan Province, comprising the territories under the Royal Niger Company. However, the Governor of Lagos advised that the fusion of the two southern administrations should be adopted steadily. The members also proposed the amalgamation of the military and customs services in view of their importance for peaceful trade.

It is worth noting that the Committee did not take into consideration the ethnic and linguistic differences existing between the three areas. Besides, the natives were not consulted in the drafting of this plan, probably because the British did not believe in the importance of this move knowing how relatively easy the subjugation of the peoples was. The Committee did not also set a time-limit for the final centralisation as this was to depend on local circumstances.

Map 3: Northern and Southern Protectorates



Source: <http://www.nigeriavillagesquare.com/articles/akintokunbo-a-adejumo/history-lesson-101-lugard-and-colonial-nigeria.html>

The Selbourne report, submitted to Chamberlain, the Secretary of State (1895-1903), was approved except for the administrative division which the Secretary decided it should remain as before, that is three colonial areas. It is relevant at this level to examine how these colonial territories were administered in the period 1900-1906.

3.1 Colonial Government from 1900 till 1906:

Prior to 1900, the three blocks of territories were brought together under the Colonial Office as follows: the Lagos Colony, the Southern Protectorate and the Northern Protectorate. In compliance with the Selbourne Committee, each had to undergo its way until complete fusion became possible.

The Lagos Colony was placed under Sir Mac Gregor (1899-1901) as Governor who was assisted by two bodies: an Executive Council and a Legislative Council. The latter comprised ten members, including six officials and four unofficials representing most importantly the traders' interests. It was not empowered to legislate for the Colony but simply to advise the Governor. In 1866, the Colony was made a portion of the West African Settlements. In 1874, it was united to the Gold Coast Colony, and twelve years later it was made up a separate Colony. It was divided into four districts, administered directly by District Commissioners who were assisted by stipendiary bales and the Lagos constabulary; while the hinterland was put under the rule of a Resident at Ibadan, a Commissioner at Abeokuta and constabulary detachments in other places.

The Southern Protectorate, on the other hand, was put under the charge of Ralph Moor (1900-1906) as High Commissioner. It had neither an Executive nor a Legislative Council. The High Commissioner was empowered by orders-in-council to run it with his body of officials. The Protectorate was divided into districts which were grouped into divisions, each under a Divisional Commissioner and a Travelling Commissioner. Native courts and councils were developed for the administration of justice and local legislation. Though the

Protectorate was formerly brought under colonial rule, there were yet instances of resistance to the British, signified mainly by the continuation of massacres and cannibalism. In some cases punitive expeditions were necessary to bring law and order.⁽⁸⁰⁾

The third colonial area, i.e. the Northern Protectorate, was put under Lugard as High Commissioner (1900-1906). Like the Southern Protectorate, it had neither an Executive nor a Legislative Council. In fact, Lugard had a difficult task: to bring under his authority this huge area since it was not yet pacified. In conformity with the principle of peaceful penetration, he implemented the indirect rule system⁽⁸¹⁾ which implied the integration of the Emirs within the British machinery of government at the local level by offering them to keep their positions as long as they accepted British orders. The Protectorate was divided into divisions under the responsibility of Residents. These divisions were further subdivided into districts, with District Commissioners supervising and assisting the native rulers.

Therefore, the British machinery of government in Nigeria until 1906 was relatively similar in the Southern and Northern Protectorates, with High Commissioners charged with the running of their respective territories. The natives were also associated in the exercise of colonial rule, but with notable differences, as will be shown later. The Colony, by contrast, had a different machinery with a Governor heading both Executive and Legislative Councils. Likewise, British colonial administration in the three areas intensified the discrepancy, already existing, between the peoples (political and religious systems), resulting, hence, in a great imbalance between the southern and northern administrations. While the two southern administrations encouraged modern services such as schools, roads, railways, and international trade, the northern administration tried, as far as possible, to limit the trend towards modernisation, entailing a deepening of the cultural differences between the peoples. The three areas continued, hence, with their separate colonial governments until 1906 when the two southern governments were brought together.

3.2 Creation of Southern Nigeria:

As already planned by the Selbourne Committee, the centralisation of government in Nigeria proceeded along the principle of gradualism. Amalgamation, therefore, was not

achieved directly, but was rather a partial fusion. Hence, the Lagos Colony and the Southern Protectorate were brought together under the name of Southern Nigeria on May, 1 1906. There was an amalgamation of the legislatures which meant that the previous Lagos Legislative Council was extended to cover all Southern Nigeria. ⁽⁸²⁾ It was constituted of sixteen members: ten officials and six unofficials. The territory, thus formed, had a Governor, Sir William Egerton (1904-1912), and a High Commissioner. It was divided into three large provinces: Lagos, Forcados and Warri and their respective hinterlands. The three provinces were administered, each, by a Provincial Commissioner together with his own staff. According to Nicolson, an expert on colonial administration in Nigeria, the chief reasons behind this scheme were purely administrative. ⁽⁸³⁾

So by 1906, there were two administrative units instead of three: Southern Nigeria and the Northern Protectorate, yet they were still presenting differences. Furthermore, there was a great economic imbalance. In 1906, the revenue of Southern Nigeria was about one million pounds, compared with £ 315,000 for the Northern Protectorate. ⁽⁸⁴⁾ The latter, however, had an expenditure amounting to a half million pounds, and the northern deficit was met by an imperial grant-in-aid of £ 315,000 and a Southern assistance of £ 25,000. ⁽⁸⁵⁾ The Colonial Office was anxious to stop this drain on the British tax-payer so as to comply with the principle of self-sufficiency; this could only be remedied by the fusion of the two revenues, that is the fusion of the two areas. The latter was, of course, impracticable for that time since the railway line from the South to the North was still unachieved. Lugard was apparently against the expansion of the southern railway into the territory under his charge. It was only after his resignation and his succession by E.P.C Girourard (1907-1908) that some progress was made. In the meantime, Southern Nigeria and the Northern Protectorate continued to have their separate ways until 1912 when Lugard was appointed Governor of Nigeria, with the order to amalgamate them.

3.3 Amalgamation of Nigeria:

Lugard's appointment as the first Governor of Nigeria was, largely, due to his successful work while in charge of the Northern Protectorate ⁽⁸⁶⁾ where he excelled in pacifying the huge North easily for he had acquired experience in a number of colonies, including India and Burma.

It is worth noting that by 1912 amalgamation of the two administrations was an urgent task because of two reasons. The first was that it would relieve the Colonial Office from money-begging from the British Treasury. Second, there was no coordinated railway policy between the two areas. There were two competing systems: the Minna-Jeba-Lagos system, and the Mina-Baro-Niger system. These reasons, then, hastened the centralisation of government.

Following his appointment, Lugard consecrated himself, along seven months, to the elaboration of the amalgamation constitution. The constitutional draft was submitted to the Colonial Office on May, 9 1913; it included a series of changes which, in the words of Lugard, aimed to create 'the moral and material advancement of Nigeria as a whole'.⁽⁸⁷⁾ According to these proposals, the centralisation of government was to proceed along the following lines: the two territories were to be placed under a single officer who would receive the title of Governor-General,⁽⁸⁸⁾ with the official seat in Lagos. The amalgamated territory would be termed the Colony and Protectorate of Nigeria. Assistance to the Governor was to be provided by three bodies: an Executive Council, a Legislative Council for the Colony, and a Legislative Council for the Protectorate.

As to the first body, it was to be formed of ten officials: two Lieutenants-Governors, in charge of the Northern and Southern Protectorates, the Administrator of the Colony, the Attorney General, the Director of Railways and Works, the Commandant of Troops, the Director of Medical Services, the Treasurer, the Director of Marine and the Controller of Customs.

The second body, that is the Legislative Council of the Colony, was to have its competency confined only to the Colony. It would consist of eight official members: the Administrator, the Legal Advisor, the Municipal Engineer, the Senior Municipality Sanitary Officer, the Assistant Treasurer, the Harbour Master, the Commissioner of Lands and the Commercial Intelligence Officer⁽⁸⁹⁾; in addition to a given number of unofficials.

The third institution, that is the Legislative Council for the Protectorate, was to be known as the Nigerian Council. It was to comprise a majority of officials: the members of the Executive Council and first class Residents or Commissioners, the Central Secretary, the

Secretaries of the Northern and Southern Provinces, and the Political Secretary. The Unofficial members would include a member of the Lagos Chamber of Commerce and a member of the local Chamber of Mines, in addition to four Europeans, representing commerce, shipping, mining and banking interests, and six nominated natives.⁽⁹⁰⁾

In the field of the judiciary, Lugard recommended that the Supreme Court of Nigeria should curtail its functions through one Chief Justice, instead of two. Moreover, he suggested the creation of provincial and native courts on the northern pattern, in other words with limited powers.

In matters of administrative division, the territory was to be arranged into four divisions: the Colony, the Northern Provinces (forming the Northern Protectorate), and the Western and Eastern Provinces (forming the Southern Protectorate). The Colony would be put under an Administrator, while the two Protectorates would be placed under Lieutenant-Governors, with a body of Residents and District Commissioners, overriding the affairs respectively of the Provinces and Districts.

Such an administrative division meant that Lugard had not altered the old order, and kept the North far larger than the South. It is worth mentioning that he had at his disposal two proposals as to the way the North should be divided so as to create a balance between the provinces. The first was that of Temple, Lieutenant-Governor of the North, who suggested the breaking of colonial Nigeria into seven provinces: three provinces in the North, and four in the South. The second piece of advice was made by E.D Morel, a critic of colonial policy, who proposed four groups of provinces: the Northern Provinces including Sokoto, Katsina, Kano, Zaria and Bornu; the Central Provinces formed of the Middle Belt Area; the Western Provinces, comprising Mid West Ilorin and Bornu; and finally the Eastern Provinces encompassing the former Eastern Provinces and a portion of the Benue Province. What both Temple and Morel aimed at was an administrative division which would not make the Northern Provinces, alone, far surpassing the other provinces. (see map 4) The fact that Lugard did not accept such proposals was that any modification would involve plenty of staff and money. But apparently, the real motive behind that was that he did not want to lose the confidence of the Emirs.

Following its submission to the Colonial Office, Lugard's constitutional design was not greatly criticised. John Anderson, Under-Secretary of State (1911-1916), believed that the proposals were anomalous, but he recommended their adoption given the actual circumstances.⁽⁹¹⁾ Strachy, a top Colonial Office official, stated: 'Sir F. Lugard's proposals contemplate a state which is impossible to classify. It is not a unitary state, it is not a confederation of states. If adopted, his proposals can hardly be a permanent solution.'⁽⁹²⁾ On the whole, whatever its defects, the constitution seemed practicable for the time being, as a temporary solution. Thus, the Colonial Secretary, Harcourt (1910-1915), approved the project, and amalgamation came into effect on January, 1 1914.

Inside Nigeria, apart from the opposition of the educated elite through their media, no particular reaction was made by the rest of the people, above all the traditional rulers who were not consulted in that project. This submissive attitude was clearly related to the fact that they had already been integrated in the system, and that the new changes had not altered even their status.

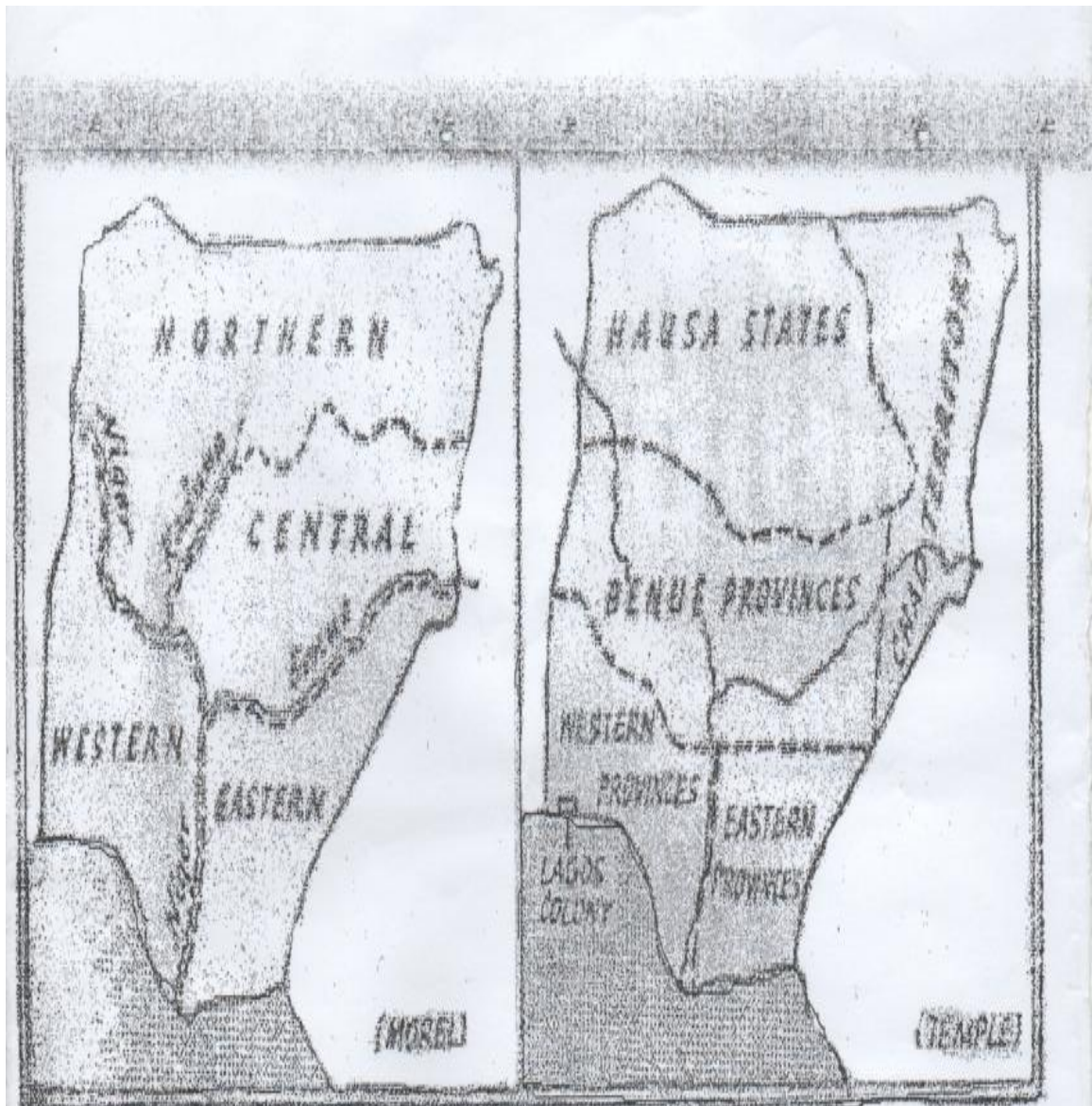
The implementation of the constitution was, hence, an ad hoc easy matter. The sole obstacle was in the field of local government, i.e. the introduction of the Indirect Rule policy in the South on the northern pattern. To understand this, it is first necessary to see how the policy was introduced in the North, and then to examine the difficulties it generated in the South.

3.4 Indirect Rule Policy:

Once the North was pacified, Lugard had to find out how to administrate this area in a peaceful way that would generate a revenue. His previous experience in Uganda and Burma had taught him that the best way to rule the natives was through the use of their own rulers.⁽⁹³⁾ In fact, the Northern Emirates proved a perfect example given their great degree of centralisation which permitted the establishment of law and order and the collection of taxes. He decided, hence, to run the Protectorate through the Emirs. This implied that colonial instructions were to be vehiculed through these rulers under the supervision of the District Commissioners. These authorities, so formed, were known as the Native Authorities. They were responsible to the government for the maintaining of

law and order, settlement of disputes and collection of taxes.⁽⁹⁴⁾They were supplemented in their local governance with Native Treasuries, police forces, and courts.

Map 4



8 Proposed administrative reorganisations of Nigeria . 1914

source : Michael . Crowder, The Story of Nigeria, London, 1978, p 197.

NB : No scale was mentioned in the original map .

In the pursuance of this policy, Lugard was careful to keep most of the aspects of the traditional system subject to their conformity with colonial interests. If a clash of interest

appeared, usually local laws and practices were modified.⁽⁹⁵⁾ The title, for instance, of Caliph was abolished so that people would no more owe allegiance to him. The system conferred upon the Emirs a new status. Generally, the policy of Indirect Rule was a 'resounding success' in the North.⁽⁹⁶⁾ A pertinent question is how far could this system be implemented in the South?

Lugard's considerable success in the North was a largely motivating reason behind his desire to develop Indirect Rule in the South.⁽⁹⁷⁾ Yet, this was greatly controversial, given the differences in socio-political organisation. In Yorubaland, for example, the system of 'checks and balances' inhibited the smooth use of the policy. As to the Ibo, the diffusion of authority among the Ibo chiefs made the system utterly impracticable. Lugard became convinced that the policy would require innovation and a lengthy process.

So, in Yorubaland the system was first introduced in Benin and later in Oyo with certain difficulties.⁽⁹⁸⁾ In Abeokuta, the project was met with great agitations. In 1918, the Egba rose up, tearing up the railway line and looting trains, resulting in the death of 500 natives. In Iboland, on the other hand, the British could only apply the system by bringing together a number of villages arbitrarily into larger units and recognising some traditional councils as Native Authorities. Yet, this measure was greatly unpopular, causing a series of disturbances.

It is clearly apparent that the development of Indirect Rule as a machinery of native administration was not a uniform process in Nigeria, and that its use in certain areas was greatly problematic. Nevertheless, its impact in consolidating colonial rule could not be denied.

The relative success of Indirect Rule in Nigeria, particularly in the South, marked hence the end of the last obstacle towards amalgamation. Indeed, Lugard's constitutional reform was a remarkable step in socio-political engineering. This meant the bringing together of independent and different polities to form a modern state. Lugard's purpose, however, was totally far from nation building. It was rather the quest for an efficient and rational colonial administration. Amalgamation, thus, brought into life two loosely-affiliated areas whose historical differences were, further, deepened with the Indirect Rule system which tended to refrain the North from any modern change challenging Muslim values.⁽⁹⁹⁾ Besides, the

Nigerian Council, theoretically conceived to discuss and legislate for the new territory, was simply a consultative body where the natives had no powers over legislation. This shows that Lugard had no project for political amalgamation in the sense to prepare the Nigerians for assuming their roles in modern institutions. Not surprisingly, these people, above all the educated class, began to foment protest and claim their right of participation in the government. Thus, when Lugard's successor, Clifford, arrived certain demands had to be conceded.

Lugard's successor, Sir Hugh Charles Clifford, was a man of noble background with a liberal spirit. He was a professional administrator, ⁽¹⁰⁰⁾ credited for a judicious governorship in the Gold Coast. His appointment to Nigeria coincided with a changing international climate, above all the First World War which had impacted deeply the conditions of the civil servants. He convened, therefore, the members of the Legislative Council to get a clear insight about the government of the country. He was greatly struck by the unrepresentative character of the existing Council, and the great concentration of powers within the hands of the Governor, instead of delegating some to the Lieutenants-Governors. These deficiencies made change a great necessity. He was also appalled by the lack of a Central Secretariat whose creation needed the approval of the Secretary of State.

Clifford's next consideration was the great state of unrest within the Public Service. This situation was basically the product of the First World War which had entailed the collapse of the system of international trade and the decline of the revenue. To settle this, he decided to review the government's financial prospects, and appointed a committee to revise the salaries of the Public Service officers. Once these problems had been cleared out, Clifford set himself the task of elaborating new constitutional reforms, a reflection impacted not only by his personal experience, but by a new colonial policy, the trusteeship doctrine, itself born out during the aftermath of the War, and the nationalists' aspirations for participation in the government.

The main protagonists of those grievances were the National Congress of British West Africa (NCBWA) and the Nigerian National Democratic Party (NNDP). The former was promoted by non-Nigerians in 1920 led by Casely Hayford, a Gold Coaster lawyer, with a view to creating a West African state that would weld together the English-speaking

countries from Gambia to Nigeria. In the same year it sent a petition to the Secretary of State, Viscount Milner (1919-1920), asking for a number of reforms including the setting up of a Legislative Council in each colonial territory with half its members Africans. It also called for the introduction of other qualifications for voting such as property or educational standard. However, there was no echo to the Congress; its demands were rejected and the institutional order of Nigeria remained unchallenged. The failure of the NCBWA⁽¹⁰¹⁾ drew its members to adopt a territorial approach and organise parties in the individual colonies. Overwhelmed by this conviction, Herbert Macaulay and J.Egerton founded in Nigeria the NNNDP whose grievances were concerned with the achievement of municipal status and complete self-government for Lagos, introduction of compulsory education and economic development.

Though the two organisations represented no threat to the British, it was partly in response to them that the British introduced the trusteeship doctrine according to which the industrialised countries were to provide protection for the natives until such a time when they became independent.⁽¹⁰²⁾ This was to be based on three principles: welfare, education, and development.

Clifford's constitutional change fell clearly within this new doctrine. His approach in constitution-making differed slightly from Lugard's in the sense that colonial Governors had to comply with the principle of gradualism. His work culminated in the promulgation, in 1922, of a new constitution, known as the Clifford's Constitution in conformity with which the Governor was always to head the colonial government without the title of Governor-General, and with more powers delegated to the Lieutenants-Governors.

The Executive Council remained unchanged, a body formed exclusively of officials. The admission of the natives was totally out of question; they were believed to be incapable of governing themselves⁽¹⁰³⁾ and had never formulated such a quest at that time. A new Legislative Council was to replace the old council. It was significantly more important in three respects: in its enlarged membership, in the extension of its competence to the Southern Provinces, and in the inclusion, for the first time, of the principle of election. The aim of the Council was to 'satisfy legitimate aspirations, and help produce a healthier political atmosphere'⁽¹⁰⁴⁾

Membership of the Council was to increase to forty-six members with a majority of officials, i.e. twenty-seven versus nineteen unofficials. Among the latter, four Africans with certain qualifications, notably higher education, were to be elected by adult males in the larger towns enjoying municipal freedom,⁽¹⁰⁵⁾ three from Lagos and one from Calabar. The other fifteen seats were to be distributed as follows: six nominated European members to represent the Chamber of Commerce and other communal interests, and eight members, including six Africans to represent eight territorial divisions.

The Legislative Council was to cover only the Southern Provinces. The Northern Provinces, on the other hand, were to be vested in the Governor, except in issues of money where he would refer to the advice of the Northern members, namely the Secretary of the Northern Provinces and one member nominated by the Kano Chamber of Commerce. This implied that the Northern Protectorate was to have no African spokesman.

As to the administrative division of Nigeria, it was to remain as before, that is a Colony and three groups of provinces (Northern, Western and Eastern). There was, however, a slight change in this administrative arrangement brought about by a portion of the Cameroons, a mandate territory, which was to be administered as follows: the northern area was to be integrated within the Northern Provinces, while the southern area was to be part of the Southern Provinces.

As far as the local government was concerned, Clifford's approach was opposed to Lugard's. Clifford was against the extension of judicial freedom to the Emirs, arguing that he did not 'consider that their past traditions, and their present backward cultural conditions afford to any such experiment a reasonable chance of success'.⁽¹⁰⁶⁾ He believed that the North should be introduced to the benefits of Western civilisation. The Colonial Office, however, on Lugard's advice, rejected his views.

Broadly speaking, Clifford's constitution marked a relatively fresh departure from Lugard's. It was a cautious reform based on the gradual participation of the Africans in the government, according to their age and maturity.⁽¹⁰⁷⁾ It paved the way for steady political progress according to needs and constraints. It would be interesting to see the extent of that progress in the period following that of Clifford.

3.5 Constitution-Making from 1925 till 1945:

The era stretching from Clifford's governorship till 1945, which saw the succession of three Governors,⁽¹⁰⁸⁾ did not witness any notable change in constitutional reform. It is true that the British had, prior to 1885, declared that the objective behind their presence in West Africa was to prepare the subject peoples for self-government. However, there was no commitment to a precise date. According to Lugard, the primitive tribes had to be subjected to many years or generations of bureaucratic rule before they would be granted self representative institutions.⁽¹⁰⁹⁾

According to the trusteeship doctrine, political progress could not be attained without socio-economic development. With this purpose in mind, the British decided to withdraw from their policy of self-sufficiency, and evolved the 1929 Colonial Development Act which provided for the annual allocation of £ 1 million to help the colonies. Yet, little development was effected by this Act. Apart from the small boosting of transport and public health services, no interest was given to the development of industries or the promotion of education.⁽¹¹⁰⁾ This contributed to clinch the pre-1929 colonial economic policy whereby colonies were treated as a reserve for raw materials and a market for British products.

If the promotion of socio-economic conditions was a condition sine qua non for political development, how did the British conceive the latter? The British concept of self-government envisaged, barely, parliamentary institutions. Progress had to be made along native institutions. Yet, given the fact that Indirect Rule could not cope with modern services there was a necessity to reform it.

Many endeavours were made in this scope. Governor Cameron, in his 'Principles of Native Administration and their Application', believed that a Northern Protectorate, kept from external contact, was not really what the British desired. He proposed reforms of the Native Authorities, including the reorganisation of courts, and the increasing democratisation of the Native Authorities through the integration of the educated elite.⁽¹¹¹⁾ Margery Perham, an academic writer and expert in the affairs of West Africa, advised the granting of more responsibilities to the Native Authorities which should be encouraged to form federations, first on a regional, and then on an inter-regional

basis.⁽¹¹²⁾ Governor Bourdillon dwelt on the same ideas. In his memorandum 'Political Development of Nigeria', he stated that the actual system of Indirect Rule would not permit evolution towards independence. To link the central and local governments, he suggested the creation of Regional Councils which might later become Legislatures with a Federal Council in Lagos.

All in all, British views as to constitutional development in the inter-war period converged around the reformation of the Indirect Rule system, and basically the participation of the educated elite in that apparatus of local government. The possibility of granting responsibilities at the level of the central government was a matter belonging to a distant future, requiring a policy of socio-economic betterment. The outbreak of the Second World War produced an upheaval of constraints which altered these views, urging ultimate reforms in the post-war era. The questions of how this change occurred, and how new visions were considered for political evolution constitute the chief concern of the second chapter.

End Notes:

1. The most prominent groups were the Hausa, Fulani, Nupe and Tiv in the north; the Yoruba, Annang, Edo (or Bini), Ibibio, Ibo, Ijo, Itsekiri and Urhobo in the south.
2. these terms will be explained subsequently.
3. This trade involved exchanges of slaves, ivory, salt, glass beads, cloth and other goods
4. Olatunji speaks about the formation of a centralised state in the first millennium B.C, in which a Yoruba sub-group known as the Ughobo became the rulers, Olatunde.O.Olatunji, The Yoruba History, Culture and Language, Ibadan, 1970, p 14
5. M.Crowder, The Story of Nigeria, (Faber and Faber), London, 1961, p 39. To attest the magnitude of the Oyo Empire Johnson states that the vassal or provincial kings and ruling princes were about 1060. Samuel Johnson, the History of the Yoruba, (C.M.S Bookshop), 1937, p 41
6. B.G.Martin traces back the migration of the Fulani to the eighteenth century. B.G.Martin, 'The Spread of Islam in Africa', in, Phyllis.M.Martin & Patrick .O.Omeara . Africa. Indiana University Press, 1986, p 94
7. The war took the form of raids and skirmishes initiated by both , S.H Hogben, The Emirates of Northern Nigeria, London, 1966, p 382.
8. Explaining this point Hogben says: 'the forces that these generals commanded were no more than amateur peasant levies with the primitive weapons of the Crusades. Enthusiasm took the place of staff work.' Ibid, p 382
9. John.Reader, Africa: A Handbook to the Continent, (Alfred A Knopf Inc), New York, 1998, p 212
10. Toyin Falola and Mathew.M.Heaton, A History of Nigeria in http://books.google.com/books/about/A_history_of_Nigeria.html?id=XygZjbNRap0C
11. Dr Johnson, a Yoruba native of Lagos, stated that Nubia was the original home of the Yoruba in view of similarities in habits, modes of thought, manners and customs. Quoted in C.L.Temple, Native Races and their Rule Sketches and Studies of official Life and Administrative Problems in Nigeria, Frank Kass and Co.Ltd, 1968, p9
12. Trade was an important factor in the rise of West African kingdoms such as: Ghana, Mali, and Songhay.
13. Commenting the importance of Islam in Sudanese states. Jackson said: 'the appearance of Islam in the western Sudan was important for more than religious reasons. It opened many West African states to the influence of Muslims from North Africa and Egypt and from all further a field, who introduced the arts of writing and scholarship. It ensured good training relations between the western Sudan and the lands beyond the sahara', John.G.Jackson , Introduction to African Civilisations, Carol Publishing Group Edition, 1990, p 219
14. On the impact of natural conditions, Lanciné Sylla says: ' des montagnes hostiles ou des forêts non propices au groupement des hommes n'abritent que des poignées d'hommes n'ayant pas besoin d'une structure étatique complexe et centralisée pour vivre politiquement', Lanciné Sylla 'Reflections sur la Typologie Classique des Systèmes Politiques Africains', in Annales Universitaires d'Abidjan, série D, Tom 10, 1977, p 73.
15. Here Schwarz states ' civilisations arise as a response to challenge. But the challenge must be neither too hard, for then the people cannot respond, nor too easy, for then the people need not respond' A.O.Schwarz,Jr, Nigeria the Tribes the Nation or the Race the Politics of Independence, Cambridge, 1965
16. A.E.Afigbo, The Warrant Chiefs Indirect Rule in Southern Nigeria 1891-1929, Longman, 1972, p 8
17. In Oyo he was called Alafin and in Ife he was known as Oni
18. He was supposed to secure easily the help of ancestors in order to stop such calamities as floods and famine
19. John.J. Jackson ,op.cit, p 218
20. Some of the Yoruba chiefs wore bead veils to hide their faces from the vulgar eye. Burns, Alan Burns, History of Nigeria, (George Allen and Unwin Ltd), London, 1948, p 34
21. Burns mentions another reason : 'should a king go out, the normal life of his capital would be arrested as the whole population would be required to attend the sovereign' ibid.
22. Samuel Johnson, op cit, p 57
23. Age organisations were divided into three groups: junior, middle and senior. The first two undertook communal labour such as the clearing of paths and cutting of forests, whereas the last group was entrusted with the administration of the affairs of the village.
24. The acquisition of a title required usually the payment of entry fees and in return the new comer would secure prestige and influence.
25. It had different names from one kingdom to the other
26. Impressed by the Yoruba system of government, William H Clarke stated : 'The highest excellence of the best government among white people consists in constitutional checks or limits to prevent abuses of power.

- Strange as it may seem the central Africans (i.e the Yoruba people) had studied this balance of power and reduced it to practice, long before our fathers settled in America before the barons of England had exhorted the great charter (the Magna) from King John' quoted in Olatunji, op.cit, p 20
27. These were the Osorun (Basorun), the Agbakin, the Sanau, the Alapini, the Laguna, the Akiniku and the Asipa.
28. Josef Gugler §William Flanagan, Urbanisation and Social Change in West Africa, Cambridge University Press, 1981, p 23
29. Installation of chiefs required first the provision of the sword of justice from the Oba to attest for their legitimacy.
30. Gwandu was created in 1808 to stop the Kebbawa threat
31. Toyin Falola and Mathew.M.Heaton, A History of Nigeria in http://books.google.com/books/about/A_history_of_Nigeria.html?id=XygZjbNRap0C
32. .A.H.M.Kirk.Green, Barth's Travels in Nigeria, Extracts from the Journal of Henrich Barth's travels in Nigeria 1850-1855, London, 1962, p 125
33. The population of a village-group usually numbered a few thousand souls at the most. Afigbo op cit, p 8
34. Roland.Sydney Smith, Kingdoms of the Yoruba, (University of Wisconsin Press), Madison, 1988, p 143
35. ibid
36. ibid, p 145.
37. M.Crowder, op.cit, p 41
38. Robert.S Smith, Warfare and Diplomacy in Pre-colonial Africa, (second edition, University of Wisconsin Press), Madison, 1989, p 125
39. Afigbo op cit, p 8
40. Their exploration aimed quintessentially to find a close way, round Africa, to Asia, and to discover the riches of the unknown lands. According to E. Jefferson Murphy, the Portuguese had learned the use of Indian lateen sails from the Arabs and acquired Chinese navigation devices which enabled them to sail across the sea. E. Jefferson Murphy Understanding Black Africa, New York, 1978, p 98
41. They were active on the coast from Lagos to the Niger Delta, and initially especially at Benin. There were a number of reasons for this. In the first place, this coast with its creeks and rivers was easily penetrable by, and offered safe anchorages for the Portuguese ships. Secondly, the Portuguese seem to have found active local trade. J.D Fage A History of West Africa, (Cambridge University Press), London, 1969, p 60
42. The slave trade was started by the Portuguese in other areas of West Africa in 1441
43. The Portuguese acted at first as intermediaries by exchanging their goods with Nigerian produce and reselling the latter on the Gold Coast to ensure a double profit. Fage, op cit
44. Though the depopulation effect of the slave trade was small in some areas, the number of slaves taken from West and West Central Africa amounted to ten million. George E Brooks, 'African Landlords and European Strangers' in Phylis M Martin, op cit p 111
45. The slave in traditional society was never dehumanised as was the case in the trans-Atlantic slave trade
46. According to Murphy, the position of the British was also due to the independence of the American colonies in 1776 which resulted in the fact that the British had no more interests in preserving the flow of slaves to America. Murphy, op. cit p 110
47. Many of the explorers were missionaries or were financed by mission societies, ibid
48. The Bight of Benin and Biafra was known as the Slave Coast
49. Crowder, op.cit, p104
50. ibid, p 103
51. The trust represented the goods given by the British traders to the native middlemen in return for palm oil. ibid, p 122
52. Burns, op cit p 128
53. The despatch sent by the Colonial Office to the consul precised that the British: ' have been induced to come to this determination because they are convinced that the permanent occupation of this important point in the Bight of Benin is indispensable to the complete suppression of the slave trade'. Papers related to the occupation of Lagos, 1862 quoted in ibid, p 129
54. This pension lasted till his death in 1885, Colonial Office List, 1960, p 166.

55. It was to the accompaniment of 300 school children, conducted by two missionaries singing 'God saves the Queen' that Lagos was proclaimed a British Colony. David Williams, 'Commonwealth West African', in Peter Jud, African Independence, U S A , 1962 p 144.
56. These aims were stated as follows : '...to secure forever the free population of Lagos from the slave traders and kidnappers who formerly oppressed them, to protect and develop the important trade of which their town is the seat, and to exercise an influence on the surrounding tribes which may , it is hoped, be permanently beneficial to the African race', quoted in Crowder, op cit, p 138
57. Britain was drawn into wars with the Ashanti in 1863 and 1864, wars that brought trade to a standstill, Paul Fordham, The Geography of African Affairs, (Penguin Books), 1965 , p 63.
58. W. Geary, Nigeria Under British Rule, (Methuen), London, 1927, p 148.
59. *Ibid*, p 148-149
60. Sir George Dashwood Taubman Goldie (1849-1925) served in the Royal Engineers before he became interested in Nigeria, *ibid*, p 148
61. This was La Compagnie Française de l'Afrique Equatoriale, with a subscribed capital of £ 600,000. *ibid*, p 149
62. In 1878 Europe dominated about 1/10 of Africa. Tayeb Chennouf, Le Monde Contemporain, Office des Publications Universitaires, Alger, 1983, p 89
63. Fordham believes that the motive 'search for markets' was so great: '...in fact there was never enough investment in tropical Africa to provide for the creation there of the vast consumer market which may be expected to arise in the future', Fordham, op.cit, p 65
64. Hargreaves states here: ' the effect of the Suez crisis of 1882 was twofold. Firstly, it removed restraints which the Quai d'Orsay had hitherto imposed on unilateral French actions in areas of British interests; anti-British acts (like the renewed protectorate of Porto Novo) which French representatives in the area had previously demanded in vain became a highly charged psychological atmosphere in Paris, in which politicians and journalists suddenly found it advantageous both to abuse British policy more noisily than German, and to champion grandiose programmes of colonial empire', John Hargreaves, West Africa Partitioned, Macmillan, 1974 , p 33
65. In this war the French lost Alsace and Lorraine
66. Quoted in Chennouf, op cit, p 91
67. *ibid*
68. *ibid*
69. *ibid*. Ferry also added : ' if France wants to remain a great country exercising all her influence over the destinies of Europe' it must take with her ' wherever it can its language, habits, flag, arms and genius', *ibid* (personal translation)
70. Such was the case at the mouth of the Congo with France, Portugal and the International Association of the Congo, under Leopold, king of the Belgians disputing each the right for the annexation of the Congo.
71. Crowder, op.cit p 162
72. *Hiskett in Temple, op.cit, p (XXIX)*
73. Fage questioned the validity of these treaties since they were not well seised in their real implications by the African rulers. On this matter, he said: ' ...did they (treaties) give Britain the right to intervene in the government of the states or only the administration of justice?' Fage, op cit, p 138
74. Other names were initially proposed such as 'Nigretia', 'Niger Sudan' or 'Goldesia' (in reference to Goldie.
75. Nupe had, later, organised a rebellion.
76. Fage, op.cit, p 183. Sir Charles Orr advances another figure : 700 men of the West African Frontier Force and 24 British officers. Charles Orr, The Making of Northern Nigeria, Macmillan, London, 1911, p 125
77. *ibid*
78. *ibid*, p 124
79. Philip Curtin, Fierman, S Thompson L § Vansina J , African History, Longman, 1984, p 462
80. Such was the case between 1905-1909 when several expeditions were sent into the hinterland
81. This will be viewed subsequently
82. In Egerton's original dispatch, he proposed that the Legislatures should remain separate, owing to the fact that the officials in the Legislative Council knew nothing about the Southern Protectorate.
83. This division was grounded on the fact that the small number of provinces would permit the appointment of a small number of officials with a reasonable salary. I.F. Nicolson, The Administration of Nigeria, Clarendon Press, 1977, p 102.
84. *ibid*, p 104
85. *ibid*, p 105

86. Nicolson believed that this was primarily due to Lady Lugard's influence on the, then, Secretary of State, Harcourt, who was possibly hoping to acquire a great fame through the Lugard's writings. Ibid, p 181
87. F.D. Lugard, A Speech by Governor-General on the occasion of the declaration of the constitution of the Colony and Protectorate of Nigeria, January, 1, 1914, quoted in AHM Kirk-Green, , Lugard and the Amalgamation of Nigeria, London, 1968, p 261
88. This title was reserved only to Lugard
89. Ibid, p 267
90. These were respectively the Sultan of Sokoto, the Emir of Kano, the Alafin of Oyo, Chief Douglas Numa, and two educated Nigerians representing Lagos and Calabar.
91. Quoted in Nicolson, op.cit, p 219
92. <http://www.vanguardnig.com> Constitution-Making Power and National Struggles
93. The use of direct rule was out of question if there was to be compliance with the principle of peaceful penetration.
94. The tax collected constituted the tax revenue which was then divided between the Native Authorities and the central government
95. For instance mutilation of limbs as a punishment for theft was replaced by terms of imprisonment based on the market value of the items stolen; blood money in lieu of homicide (diya) by imprisonment or capital punishment, and retaliation of personal injury was changed by a fine or imprisonment. Peter.K. Tibenderana, the Irony of Indirect Rule in Sokoto Emirate , Nigeria', in African Studies Review, V 31, N 1, 1988, p 80
96. Adebayo Oyebade, The Foundation of Nigeria: Essays in Honour of Toyin Falola, Africa (World Press In) , Eritrea, 2003, p 17
97. Norton Cook attributed Lugard's success in his enterprise to his subordinates, namely: Burdon, Temple, Palmer, and Orr. Norton Cook, , 'British Enterprise in Nigeria as seen by a Professor of Temple University', in West Africa, April, 1945, p 303
98. This was, in particular, in Oyo where the Alafin was incommunicado to his people.
99. Lugard conceived the Native Authorities as the structures within which development would take place according to indigenous lines. His successors, however, gave independence to the Native Authorities by reducing administrative intervention as much as possible. They considered that modern innovations of the kind introduced in the South were destructive. This is why they opposed Western education and the missionaries, believing that Muslim schools were more appropriate.
100. He served in a number of colonies: 1888, first British Resident of Pahang; 1889, Governor of North Borneo; 1903, Colonial Secretary in Ceylon; 1912, Governor of the Gold Coast.
101. According to J.D. Fage the Congress was no more than an intellectual debating society. Fage, op.cit, p 207.
102. Defining the idea of trusteeship, J.H. Harris said: ' the whole idea of trusteeship and tutelage implies that a day is coming, remote as it may be, when the 'ward' or the pupil will arrive at a stage of manhood in which he will be capable of managing his own estate and in every other respect taking good care of himself and his interests', G. Hetherington, British Paternalism: 1920-1940, London, 1970, p 51
103. Sir Bernard Bourdillon, later Governor of Nigeria precised that their presence would hamper the present form of discussion. CO 584/244/30453, 1930, Bernard Bourdillon, The Future Political Development of Nigeria, p 12
104. Clifford's despatch dated July 7, 1922, quoted in ibid, p 8
105. Persons eligible to vote were British subjects or native residents of one year who had an income of not less than £ 100 a year. Colonial Office List 1930, p381.
106. Quoted in CO 584/244/30453, 1939, Bernard Bourdillon, The Future Political Development of Nigeria
107. This condition was to be determined by the British who were very proud of their capacities: 'to our race has been given the genius to build an Empire on the basis of freedom to lead the way in representative and democratic institutions', quoted in Hetherington, op.cit, p 746
108. These were Donald Cameron, Bernard Bordillon and Maxwell Burns
109. R.V.N Albertini Decolonisation Administration and Future of the Colonies, Garden City, 1971, p 134
110. Ibid
111. Quoted in Opeyemi Ola, 'The Study of West African Government', in The Journal of Modern African Studies, V 6, N 2, 1968, p 236.
112. R.V.N, Albertini, op.cit, p 138

Chapter II

Post-War Constitutional Change: the Richards' Constitution 1945-1948

The Second World War unleashed a series of international events that intermittently hastened the dismantling of colonial empires. Britain, caught within this tornado of change, found herself obliged to accelerate the transfer of power. In Nigeria, this was reflected by the introduction of the Richards' Constitution.

The interest of this chapter is to hinge on the set of factors both external and internal that prompted the change of British colonial policy. It will equally analyse the Richards' Constitution, and see how far the latter affected the Nigerian setting.

1 .External Factors

The external factors could be summarised in the international context in the aftermath of the Second World War. The latter was a world conflict that, theoretically, involved a clash of ideologies, viz freedom and democracy versus fascism and tyranny. Victory of the Allies over the Axis powers involved, implicitly, a condemnation of colonialism, as the latter was imbued, to a certain extent, with the same principle that is the right of the most powerful nation to dispose freely of the weakest. ⁽¹¹³⁾ Such victory spurred, indirectly, on colonial peoples to be more radical in their claims, especially within the stream of a new world order that put to the forth new international undertakings, and a rising tide of African nationalism.

1.1 Rise of a New World Order

The War brought a new world landscape signified, essentially, by the defeat of the ex-powerful European nations, notably Britain and France, and the ascendancy to power of the United States and the Soviet Union. The acrobatic rise of the latter was due, noticeably, to the massive war efforts in terms of economic production. The USA was, by

the end of the War, furnishing almost half the amount of coal production, the two-thirds of oil, and the two-fifths of copper; ⁽¹¹⁴⁾she was, thus, able to establish her hegemony over the world, above all, Europe as the latter found herself dependent upon American credits to ensure post-war reconstruction.⁽¹¹⁵⁾

Economic power was equally correlated with political power, in the sense that the two nations (the USA and the Soviet Union) adopted the strategy of anti-colonialism in handling their foreign relationships. However, their objectives were different. In the case of the former it was, quintessentially, a question of tactic, as will be viewed later, while for the latter it was rather a question of principle. Having experienced hardships during the two world wars it was imperative for Russia to embrace an anti-colonial ideology to avoid another war. Yet, it was, chiefly, America which fought strongly to harness the concept of anti-colonialism on Britain, in particular. In this respect, it would be deeply interesting to examine this American opposition to colonialism.

American anti-colonialism was a policy of direct poignant criticism directed against colonial powers, above all Britain. It was expounded by the American president, Franklin D Roosevelt, and other members of his government ⁽¹¹⁶⁾ in the period 1941-1945. This coincided with the signing of a military alliance between the US and Britain against Hitler's third Reich.⁽¹¹⁷⁾

As to the factors behind this policy, Roosevelt maintained that it was a strategy to establish peace, ensure free trade between nations, and put an end to systems of exploitation and abuse of colonial peoples. It would seem, however, unrealistic to tie this policy with humanitarian considerations. In fact, American history displays different instances of oppression and mal treatment of the Indians. Economic reasons were, rather, more salient. Being deprived of colonies, the Americans were hateful of British protectionism and monopolisation of trade routes which stood as an obstacle for ambitious America. This implied that the creation of independent countries would enhance free commerce and guarantee more power for the USA . How did this American criticism mar the British?

Roosevelt's attacks seemed to delineate the evil facets of imperialism. He described colonialism as being merely an exploitative system:

The colonial system means war. Exploit the resources of an India, a Burma, a Java, take all the wealth out of these countries, but never put anything back into them, things like education, decent standards of living, minimum health requirements ...all you're doing is storing up the kind of troubles that lead to war. All you're doing is negating the value of any organisational structure or peace before it begins⁽¹¹⁸⁾

Roosevelt also, firmly, stated that if the War aimed to liberate colonial peoples, then it had, necessarily, to entail with it 'the end of all forms of oppression and the beginning of a new era of development'.⁽¹¹⁹⁾ In fact, his attacks became more pronounced following his visits respectively to Gambia, India, and Burma in the period 1943-44. Struck by the great degree of exploitation in the Gambia, he could not keep himself from declaring in a press conference:

'And I looked it up, with a little study, and I got to the point of view that for every dollar that the British, who have been here for two hundred years, have put into Gambia, they have taken out ten. It is plain exploitation'.⁽¹²⁰⁾

He went even far by suggesting the independence of India, and all the territories which were already fit to assume their responsibilities. Criticism of British colonial policy came also from the American people. The editor of Life Magazine wrote a letter addressed to the British people, dated on October, 12, 1942 precisng:

We Americans may have some disagreement among ourselves as to what we are fighting for, but one thing we are sure we are not fighting for is to hold the British Empire together.⁽¹²¹⁾

The point which needs to be considered is the question how Roosevelt envisaged the end of colonial rule and all forms of abuse. The American vision for the post-war era was to create an anti-imperialist alliance, including the USA, the Soviet Union, and China, against colonial powers (Britain, France, and Holland). This alliance would exercise a sound pressure upon imperialist countries. The issue how far this pressure could bring those countries to bow to the allied front is certainly unquestionable. The balance of power between the two camps (the anti-imperialists and the imperialists) was not equitable. The

USA, in virtue of its assistance both to Britain and France to win the War, was in a better position to drag these nations to cede forcibly. Britain, France and Holland were, on the other hand, theatres of war where there was the greatest rate of human and material loss. This implied that, once the War was over, they would face tremendous difficulties in reconstructing their economies, and that they would intermittently make recourse to American credits. It follows, then, that Roosevelt had great chances to impose, with his allies, the post-war design, i.e, the liquidation of colonial empires.

As to the question whether the mandate system would be still appropriate to satisfy the American scheme, it was, apparently, unsuitable. Roosevelt declared his intention to replace it with a trusteeship system whose efficiency would be insured via international supervision and control.

The British ⁽¹²²⁾ were bitterly angered by Roosevelt's criticism and his proposal for an international system. Their different declarations were extremely hysterical, rejecting any idea about the dismantling of their empire, or any form of foreign interference with their colonial affairs. In this scope, Churchill claimed strongly: 'I haven't become the King's First Minister to preside over the liquidation of the British Empire'. ⁽¹²³⁾ Both Lugard and Margery

Perham dwelt on the defense of the empire. In a letter to the Times dated on November, 26 1942, Perham attacked the Americans, precisising that without the empire, the USA would not have existed.⁽¹²⁴⁾

Yet in spite of this defensive attitude, the British knew that they were at the mercy of the Americans. This is why by the end of the year 1943, the Foreign Office proposed to the Colonial Office the participation of its officers in the American Institute of Pacific Relations Conference, so as to highlight the positive aspects of the British colonial policy.

It is obvious by now that the British could not work independently of the Americans, and that new considerations had to be given to colonial affairs, ⁽¹²⁵⁾ especially following a series of international undertakings, the Atlantic Charter being one example.

1.2 The Atlantic Charter

The Atlantic Charter was a joint agreement made by the USA and the United Kingdom against the Axis powers. It was drafted on August 12 1941 in Newfoundland, Virginia by Roosevelt and Churchill. It was set as a code of international law all along the War and after. It comprised eight articles which globally called for the renunciation of all forms of aggression, free access to trade and raw materials, right of all peoples to self-determination, economic cooperation and advancement of social welfare, freedom from tyranny, freedom of the seas and finally common disarmament.

The third article was, significantly, the most important in regard to its implication to the transfer of power. In fact, it clearly stated: 'they (nations) respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self government restored to those who have been formally deprived of them.'⁽¹²⁶⁾

Roosevelt used the Charter, in particular the third clause, to lay the future foundation of peace and security. He also meant it to be an open invitation for a transfer of power to colonial peoples. This was part, as outlined above, of his post-war strategy to end over with colonialism. Churchill, however, believed that the Charter applied only to nations under Nazi Germany, and rejected strongly its application to colonial peoples, on the ground they were not yet fit for self-government.⁽¹²⁷⁾ This belief was re-emphasised by the War Cabinet which specified that the Charter did not refer to the internal affairs of colonial empires.

Conversely, however, the colonial peoples took the Charter in its literal meaning and deemed it logically adaptable to their case. They nurtured, hence, a great hope that after the War, they would be granted self-determination. This was clearly articulated by the Governor of Burma, who warned Churchill of the readiness of the Burmese people to use the Charter to regain their independence. Similarly, the Sudan Independent Forces⁽¹²⁸⁾ greeted the Charter and considered it a plain encouragement to their anti-colonial struggle.

Questions as to how implement the Atlantic Charter were not tackled. It is true that many European governments acknowledged the document.⁽¹²⁹⁾ Yet, the wide adherence to its principles was not a sufficient safeguard. There was need, likewise, to give it a legal

character through the setting up of an international organisation like the United Nations Organisation.

1.3 The United Nations Organisation

The United Nations Organisation was conceived as an international institution devoted to the maintaining of peace and security, respect of human rights and socio-economic progress. It was, henceforth, a medium to implement the Atlantic Charter. The impetus to create the Organisation was, quintessentially, derived from the failure of the League of Nations in preventing the outbreak of the Second World War. The precursor behind its establishment was Roosevelt who intended to create a new world order. Thus, through his aegis, a sub-committee of the State Department was charged of preparing a draft charter for the future organisation in August 1943. The document was, then, submitted to a meeting at Dumbarton, Washington, in 1944 where the four allied powers (the USA, the Soviet Union, the United Kingdom and China)⁽¹³⁰⁾ discussed the draft charter. The meeting's resolutions were, later, reviewed at the San Francisco Conference, held on April, 25 1945, so as to debate and finalise the Charter. Delegates from about fifty countries attended; ⁽¹³¹⁾ most of them were anti-colonial and included representatives from the two Americas, the Soviet Union and the young Arab states.⁽¹³²⁾

The delegates tended, rather, to focus on article 73 of the Charter.⁽¹³³⁾ Russian and Chinese representatives insisted that colonial peoples should be granted immediate independence.⁽¹³⁴⁾ Lord Cranborne, the British delegate, put stiff opposition to this claim, precisising that the path to liberty required yet many pre-requisites, notably education and material progress, and that the granting of independence to peoples, not yet fit for it, would severely endanger the peace process.⁽¹³⁵⁾ The Australian Prime Minister, M Forde, stressed the need to better the standard of living of colonial peoples so as to hasten their socio-economic and political progress.⁽¹³⁶⁾ Another Australian delegate proposed that colonial powers present periodical information to the Organisation on those peoples' conditions, a request that was largely approved.⁽¹³⁷⁾ Following these debates, the Charter was ratified by the five nations that were to be permanent members (the USA, the Soviet Union, the United Kingdom, France and China), marking the official birth of the United Nations on October, 24 1945.

On the whole, it could be said that the United Nations Organisation was, indeed, an influencing factor in favour of the colonial peoples. Though it did not openly condemn colonialism, it set, at least, channels for improving the conditions of those peoples. Together with the other elements (American anti-colonial policy and the Atlantic Charter), they were to challenge the ethics of colonial rule, and inspire African nationalism. In this scope, it is worth examining how the War impacted this movement and how the latter began a new phase of political struggle.

1.4 African Nationalism

The Second World War affected, tremendously, the Africans to an extent inexperienced before (First World War) which contributed, as a matter of fact, to the galvanisation of a sound anti-colonial struggle. This influence could be measured through two elements: the rise of political consciousness among the ex-servicemen and the setting up of radical political organisations, such as the fifth Pan-African Congress.

1.4.1 Rise of Consciousness

Prior to the War, Britain proceeded to a massive manpower mobilisation of colonial peoples; thus, thousands of Africans were drafted for military service in a struggle of which they were not part. European War propaganda convinced them of the legitimacy of this War, whose price would be the attainment of freedom and the championing of democracy.

Participation in the War was profitable in many senses. African soldiers were brought to assume responsibility or acquire training in certain duties, such as nursing. ⁽¹³⁸⁾ They were, consequently, able to enjoy a standard of living incomparable to their own. Their interaction with Europeans permitted them to learn European languages, making possible the understanding of the other's concepts of life. They, equally, developed a wide conception of the world as they noticed the wide discrepancies between European ideas of democracy and the dramatic reality of the colonial world. ⁽¹³⁹⁾

It was, likewise, inevitable that the lessons of the Second World War would impress, greatly, their return to their home countries. They would, certainly, expect an improvement of their living conditions, and a participation in the development of their country. It was, undoubtedly, unquestionable that they would accept the resuming of their previous occupations as the latter contrasted immensely with the relative wealth they had enjoyed while in service.

Reality, however, displayed a completely different picture: that of unemployment, poverty and many other hardships. Hence, their frustration fuelled the development of nationalistic sentiments which, in the midst of large political organisations such as the Pan African Congress, found a great echo. It is interesting to see how this organisation crystallised the anxieties and the hopes of colonial peoples.

The fifth Pan-African Congress was by far the most sweeping and determinant political organ, in terms of opposition to colonial domination. After seventeen years, it leaped again to efficient activity within a context of changing attitudes as a result of the Second World War. It was convened in Cholton Hall, Manchester, from 15 to 21 October, 1945. It was headed by George Padmore (the Trinidadian nationalist and one of the founding fathers of Panafrikanism), Kwame Nkrumah (future leader of the Gold Coast), in addition to a number of prominent nationalists such as Jomo Kenyatta and Obafemi Awolowo, active nationalists from respectively Kenya and Nigeria. These men represented a new class of militant nationalists, strongly devoted to the African cause. About 90 delegates ⁽¹⁴⁰⁾ took part in the conference, symbolising the alliance between politicians, scholars and intellectuals.⁽¹⁴¹⁾

The issues presented at the Congress were the 'Colour Problem in Britain', 'Imperialism in North Africa and West Africa', the 'Problem in the Caribbean', and 'Women in the West Indies'. The statement of purpose elaborated by the congressmen declared:

'We are determined to be free. We want education. We want the right to express our thoughts and emotions, to adopt and create forms of beauty. We demand for Black Africa autonomy and independence so far and no further than it is possible in this one world for groups and peoples to rule themselves subject to inevitable world unity and federalism.' ⁽¹⁴²⁾

It is clear from here that the Congress's claims were radical in comparison with those of the preceding organisations which merely asked for political participation and representation. There was to be no time for compromise or petty concessions. Reality of the Africans was imperatively urging change. In fact, this was portrayed clearly by the exposition, during the conference, of the political, economic and social conditions of the colonial peoples. Politically, the Congress claimed that the imperialist obnoxious laws had crushed the democratic institutions of the Africans, and that the constitutional reforms were no more than mere attempts to continue the enslaving of the peoples. Economically, the Pan African leaders stated that exploitation was still the driving motive of the colonialists, discouraging, thus, any form of industrialisation, and offering the monopoly of mining industries to foreign companies to the detriment of the

indigenous people. Socially, the Pan africanist leaders affirmed that there were no sound programs for solving mass-illiteracy, bad health and malnutrition.

On the light of this dramatic situation, the Congress called upon colonial peoples to unite and fight for their freedom which was the sole and absolute solution for their problems. This resolution fell in two categories: one destined to the ordinary workers and farmers and the other devoted to the intellectuals and farmers. As to the first group, the Congress called upon them to organise themselves effectively, using strikes and boycotts as inevitable weapons. The second group was required to take all their responsibilities seriously by fighting for trade rights, freedom of press, assembly, demonstration, strike, and above all by organising the masses. The Congress sent also a petition to the United Nations, pledging the right of the Africans to participate in the business of the Organisation, so that their grievances could be freely expressed. ⁽¹⁴³⁾

By and large, the fifth Pan-African Congress scored a successful echo among Africans. Many of the leaders and the delegates, who had taken part in it, returned back to their countries with an immeasurable zeal to sow among their brethren. In Nigeria, the external encroachments, embodied by Pan-africanism and the Second World War by-products, had their significant bearing on the rise of the masses, and the birth of effective broad political organisations such as the National Council of Nigeria and the Cameroons which squeezed the pillars of the British Empire. The examination, hence, of the internal Nigerian setting is, significantly, crucial to measure this impact.

2.Nigerian Context

While it is true that the international African and colonial contexts created a new climate favourable to end colonial rule, it is, nevertheless, more convenient to assess the internal factors at play behind the Nigerians' call for self-government. This inevitably requires the examination of the Nigerian-socio-economic evolution during the War and the nature of the nationalist movement during this period. Equally important is the assessment of the British stand as to the issue of self-rule.

The War, as it has been outlined above, lynched new dynamics of change within the world community. However, the repercussions of the War on the colonies were all the

more glaring. In Nigeria, the economy witnessed a magnificent upswing as a result of the growing War time needs for raw materials (above all tin) and food stuffs. The revenue of Nigeria, thus, soared from £ 5,113,126 in 1939 to £ 11,444,756 in 1944.⁽¹⁴⁴⁾ This was, largely, reflected by an increase of exports which ranged, for the same years, from £ 6,227,127 to £ 13,986,035 that is an increase of about £ 7,758,908.⁽¹⁴⁵⁾ Imports, on the other hand, rose in a meager way: £ 3,648,021 versus £ 7,958,142.⁽¹⁴⁶⁾ The improvement of the network of communication was prorata to the economic revival. By 1940, the Nigerian railway reached a length of 1,903 miles comprising two main lines and several branches.⁽¹⁴⁷⁾ The north western main line run from Lagos to N'guru, a distance of 848 miles.⁽¹⁴⁸⁾ It passed through Abeokuta, Ilorin, Jebba, Zunguru, Minna, Kaduna, Zaria and Kano.⁽¹⁴⁹⁾ The eastern main line run from Port Harcourt deepwater quay on the Bonny River northwards, meeting the north-western main line at Kaduna junction, a distance of 569 miles.⁽¹⁵⁰⁾

In spite of this economic recovery the Nigerians, manifestly, endured several hardships, conveyed conspicuously by the rise of prices of consumer goods, and a constant decrease in wages. The salaries of workers were cut by 10 per cent and the work week was cut to four days.⁽¹⁵¹⁾ Unemployment scored high. The latter was bitterly felt by the ex-servicemen. In 1944, the government registered 3,000 veterans, yet only 150 could be granted jobs.⁽¹⁵²⁾ Besides, the forcible drift of people⁽¹⁵³⁾ from rural areas to the towns to meet the soaring needs for a source of income added to a situation that had already been set into motion during the economic slump of the 1930's. This had a consequent effect upon the growth of urbanisation which, inextricably, entailed housing problems. Prior to the War, about three or four workers, together with their families, lived in rooms not exceeding an area of ten by ten feet.⁽¹⁵⁴⁾ Strikes and trade union adherence seemed, then, the sole appropriate outlet to better the conditions of workers.⁽¹⁵⁵⁾ Thus, the period between 1940-1942 witnessed a rapid growth of unions⁽¹⁵⁶⁾ and a frequency of strikes related to the increase of wages and the cost of living allowances (COLA). In response to this the government issued a COLA of between 10 and 40 % in 1942.⁽¹⁵⁷⁾ Workers, however, were not satisfied with this increase and continued their protests, arguing that the cost of living had increased by 200 % from 1942 to 1945.⁽¹⁵⁸⁾ In October 1942, the government proclaimed an ordinance which made a ban on strikes and lock outs during the War.⁽¹⁵⁹⁾ This was the spark for the mobilisation of the Nigerian working class into one single body, known as the Nigerian Trade Congress (NTC).

The NTC was created in November 1943. 200 delegates from 56 unions, comprising a number of 100,000 adherents, met in Lagos. ⁽¹⁶⁰⁾A manifesto was issued by the Congress, calling for freedom of speech, collective bargaining, appropriate wages, and protection against ignorance, want, disease, and exploitation. ⁽¹⁶¹⁾ It also elaborated a programme including a series of demands, notably the nationalisation of mining, timber and other industries, admission of labour representatives to the Legislative Council, provision of education and housing, and protection of the health of workers. ⁽¹⁶²⁾

The NTC was, hence, a new pressurising force that the colonial government had to take account of in addition to the already mentioned international and African forces. Though, it hardly hinted to end colonialism, it nevertheless, showed that the Nigerian workers had acquired a sufficient degree of consciousness to drive them to be more radical in their claims. Hence, if the workers' infuriation with their low standard of living ⁽¹⁶³⁾ was not appeased, the colonial government would find itself in extremis. Therefore, it thought of a careful post-war handling of this situation. Indeed, the potential of the TUC ⁽¹⁶⁴⁾ in harassing the British colonial government is indisputable. Yet, a more sweeping factor was the rise of a new tide of a Nigerian nationalist movement.

2.1 Azikiwe's Return to Nigeria and Nigerian Nationalism

The Nigerian nationalist movement which came into forth during the War years was significantly more phenomenal than the pre-War movement in view of its wide mobilisation of the masses and its radical character. The latter was clearly discernible in its strategy. ⁽¹⁶⁵⁾ The new nationalist phase was, specifically, exemplified by the rise of a mass organisation, called the National Council of Nigeria and the Cameroons (NCNC) the background of which can be related to Azikiwe's return to Nigeria and his activities.

The return of Dr Nnamdie Azikiwe to Nigeria, in 1937 is commonly acknowledged as the eclipse of a period of a great nationalist zeal. Yet, before dwelling on how this phenomenon occurred, it is worth mentioning this leader's biography briefly.

Azikiwi was born in 1904 in Zunguru, Northern Nigeria, but ethnically he descended from the Ibo group. ⁽¹⁶⁶⁾ He attended the missionary primary schools in Onitsha and Lagos. Subsequently, he enrolled in the Hope Waddell Training Institute in Calabar.

This educational journey helped him acquire a linguistic competence in Yoruba, and the "Black Zionism" of Garvey impressed his personality. ⁽¹⁶⁷⁾ Later, he decided to go to America to further his studies. There, he experienced a hard life, working respectively as a dishwasher, mill hand, coal miner, and road gang labourer. ⁽¹⁶⁸⁾ Subsequently, he finished his undergraduate studies at Lincoln University, Pennsylvania, obtained a certificate in journalism at Teachers College, Columbia, got an MA in political science and an MSC in anthropology. ⁽¹⁶⁹⁾ However, in spite of his great qualifications, he could not secure a job in the educational departments of a number of colonies and states. In 1934 he accepted to edit in the Gold Coast the African Morning Post, a new daily newspaper. There, he edited a series of articles glorifying the African past, which were grouped in his book, Renascent Africa. In this book, Azikiwe condemned colonialism stating that the indigenous African constituted for European imperialism an element which was not taken into account, that African primary sources were more important for Europeans than the existence of Africans, and that African labour was only valuable for the operation of the machine of imperialism as well as European militarism. ⁽¹⁷⁰⁾ In 1937, Azikiwe was accused of publishing a seditious article. After the reversal of this conviction, he returned to his home country. ⁽¹⁷¹⁾ He was, by then, determined to launch a high class daily newspaper in Lagos. Undoubtedly, the chain of newspapers ⁽¹⁷²⁾ which was created, notably the West African Pilot, was largely responsible for the broadening of political consciousness, particularly through themes of racial discrimination. ⁽¹⁷³⁾ In fact, in the West African Pilot, Azikiwe had a personal column where he discussed an array of subjects, dealing both with Nigerian and world affairs. ⁽¹⁷⁴⁾

In 1939, Azikiwe joined the Nigerian Youth Movement, but owing to internal problems he resigned later from it, carrying with him all his Ibo clansmen. ⁽¹⁷⁵⁾ According to Sklar his break with the Movement crystallised antagonisms that later were expressed in ethnic hostilities. ⁽¹⁷⁶⁾ Azikiwe was aware of the danger of this divisional trend. In fact, he believed that the British were intently taking profit of their cleavage, and that unity would spur the overthrow of colonialism:

‘We must close ranks, work co-operatively and carry forward any reconstruction that is practicable...show that we are able to rise beyond our minor differences;...most of our critics use that argument to prevent the realisation of our aspirations.’ ⁽¹⁷⁷⁾

It was, henceforth, within the midst of this new burst of a nationalist spirit that Azikiwe led a delegation to London with a view to presenting a memorandum to the Secretary of State for the colonies, entitled 'The Atlantic Charter and British West Africa'. As its name reveals, the document was based on the 1941 Atlantic Charter, especially clause three. ⁽¹⁷⁸⁾ According to Hodgkin, the reason behind its delivery was the fear that the British were cheating with Nigeria's future. ⁽¹⁷⁹⁾

The memorandum set a program for Nigeria's independence as follows: a period of ten years of representative government to be followed by five years of responsible government. It also elaborated a series of reforms in education, health, social welfare, agriculture, mining, finance, trade and commerce. ⁽¹⁸⁰⁾ The memorandum received no response from the Colonial Office, and following the delegation's return to Nigeria, Azikiwe decided to make propaganda of those demands. ⁽¹⁸¹⁾

This was, clearly, a period for an active and unceasing claim for self-government. In fact, Azikiwe portrayed the Nigerian's stand vis-à-vis the British in his pamphlet 'Political Blueprint of Nigeria' as follows:

'We are fed up with being governed as a Crown Colony, which we are not. We are nauseated by the existence of an untrammelled bureaucracy which makes, administers and interprets our laws, without our knowledge and consent. The idea of civil servants ruling and lording it over us is a challenge to our manhood, both as a nation and as a race.' ⁽¹⁸²⁾

Carrying with the same nationalistic mood, the Nigerian Youth Movement made a petition to the Secretary of State during his visit to Nigeria in September 1943. ⁽¹⁸³⁾ It called for the implementation of clauses 3,4,5 and 6 of the Atlantic Charter, a reasonable standard of living, free education, creation of 200 scholarships, betterment of the land outcome, free medical facilities, and the appointment of African ministers among the members of the Legislative Council as heads of a number of departments. ⁽¹⁸⁴⁾

There can be no doubt that under Azikiwe's leadership and instigation, Nigerian nationalism erupted actively into a new phase, armed with a new force and taking as its central claim the end of colonial rule and the granting of independence. ⁽¹⁸⁵⁾ Need was, therefore, for a strong union through the creation of a mass organisation that would weld all the Nigerians together. This was crystallised by the birth of the NCNC.

2.2 The National Council of Nigeria and the Cameroons

The background behind the creation of the NCNC lies in the King's College strike ⁽¹⁸⁶⁾ which ended up with the trial and expulsion of seventy-five senior boarders and the conscription of eight of the leaders of students into military service. ⁽¹⁸⁷⁾ The educated elite and the militants of the Nigerian Union of Students (NUS) ⁽¹⁸⁸⁾ viewed the incident as a great offence, and decided, henceforth, to bring under a common organisation the different social, tribal, and political organisations. Thus, on June 10 1944 a mass meeting was convened by the NUS, in Glover Memorial Hall, Lagos, with the support of Azikiwe under the chairmanship of Herbert Macaulay. The meeting aimed to debate a number of issues, notably the students' strike, the rising of funds for a national school and, above all, the immediate formation of a representative national committee. ⁽¹⁸⁹⁾ The resolution being notified, the NUS addressed, then, a call to the patriotic organisations to attend the inauguration of the National Council of Nigeria (NCN) on August, 26 1944. About forty organisations, representing political parties, tribal unions, trade unions, literary and religious associations, social clubs and women's organisations participated in the meeting. Macaulay was elected its president, while Azikiwe was designated its Secretary-General. ⁽¹⁹⁰⁾

The political parties which joined the NCN were the Nigerian National Democratic Party and the Nigerian Union of Young Democrats. The Nigerian Youth Movement, however, was not affiliated to it because it considered the NCN as a new attempt, both by Azikiwe and Macaulay, to monopolise the whole nationalist movement. ⁽¹⁹¹⁾ Again, this shows the seeds of separatism that the Nigerian nationalist movement assumed later. By January 1945, membership of the NCN comprised 87 unions, ⁽¹⁹²⁾ including three Cameroonian groups; this made the NCN change its name to the National Council of Nigeria and the Cameroons (NCNC). ⁽¹⁹³⁾ One peculiarity of the NCNC was that its membership consisted more of organisations than individuals ⁽¹⁹⁴⁾ which made it more efficient in appealing to a large number of organisations.

Seen in retrospect the NCNC was not the first attempt to unify the different shades of opinion within Nigeria. Earlier endeavours had been undertaken in the early 1940's by the Nigerian Youth Movement, the Nigerian National Democratic Party and the Nigerian

Union of Democrats to create a Joint Council. ⁽¹⁹⁵⁾ A similar initiative was Azikiwe's foundation of the Nigerian Reconstruction Group in 1942, with a membership confined mainly to the educated people. ⁽¹⁹⁶⁾ Unfortunately, these organisations were short-lived.

The objectives of the NCNC were to promote the achievement of self-government through the breeding of political consciousness among the people, as well as the attainment of socio-economic betterment. These were, clearly, set in its constitutional convention in 1945:

'to impart political education to the people of Nigeria with a view to achieve self-government; the control by the local administration of the means of production and distribution of the mineral resources of the country; legislation against trade monopolies so as to avoid the exploitation of the country and its people; abolition of all forms of discrimination and segregation based on race, color, tribe or creeds...(and the organisation) of a national system of free and compulsory education for all children up to the age of sixteen.'⁽¹⁹⁷⁾

The Party membership varied from one region to another. In the East, its branches were respectively set in Enugu, Onitsha, Port Harcourt and Aba; while in the West they were confined to the following provinces :Benin, Ilesha, Oyo, and Ibadan. According to Hodgkin, the NCNC was mainly prominent in the Eastern region and Lagos.⁽¹⁹⁸⁾ In the North, by contrast, the Party's adherents came mainly from the southerners who were living there.⁽¹⁹⁹⁾ The strength of the Party did not stem only from the large diffusion of its branches, but, equally, from its poignant press criticism to the British. In fact, the NCNC, through the aegis of Azikiwe, owned four provincial papers in Ibadan, Onitsha, Port Harcourt and Kano. Further, to ensure a great propaganda, Azikiwe published the Daily Comet with one page written in Hausa.

Thus, press propagandas and the dissemination of branches made the NCNC more effete than the preceding organisations in pressurising and harassing the British for an undisputable achievement of self-government. How the British responded to this mounting spirit of nationalism, and how far they yielded to the Nigerian nationalists would be the next question to consider.

2.3 The British Stand Vis-à-Vis Self-Government

British colonial policy in the inter-war period was committed to the belief that the Africans were still unfit for self-government and that the trusteeship principle was still to head the African-British relations for an indefinite time. In 1938, Malcolm MacDonald, the Secretary of State (1938- 1940), made a declaration to clinch the idea of the remoteness of self-rule:

'The spread of freedom is a slow evolutionary process. In some countries, it is more rapid than in others...In others it is necessarily a much slower process. It may take generations or even centuries...to achieve self-government'.⁽²⁰⁰⁾

A break, however, was to occur in the same year following the West Indies riots which culminated in the death of 39 persons.⁽²⁰¹⁾ Immediately after, Macdonald set up two commissions: a Royal commission to investigate the West Indies disturbances and a departmental committee to consider the future Colonial Development Fund. According to J.M Lee, these steps signified a shift in British colonial policy by putting more emphasis on social welfare of the colonial peoples.⁽²⁰²⁾ The West Indies Commission put into light the miserable conditions of people and made proposals for a change in colonial policy.

It would be, however, a mistake to suppose that the Commission was the sole factor behind this urgency of change. The roots for the latter must also be sought in the effects of public criticism. In fact, the socialist movement was, throughout years, calling for change. Many writers, such as E.D Morel, Norman Leys, Macgregor Ross, Frank Harrabin and Roden Buxton, had engaged themselves in spotlighting human suffering and picturing colonial miseries. Further, many members active within the Fabian Colonial Society and the Labour Party championed the cause of colonial peoples. No wonder, then, that this domestic pressure harnessed the need for taking effective steps for colonial issues. In March 1939, the Assistant under Secretary, Arthur Dave, dwelt on the hindrances of British colonial policy: 'the lack of constructive thinking on important matters and the absence of sustained working towards definite objectives.'⁽²⁰³⁾ Hence, domestic pressure and the West Indies disturbances compelled a revision of colonial policy. It would be interesting to see how the policy was framed, and to what extent it was made constructive.

In consideration of the new requirements, Macdonald assigned Lord Hailey, a notable advisor to the Colonial Office, at the end of 1939 to make a research about native

administration in Africa which would advise him in 'considering any proposals which might be made for political changes in Africa during or immediately after the war and that...should be considered against the background of long-term policy'.⁽²⁰⁴⁾

Hailey recommended the maintaining of native institutions given the wide sense of loyalty they incurred upon the peoples, whatever the latter's rank in society.⁽²⁰⁵⁾ The position, hence, of the traditional rulers had to be strengthened so as to ensure their full co-operation.⁽²⁰⁶⁾ Yet, a more probable reason was that they could forestall any form of agitation.⁽²⁰⁷⁾ Hailey was of the opinion that African development was a necessity which could be impressed on the British in the post-war years. Therefore, time was ripe to prepare for this stage through the improvement of the standard of living, the security of employment and the expansion of social services.⁽²⁰⁸⁾

As to the approach to self-government, he suggested that it actually evoked two problems, namely the time of its allocation and the nature of its institutions.⁽²⁰⁹⁾ He considered that parliamentary institutions were completely inappropriate for the Africans, and that the best outlet was that the future government should be conceived on the existing Native Authority system.⁽²¹⁰⁾ He explained that the new form should rest on the following framework: the larger units could be used as constituencies from which representation would be drawn; whereas the smaller ones would be instituted as electoral colleges to select the representatives.⁽²¹¹⁾ This should be correlated with the gradual admission of Africans to all branches of the government. At the same time, however, he highlighted the limitations of this constitutional form since with it there would develop a disinclination to accept the Native Authorities, given their subjugation to government control. As to the question of admitting Africans in the Executive Councils, Hailey was adamantly opposed on the ground that it would open the door for further constitutional concessions.⁽²¹²⁾

On the whole, Hailey's formula was that the future political development of the African peoples rested quintessentially on social welfare and the improvement of their standard of living. Besides, the Native Authorities were to be the basis of political progress. In other words, socio-economic development was a condition sine qua non for political advancement. It was only when these conditions were satisfactorily achieved that the reform of the political system could be implemented taking as a basis the traditional institutions. Commenting these proposals, R.Nordman believed that Hailey's policy was

clearly a layout of caution and rebuilding the pyramid from its base and not its apex.⁽²¹³⁾ It is, further, peculiar to note that Hailey did not mention a schedule for self-government, and at best he emphasised steady growth.⁽²¹⁴⁾ In this scope, Albertini believed that Hailey's proposals provided for the granting of certain forms of autonomy without necessarily leading to full administrative control.⁽²¹⁵⁾ This sense of gradualism indicated that Hailey did not think the nationalists were of a great danger to hasten the speed of change.⁽²¹⁶⁾

Hailey's formula complied in spades with Bourdillon's suggestions set in a memorandum on the future political development of Nigeria in 1939. There, Bourdillon doubted the unsuitability of the existing system to lead the people towards independence.⁽²¹⁷⁾ The deficiency of the system was explained by the fact that the Legislative Council was not in harmony with the Native Authorities. To counteract this hindrance, he proposed the setting up of regional councils for the Western, Eastern and Northern provinces.⁽²¹⁸⁾ These were first to assume advisory functions before undertaking legislative responsibility. The Northern Council would be based on the Emirs' Conference established in 1930. The Western Council would be set on the Conference of Yoruba Chiefs formed in 1936 and the Eastern Council would be formed of the different organisations that had been created such as the Ibibio Union, the Rivers Conference, the Onitsha Union, and the others. At a later stage, the Legislative Council might become a Federal Council with three parallel first chambers. Bourdillon also proposed the inclusion of unofficials in the Executive Council so as to foresee any future disturbances.

It is evident, hence, that both Bourdillon and Hailey emphasised a political reform along the lines of natural institutions. This was made explicit by the declaration of the Colonial Secretary of State, Oliver Stanley (1942-1945): 'our objective is to see the various peoples of the various territories develop themselves along the lines of their own national aptitudes, their own culture and their own traditions'.⁽²¹⁹⁾ The Colonial Office had, thereby, at its disposal a policy of political development which conditioned the attainment of self-government with the promotion of the socio-economic situation of the Africans. It is striking, however, that no time span was fixed for the achievement of self-determination.

The British emphasis on the amelioration of the African socio-economic conditions implied, necessarily, that they were to assist them financially.⁽²²⁰⁾ This is why in 1940, the Colonial Office issued the Colonial Development and Welfare Act (CDWA), according to

which provision was to be made for the allocation of the sum of £ 5,500,000 over a period of ten years for research, development and welfare in the colonies. ⁽²²¹⁾

Focusing on the nature of this socio-economic welfare, one is tempted to ask which form of development was the Act aiming at ? In fact, the answer for this issue was to be resolved by the individual colonial territories. Each dependency was required to draft its own plan in accordance with its own needs. In the case of Nigeria, an official in the Colonial Office precised:

'We must start at the bottom...1) first and foremost to teach the English language not Pidgin English; 2) Instruction in the three regions; 3) The introduction of simple agricultural machinery and improved methods of cultivation; 4) Educate the people in improved sanitation and health measures.' ⁽²²²⁾

Overwhelmingly, the CDWA was not only a proof of the British commitment to colonial development, but it equally served to appease American and British opinion. ⁽²²³⁾ According to Albertini, this attested to the rise, within the Colonial Office, of a new class of officials who were sensible to criticism, and who believed in the redefinition of colonial policy, not really from conviction but from expediency. ⁽²²⁴⁾

Another sign of the Colonial Office's awakening to its responsibilities vis-à-vis colonial peoples was its re-organisation. There was, hence, a shift of emphasis of the Colonial Office's role from mere supervision of the colonial territories to an active endeavourment for development. The pre-requisite for the latter was the creation of a balance between subject and geographical departments.⁽²²⁵⁾ Thus, in the period of 1942-1943, there was the appointment of a Deputy-Under Secretary to take charge of post-war planning, and two additional Under-Secretaries to supervise economic policy and scientific and technical cooperation.⁽²²⁶⁾ Furthermore, the number of Assistant Secretaries in the geographical departments rose from seven to nine, whereas those of the subject departments increased from six to fifteen. Moreover, the Office requested many advisers to head research in various technical fields.⁽²²⁷⁾

Therefore, by 1943 the Colonial Office was both structurally and doctrinally prepared to deal with colonial development. A new label of the policy was, consequently, justifiable. The 'too paternal and unprogressive term of trusteeship'⁽²²⁸⁾ was, likewise,

replaced by partnership. According to Hailey, the new doctrine was thought 'to interpret more correctly the outlook of colonial peoples themselves towards the present phase of their political evolution'.⁽²²⁹⁾ In other words, the British were to consider colonial peoples as their partners, and to guide them in their path towards self-government. One, however, should not be mistaken by this change of attitude since the racist stand vis-à-vis the Africans still impressed the British thinking.⁽²³⁰⁾ This was, conspicuously, expressed in Leonard Woolf's statement:

'Nearly all the colonies outside Africa are ripe for self-government, in Africa; however, conditions are entirely different. From the point of view of Europeans, their civilisation and their economic system, the inhabitants of these African territories are backward and not yet able to stand by themselves.'⁽²³¹⁾

In fact, the main reason behind the change seems to lie in the British desire to prove that there was a real change in colonial policy, destined to assist colonial peoples in their target of self-government.

Displaying always the same tone of change and assistance to colonies, the Secretary of State, Stanley, issued, in 1944, a memorandum to the War Cabinet, proposing the extension of the CDWA for a further ten years from 1946 and the increase of the annual sum as follows: £ 10 million for the three years 1946-47 to 1948-49, £ 5 million for the next four years 1949-50 to 1952-53, and finally £ 20 million for the last three years 1953-54 to 1955-56.⁽²³²⁾ To justify this request, Stanley precised that this scheme would avoid the loss of the Empire, and that in the long run the British would get considerable benefits, such as the increase of exports.⁽²³³⁾

The foregoing notes reveal that under the external and internal encroachments, the Colonial Office found itself compelled to review its colonial policy as to self-government. Though the latter was proclaimed as being the fate of colonial peoples, no schedule was set. Besides, it was to depend exclusively upon the promotion of socio-economic conditions. The British affirmed, yet, that this policy had to await return to peace time conditions to be implemented.

The extent to which Governor Richards' new constitutional change put into practice this policy in Nigeria is worth studying.

3. Richards' Constitutional Proposals

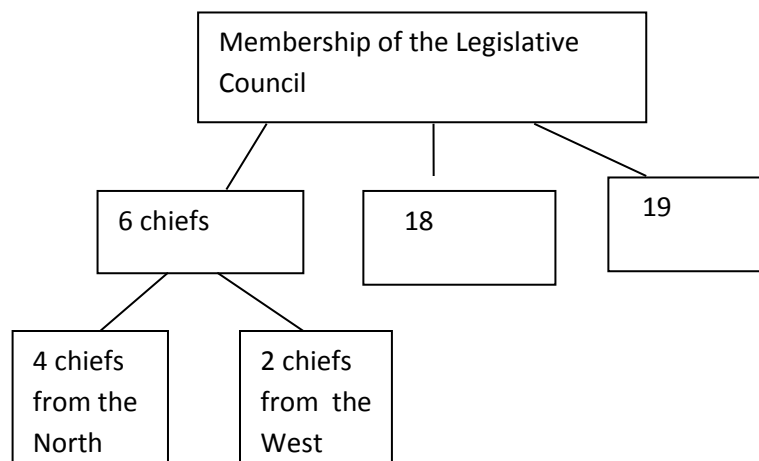
There is no doubt that the War context, with all its by-products, and the boiling tide of Nigerian nationalism under the auspices mainly of Azikiwe forced the drafting of a new constitution.⁽²³⁴⁾ In fact, by the close end of 1943, signs were apparent as to the victory of the Allies,⁽²³⁵⁾ inducing, thus, the British Government to launch the re-examination of its West African policy.⁽²³⁶⁾ Simultaneously, the new Nigerian Governor, Sir Arthur Richards (1943-1947), discussed with Stanley and a number of officers in the Colonial Office the issue of constitutional change. In 1944, he laid down a constitutional draft to replace the anomalies of the previous constitution. The merit of this draft lied in the creation, for the first time, of a wide Legislative Council including the North, and local legislatures or Regional Houses of Assembly. It is peculiar, however, to note that Richards' scheme was modeled on the ideas of Hailey and above all Bourdillon.⁽²³⁷⁾ It is interesting to see how Richards laid his proposals, and in what ways they provided ameliorations to the Clifford's Constitution.

Sir Arthur Richards' appointment to the governorship of Nigeria was certainly due to his large administrative experience, accumulated throughout service in a number of colonies such as Fiji and Jamaica.⁽²³⁸⁾ In Nigeria, the unsettled political setting was such as to draw the Governor to draft his constitutional framework. This was, of course, done after a close investigation of the different memoranda on constitutional questions, and extensive travelling throughout Nigeria.⁽²³⁹⁾ This brought him to assess the diversity of the physical and cultural backgrounds which made somewhat the task difficult. His constitutional design was despatched to the Secretary of State for the Colonies on July 19 1944. It aimed to:

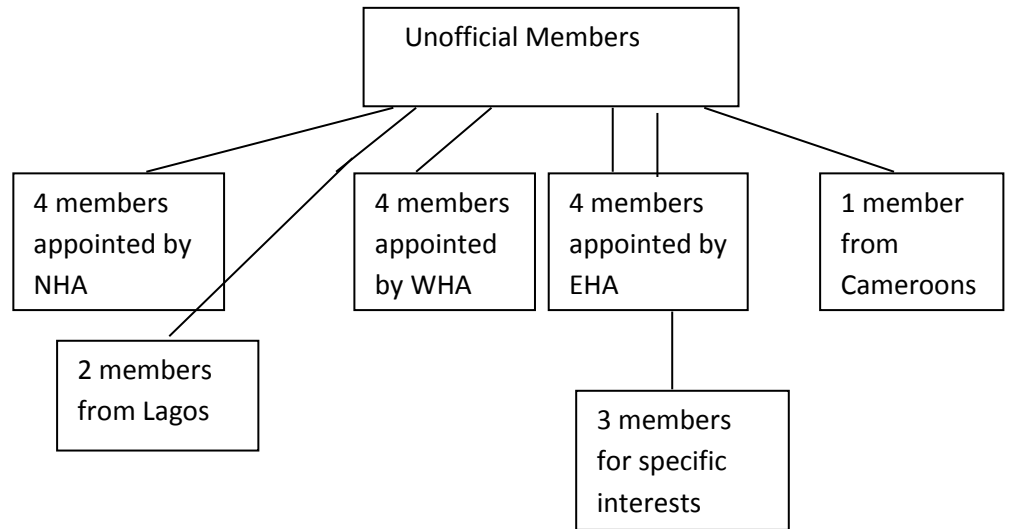
'promote the unity of Nigeria; to provide adequately within that unity for the Diverse elements which make up the country; and to secure greater participation by Africans in the discussion of their own affairs.'⁽²⁴⁰⁾

How were, then, Richards' provisions to ensure those objectives? As to unity (that is to say the first objective), the Governor recommended the creation of a new Legislative Council encompassing all the different communities, including the North. The Council was to comprise a total membership of forty -three set as follows: six chiefs, nineteen officials and eighteen unofficials. As to the first group, it was to include four Emirs nominated by the upper House of the Northern provinces, and two chiefs from the Western provinces nominated by the Governor.⁽²⁴¹⁾As to the second group, it was to be formed of the Chief Secretary, the three Chief Commissioners, one senior Resident from the Northern, Western and Eastern provinces, the Resident of the Cameroons, the Attorney-General, the Financial Secretary, the Director of Medical Services, the Director of Education, the Director of Agriculture, the Director of Public Works, the Director of Marine, the Controller of Customs and Excise, the General Manager of the Railway, the Commissioner of Police and the Commissioner of the Colony.⁽²⁴²⁾As to the third group, it was to comprise four members from the Northern provinces nominated by the Northern House of Assembly (NHA) from their own number, four members from the Western provinces nominated by the Western House of Assembly (WHA) from their own number, four members from the Eastern House of Assembly (EHA) selected from their own number , one member from the Cameroons, two members from Lagos (the three being nominated by the Governor), and three members representing respectively banking, shipping and commerce.⁽²⁴³⁾ (See diagram 4)

Diagram 4: Membership of the Legislative Council

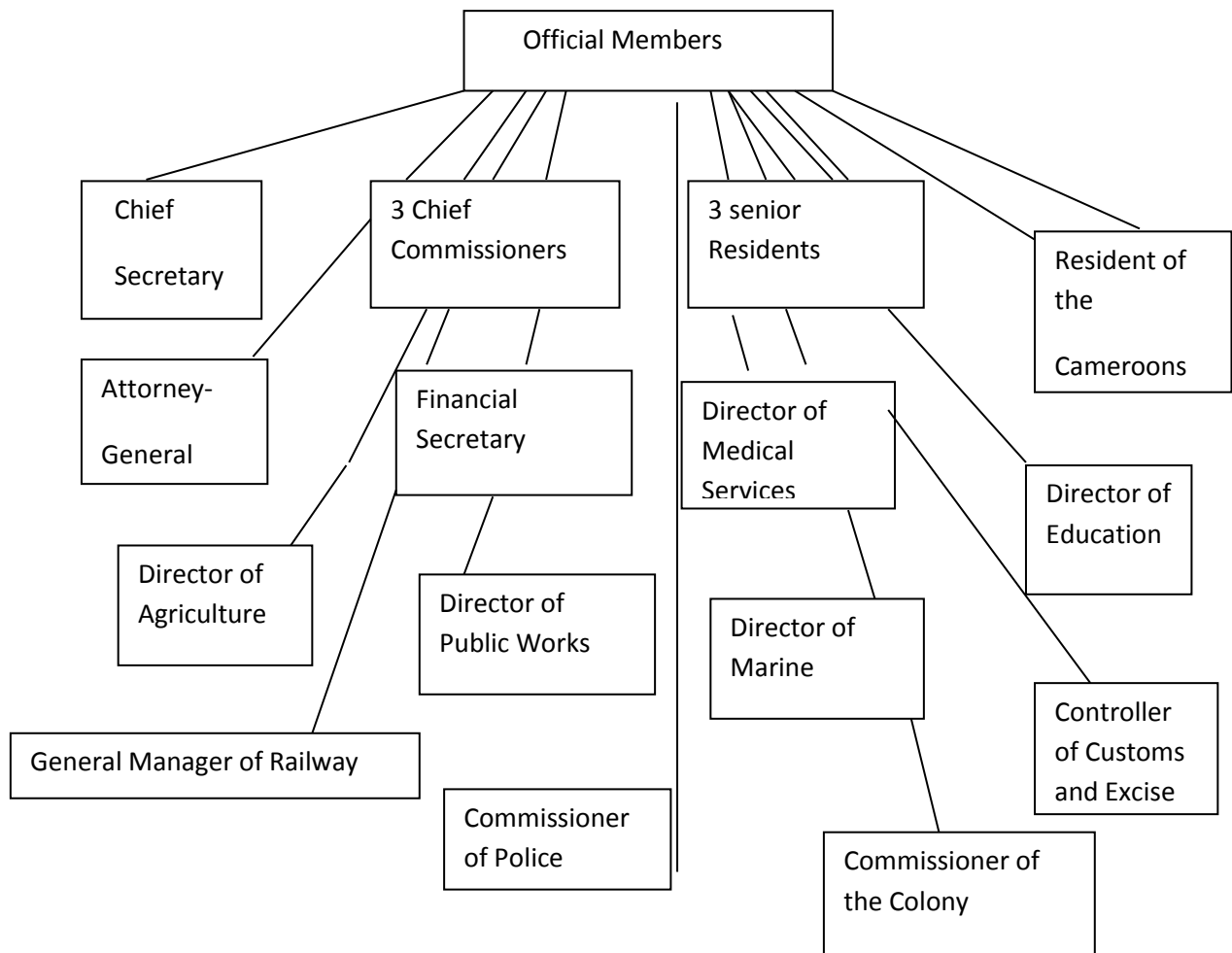


***Unofficial Members of the Legislative Council**



Source: Sessional Paper N°4 of 1945, Richards' Despatch to the Secretary of State, December 6 1944

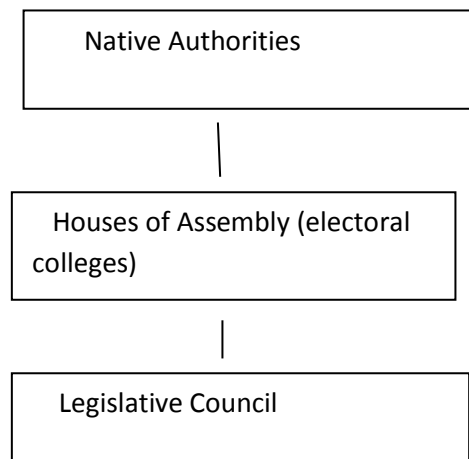
***Official Members of the Legislative Council**



No provision was made for a change of membership of the Executive Council, stipulating that it was to remain as before. The Judicial Council, on the other hand, was to be subjected to some alterations. Governor Richards proposed the institution of one single Supreme Court for the whole country, instead of the old order whereby only the Colony enjoyed the right of having a Supreme Court alone, while the rest of Nigeria had to do with a Protectorate Court.⁽²⁴⁴⁾

The second objective outlined in Governor Richards' despatch, i.e. diversity, was to be granted via the establishment of Regional Councils for the Northern, Western and Eastern provinces. The Northern Regional Council would comprise two chambers: a House of Chiefs and a House of Assembly. The Eastern and Western areas would be conceded each one chamber, a House of Assembly. The Regional Councils would act as electoral colleges, drawing, thus, a chain of representation between the Native Authorities and the Legislative Council. In other words, the Native Authorities would send their representatives to the Houses of Assembly which in turn would select their delegates to the Legislative Council. (See diagram 5)

Diagram 5: Procedure of Selection of Members to the Legislative Council



Source: Sessional Paper N°4 of 1945, Richards' Despatch to the Secretary of State, December 6 1944

As to the membership of the Regional Councils, they were to be comprised of official majorities and would meet annually for their budget sessions. Meetings would take place in Kaduna for the Northern provinces, Ibadan for the Western provinces and Enugu for the Eastern provinces;⁽²⁴⁵⁾ the language would be Hausa in the North, and English in the West and East.⁽²⁴⁶⁾

Membership of the two Northern chambers would be as follows: the House of Chiefs would be constituted of thirteen first-class chiefs, while the House of Assembly would contain nineteen official members (thirteen Residents with the senior one presiding, the Deputy Financial Secretary, the Deputy Director of Education, the Deputy Director of Agriculture, the Deputy Director of Medical Services, the Deputy Director of Public Works and the Crown Counsel), in addition to eighteen unofficials (twelve provincial members nominated by the Native Authorities , six members nominated by the Governor, representing industry, commerce, the Sabon Gari community,⁽²⁴⁷⁾ and any other aspects of life not adequately represented.⁽²⁴⁸⁾

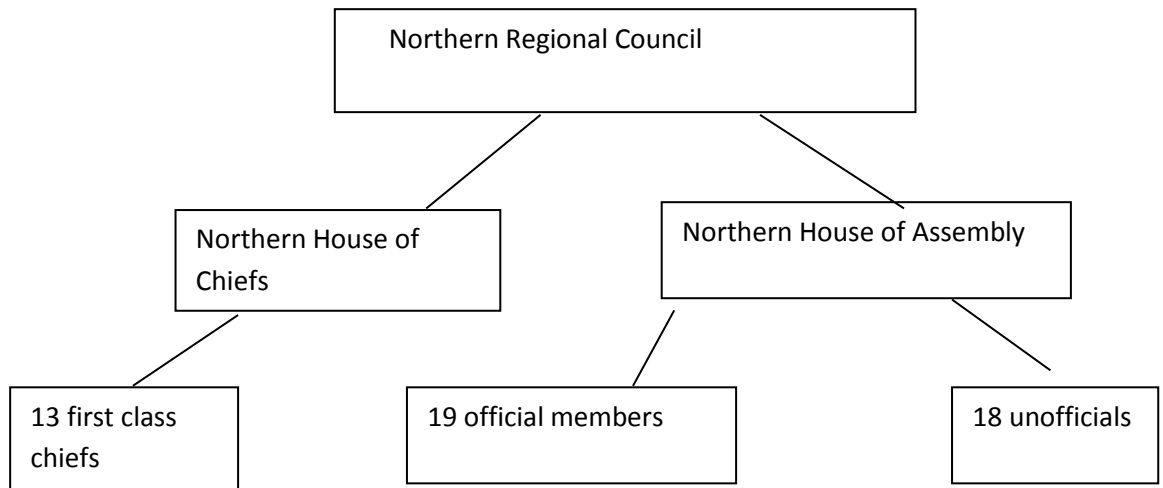
The Western House of Assembly would encompass fourteen officials and thirteen unofficials. The first group would contain the Chief Commissioner, seven Residents, the Deputy Financial Secretary, the Director of Education, the Director of Agriculture, the Director of Medical Services, the Director of Public Works, and the Crown Counsel. The second group would be constituted of thirteen members distributed as follows: three chiefs nominated by the Governor, six provincial members nominated by the Native Authorities, and four members nominated by the Governor to represent other aspects of life.

The Eastern House of Assembly would include thirteen officials and twelve unofficials. The official members would be confined to the Chief Secretary, six Residents, the Deputy Financial Secretary, the Director of Education, the Director of Agriculture, the Director of Medical Services, the Director of Public Works, and the Crown Counsel. The unofficials would comprise seven provincial members nominated by the Native Authorities from their

own body and five members nominated by the Governor from prominent citizens to represent other important aspects of life. (See diagram 6)

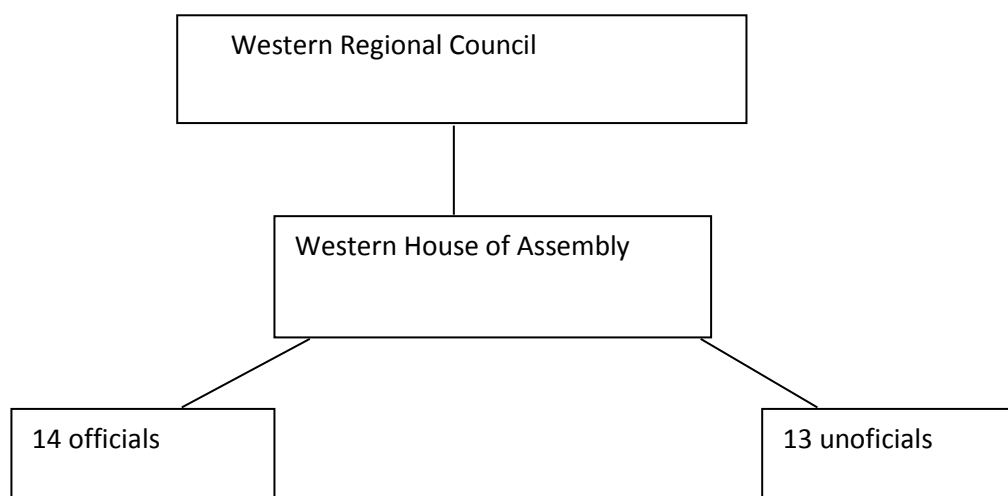
Diagram 6: Membership of Regional Councils

*Northern Regional Council



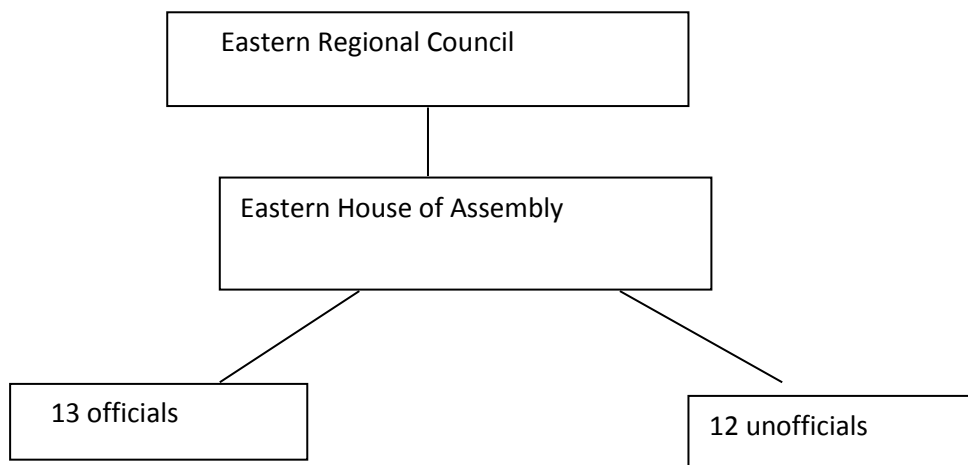
Source: Sessional Paper N°4 of 1945, Richards' Despatch to the Secretary of State, December 6 1944

*Western Regional Council



Source: Sessional Paper N°4 of 1945, Richards' Despatch to the Secretary of State, December 6 1944

***Eastern Regional Council**



Clarifying the function of the Regional Councils, Governor Richards affirmed that each would enjoy a large measure of financial responsibility by having its own local budget which would bear the cost of all the government services except those considered to be purely central.⁽²⁴⁹⁾ The Houses would, thus, discuss the regional estimates, propose amendments and scrutinise any bills related to their regional interests.⁽²⁵⁰⁾ Bills, however, of an urgent or formal character would not be laid before the Houses. On the whole, the Houses would not be empowered to legislate, not even to appropriate their revenue; a function confined basically to the Legislative Council. They were simply to act as advisory bodies ‘pending consideration by a committee whether legislative powers, and if so what powers should be devolved on the Regional Councils’.⁽²⁵¹⁾

To mount the regional character of the Constitution on a sound basis, provision was to be made for the creation of regional deputies to the heads of all the principal departments. These deputies would, in addition to the Chief Commissioner, form a kind of a regional executive responsible for the co-ordination of all activities in the region, alleviating thus the over centralisation in Lagos.

In connection with the Native Authorities (which were always to reinforce the regional characteristic of the Constitution), Governor Richards believed that they were to discharge the same functions, subject, however, to one modification, viz the integration of more progressive and better educated men. The argument behind this change was that the steady growth of education was such as to generate the forcible re-adaptation of the Native Authorities so as to keep with the pace of modern change. It was only in this way that the native institutions would gain great confidence in the people.

These arrangements were, then, to guarantee, swiftly, Governor Richards' third objective, i.e a greater participation of the peoples in the discussion of their affairs. Thus, both of the Regional Houses and the Legislative Council were to draw an increase of debates on public affairs on a wider scale and within different levels. These were generally the major changes scheduled in Sir Arthur Richards' framework. The Governor added that the Constitution would last for nine years, with the possibility of reviewing direct nomination of the members to both of the Legislative Council and the Houses of Assembly within the third and sixth years. The question to be considered now is how far the Governor consulted his staff and the natives to draft those proposals.

3.1 Discussion of the Constitution

Governor Richards affirmed plainly to have consulted the three Chief Commissioners of the Northern, Western, and Eastern provinces.⁽²⁵²⁾ In fact, draft despatches were sent to them before the Governor submitted the draft proposals, advising that the two Chambers in the North should be complementary.⁽²⁵³⁾ The Eastern Chief Commissioner suggested an increase of the Eastern provincial members to seven, and the number of residents to six.⁽²⁵⁴⁾ He, however, opposed the establishment of a House of Chiefs in the Western provinces on the ground that it 'would undo the work of the democratisation and give to the chiefs a position and power which (is) not theirs'.⁽²⁵⁵⁾ The Western Chief Commissioner, on the other hand, opposed the creation of a House of Chiefs in the West as it contradicted with local custom.⁽²⁵⁶⁾ He also opposed the fact that the Chief Commissioner should

preside over the House of Assembly instead of the senior Resident whose activities were confined only to one province.⁽²⁵⁷⁾

Public consultation, however, was to be left for a later stage after the discussion of the draft in the Colonial Office. This contradicted, clearly, with the pledge made by Governor Bourdillon to the people in relation to any future constitutional development. It was tacitly this hindrance which, as will be viewed later, infuriated the Nigerian nationalists. Discussion in the Colonial Office was held on October 30 1944, with the attendance of the Secretary of State, the Duke of Devonshire, Sir George Gater, Mr Cohen, and Mr Parkinson. Debates involved a considerable criticism in relation, especially, to the withdrawal of direct representation in the Legislative Council from Lagos and Calabar, and the absence of an unofficial majority both in the central and local legislatures. The Secretary of State, for instance, stated that if the scheme was introduced, it would arise problems as it 'might be held to take away more than it gave, while it contained no important counter concession such as the grant of an unofficial majority.'⁽²⁵⁸⁾ He also viewed the elimination of direct election as a mistake.⁽²⁵⁹⁾ Mr Cohen blamed the scheme on the question of official majorities, claiming that he was not really sure whether the number of six Emirs (Chiefs) could be regarded as entirely unofficial.⁽²⁶⁰⁾ Mr George Gater enquired about the possibility of finding a staff to man the regional administrations.⁽²⁶¹⁾

Sir Arthur Richards' financial proposals were also discussed by Mr Parkinson and Mr G.N Farquhar, the Financial Secretary, who found that these suggestions would entail a number of complicated problems.⁽²⁶²⁾ The Regional Councils might, for instance, interpret the scheme to lead to the creation of separate surpluses and reserves for each region. Mr Farquhar proposed more clarification of the scheme by emphasising the fact that the Regional Councils would not be empowered to vote expenditure, but simply to express their views on the budgetary proposals.⁽²⁶³⁾ He further raised another issue that of allotting category (b) revenue⁽²⁶⁴⁾ as a crucial problem would develop, namely the imbalance between revenue and expenditure between regions (some might have a surplus while others might have a deficit). The best alternative for this would be for a revenue allocation in accordance with the needs of each region.

Having extensively debated Richards' constitutional scheme, the members finally agreed that a meeting should be held soon with Sir Richards to explain his proposals. The meeting was held on November 9 1944 at the Colonial Office. After close discussions, the Governor agreed to adjust the membership both of the Legislative Council and the Houses of Assembly so as to provide for unofficial majorities.⁽²⁶⁵⁾ In connection with the matter of direct election, Richards stated that he was ready to retain three members for Lagos instead of two in order to allay criticism.⁽²⁶⁶⁾ He also accepted to add new statements related to the relation between the regional administrations and the central government. It was also convened to lay the scheme before the Legislative Council for its discussion and a publication of the despatch as a Command Paper, with the possibility also of debating the proposals in Parliament. The Secretary of State finally acquiesced to the publication of the proposals by March 1945 and the promulgation of the new Constitution by March 1946.

Lord Hailey had also seized an opportunity to express his views about the proposals which he generally approved subject to certain slight modifications, namely the re-arrangement of some statements, and proposed the insertion of data displaying the rate of democratisation that had been reached by the Native Authorities, with a view to avoiding criticism from the African intelligentsia..⁽²⁶⁷⁾

The discussions being made, Governor Richards had, then, to bring the amendments to his constitutional draft. In this way, membership of the Legislative Council was increased to forty-nine. This expansion was essentially made within the unofficial members who became in a majority of twenty-nine as opposed to twenty officials.⁽²⁶⁸⁾ Further, the Regional Councils were also enlarged to form unofficial majorities.⁽²⁶⁹⁾ (See table 1) Another alteration was the re-institution of direct election for Lagos and Calabar.

The amended draft was, henceforth, ready to be handed over to the Legislative Council in March 1945. The Governor required the members to voice their approval quickly⁽²⁷⁰⁾ in order to despatch the proposals to the British Parliament.⁽²⁷¹⁾ Unanimous agreement was reached out, except for one member.⁽²⁷²⁾ The draft was, thereby, sent to Parliament, but it was not discussed till a new Parliament had been formed. Debates lasted for a very short

time, over half an hour during which a general approval was made. Colonel Oliver Stanley, the Secretary of State, welcomed the decentralisation scheme as the most appropriate expedient in view of Nigerian history.⁽²⁷³⁾ He also pledged the system of indirect election as it would lead to ‘a much earlier grant of practical democracy.’⁽²⁷⁴⁾ Mr Creech Jones, the Under-Secretary for the Colonies, considered that the great merit of the proposals was ‘their boosting of the more forward elements in the community in their march forward to political responsibility.’⁽²⁷⁵⁾ It is worth now enquiring whether Governor Richards conceived any programme of socio-economic development since as already mentioned it was an imperative condition for political reform.

3.2 Colonial Development Programme

Simultaneous with the framing of a new constitution was the embarking on a large programme of development on a fifteen-year basis extending till the year 1960.⁽²⁷⁶⁾ It was estimated that assistance during this period would approximate £ 55 million. The programme was to provide for the expansion of the main economic and social services, including health,⁽²⁷⁷⁾ education, agriculture, forestry, veterinary, construction work on water development, roads, electrical development, telecommunication, housing and town planning. The development plan called also for the setting up of a department of commerce and industries which would deal with external and internal marketing and industrial development.⁽²⁷⁸⁾ This, however, did not imply that Nigeria would become an industrial country.⁽²⁷⁹⁾ Its development had to depend to a large deal upon agriculture and the improvement of village industries.⁽²⁸⁰⁾ Further, the programme stipulated that a large part of the scheme would be financed by the Nigerian government and the Native Authorities.⁽²⁸¹⁾ This would require, hence, the progressive development of the system of taxation. Another provision was related to the appointment of a Development Commission together with a number of Development Officers who would provide assistance in the co-ordination and execution of development plans both on a regional and village basis.⁽²⁸²⁾

Table 1: Amendments to Sir Richards' Proposals

	Original Proposals of Richards	Amended Proposals
Membership of the Legislative Council	43	49
Official Members of the Legislative Council	19	19
Unofficial Members of the Legislative Council	24	29
Membership of the Northern House of Assembly	37	39
Official members of the Northern House of Assembly	19	19
Unofficial members of the Northern House of Assembly	18	20
Membership of the Western House of Assembly	27	29
Official members the Western House of Assembly	14	14
Unofficial members of the Western House of Assembly	13	15
Membership of the Eastern House of Assembly	25	27
Official Members of the Eastern House of Assembly	13	13
Unofficial Members of the Eastern House of Assembly	12	14

Following discussions between the Colonial Office and Mr Smith, the Nigerian Development Secretary, the fifteen-year plan was divided into three sections including five years each up to the period of March 31 1961.⁽²⁸³⁾ It was decided that for statistic purposes only the period up to 1956 would be taken into consideration as follows: a preparatory period up to 31 March 1946 and ten years from that date till 31 March 1956.⁽²⁸⁴⁾ On the light of this, it was estimated that an amount of £ 27 million would be granted from the CDW up to 1956, and that the Nigerian government would raise loans of the amount of £ 8 million to finance part of the programme.⁽²⁸⁵⁾

The development plan being revised, it was then sent to the Colonial Office for final approval. A meeting was, thereby, held on November 11 1944, under the chairmanship of the Secretary of State, and a number of officers (the Duke of Devonshire, Sir George Gater, Mr Caine, Mr Pedler, Mr Cohen, Mr Parkinson, Sir Arthur Richards, and Mr Smith).⁽²⁸⁶⁾ One proposal was made by Mr Gater providing for the institution of a Development Secretary instead of a Development Commission, and the setting up of a co-ordinating committee with the Development Secretary as chairman.⁽²⁸⁷⁾ Apart from that, the plan was approved and the Secretary of State stated that applications could be made for the grant of the preparatory period, as well as the financing of the urgent schemes till March 1951. Finally, it was agreed that the Nigerian government would work out more detailed schemes.

The Constitution and its corollary, the development plan, being approved, the next step was, then, to put the programme into work. Interest now is to see how far the Richards' Constitution was an advance towards responsible government. This evokes two possibilities: either the Constitution was to lay the foundations for an efficient and easy access to self-government, or it was simply a rushed expedient to put an end to political agitation of the nationalists.

Considering the issue that Governor Richards had at hand, namely the gradual achievement of self-government for an array of ethnically and linguistically diversified people, one would simply expect a difficult task. In fact, the Governor clearly admitted this difficulty which he believed he could solve by integrating unity, diversity and wider representation.

In regard to the first objective, Nigeria before 1945 was barely a unified constitutional political unity. It had a relatively administrative unity through indirect rule, and an economic unity achieved through the network of railways and roads. The creation of a large Legislative Council was, hence, to achieve that wide sense of unity, but it would appear paradoxical in view of the devolution of power to the regions.⁽²⁸⁸⁾ The latter would rather promote the development of separate outlooks, instead of evolving a common one.

Sir Richards seems to have no other alternative but to favour the official view that by regionalism 'the process of unity of Nigeria will be strengthened' ⁽²⁸⁹⁾

Regionalisation, on the other hand, was intended to 'provide for the diverse elements which make up the country.'⁽²⁹⁰⁾ Sir Richards' aim here was to prevent any section from dominating the others, yet his work was not intelligible in view of what later happened. Temple's or Morel's divisions (as mentioned in the first chapter) were far suitable for ethnic variations and for the development of a strong central legislation if they had been adopted. Further the tripartite regionalisation would, certainly, cause problems to the nationalist movement.⁽²⁹¹⁾ Within this scope, the great pledge of the Governor was the integration of the Native Authorities within the Legislative Council, an issue that, before, seemed considerably unsolvable.⁽²⁹²⁾ In other words, the Governor had succeeded to 'effect a reconciliation between the underlying principles of indirect rule and that growing body of African opinion in West Africa which saw the attainment of self-government along parliamentary institutions as the objective of colonial rule.'⁽²⁹³⁾ Furthermore, the choice of the Native Authorities as an electoral expedient to the Regional Houses ⁽²⁹⁴⁾ had a merit in the sense that it was to counteract the problem of illiteracy, which in the officials' mind was the major lacunae to the 'ballot-box system' ⁽²⁹⁵⁾ It was thought that the latter could only succeed when the people were sufficiently conscious about the process of elections and its required objectives, an undertaking quasi-impossible for a peasant community.⁽²⁹⁶⁾

The devolution of powers to the regions was to have another advantage: that of increasing the sphere of the Nigerians' discussion of their affairs. In fact, the financial powers which the Regional Houses were to enjoy stand for this benefit. Could it now be possible, on the light of the enumerated advantages, to say that the Constitution was a good step towards responsible government? Apparently, it was not since it provided no alteration to the existing Executive Council either in its membership or its relation with the Governor.⁽²⁹⁷⁾ Furthermore, there was no change in the number of elected members.⁽²⁹⁸⁾ The representative character of the Constitution was not as wide as the Governor had advocated. Most of the unofficials were drawn from the Native Authorities, which meant a marginalisation of the educated elite. This confirmed the chiefs' higher position. More importantly yet was that the principle of regionalism was to enhance greatly separatism in view of the educational gap between the North and the South. The imperfections of the

Constitution foster, then, the view that it was not a great advance in constitutional development. At best, it was a response to an emergency situation. This is why it was swiftly opposed by the nationalists.⁽²⁹⁹⁾

3.3 Position of the Nationalists as to the Constitution

The Richards' Constitution sparked vehement criticism on the part of all nationalists (whether moderate or radical), and provoked even an answer from the labour movement. All were unanimous in its condemnation. Press attacks formed the core of their opposition, especially through Azikiwe's the West African Pilot and the Daily Comet. The points which stirred their negative attitude were ineluctably: Richards' deliberate disregard of public opinion and the non-consultation of the nationalists while drafting the constitutional proposals, the persistence of nomination instead of election, the absence of real participation of the Africans in the management of their affairs, and finally the tightening of the association between the British and the chiefs so as to evict the educated elite. In this context, the West African Pilot declared:

'Any system of government which nourishes feudalism or advances a baronial class who must thrive at the expense of the lower classes is undesirable...The powerful indirect rulers of the north enjoy good salaries (5,000 pounds per annum) and oriental palaces, they have nothing to complain about. But the classes under them have no justice, no education and their health is not enviable. The building up of a ruling class, vested with power, supplied with money and set up to live in pomp and luxury side by side with a poor and underfed peasant class, will have exactly the same result as such a system has had in other countries -namely, the people seek the destruction of such institutions.'⁽³⁰⁰⁾

To understand clearly the nationalist response, the stands of the two main political parties (NYM and NCNC) and the Nigerian Trade Union Congress (NTUC) are important. The attitude of the NTUC was indeed interesting in the sense that it showed the opposition of the workers to the Constitution. In a meeting on May 2, 1945, a set of resolutions were adopted by the Congress to be sent to the Secretary of State for the Colonies. These included: the granting of adult suffrage, the restriction of the Governor's powers and the admission of a representative of African workers in the Legislative Council.⁽³⁰¹⁾

The NYM, on the other hand, expressed its bitter rejection of the Constitution through two imminent members: H.O Davies and Chief Obafemi Awolowo. The response of the former was more illustrative. He affirmed that the Constitution provided merely for discussion and not clear participation in the management of the country's affairs.⁽³⁰²⁾ He plainly affirmed:

'Sir Arthur Richards' scheme of constitutional reform for Nigeria is ingenious but unpalatable. It contains one or two choice bits but the whole dish leaves a bad taste... The word 'discussion' seems to be the crux of the principle. There is neither the intention nor the pretension to secure greater participation by the Africans in the direction, management or control of their affairs. Bureaucracy is the means by which the country is administered, and there the African has no say...No attempt is made to democratise that bureaucratic rule or make it sensitive to public opinion. The public has no say in the selection...of the Head of Department. Yet...he formulates policy, he legislates it and afterwards administers ...In the Legislative Council he is supported by the official majority not removed by the proposals under review and as an executive he is irresponsibly backed by the law and all its sanctions.'⁽³⁰³⁾

So according to Davies, there was no serious endeavour to democratise the system, and impart upon the Nigerians a sense of responsibility. He concluded, hence, that there would be no constitutional progress as long as 'this bureaucratic Leviathan' was beyond the reach of public opinion, and that it would generate frustration and impede the development of 'mutual trust'.⁽³⁰⁴⁾ Similarly, Awolowo was unfavourable, less expressively, to the new constitutional reform. He stressed the fact that the Constitution 'retains some of the objectionable features of the old, contains unsavoury characteristics of its own and falls short of expectations.'⁽³⁰⁵⁾ The position of the NCNC was, glaringly, more acute and merits hence to be outlined.

The NCNC criticism was by far deeply challenging and far reaching. On March 27, 1945 it despatched a memorandum to the Secretary of State through the Governor in view of rejecting the reforms and proposing amendments. The most important of these was to grant the Regional Houses full legislative jurisdiction over their respective regions, while the Legislative Council would legislate only for the Colony, and in matters of defence, currency and foreign affairs it should legislate for the whole territory.⁽³⁰⁶⁾ The second was related to the system of nomination which was considered as an anomaly and should, therefore, be replaced by popular representation based on adult suffrage.⁽³⁰⁷⁾ The

memorandum also suggested that the four Emirs and two chiefs should be regarded as official members, and that the Legislative Council should have an effective numerical majority.⁽³⁰⁸⁾ In this connection, thus, it would be desirable to bring the unofficial members of the Legislative Council to forty members as follows: Lagos (municipal area) 5, Lagos (rural area) 2, Northern provinces 11, Western provinces 11, and Eastern provinces 11.⁽³⁰⁹⁾ The NCNC also viewed it necessary to increase the membership of the three Regional Houses in the following way: the Northern House of Assembly 49 (19 officials and 30 unofficials),⁽³¹⁰⁾ the Western House of Assembly 39 (14 officials and 25 unofficials),⁽³¹¹⁾ and the Eastern House of Assembly 39 (14 officials and 25 unofficials).⁽³¹²⁾ Further, the Party objected to ‘vested interests’ being represented as unofficial members, and proposed that if the Governor saw a necessity in that, they would rather be regarded as official members.⁽³¹³⁾ Another objection had to do with the creation of heads of departments on a regional basis, which would simply incur a financial burden on the revenue of Nigeria.⁽³¹⁴⁾ To conclude, the NCNC rejected the unilateral way through which the proposals were made without taking into account public opinion and believed that a more democratic approach could have been made.⁽³¹⁵⁾

The Secretary of State acknowledged the amendments presented by the NCNC and stated that they would be considered. But this was plainly a polite request to calm the political agitation of this nationalist organ. In fact, the British were not seriously alarmed by its activities, a view clearly expressed by Oliver Stanley:

‘The NCNC is not by any means a representative body. It represents a certain educated and sophisticated section of Nigeria , but cannot claim to speak on behalf of the great tribal organisations in the various regions of Nigeria. Consequently, they are limited criticisms, because of the restricted experience of the people who advance them.’⁽³¹⁶⁾

The little British attention accorded to the nationalist opposition was clearly confirmed by the implementation of the Constitution in 1947, and the simultaneous passing of four ordinances (later described by the NCNC as the ‘obnoxious ordinances’). These were : the Mineral Ordinance of 1945, the Public Lands Acquisition Ordinance, and the Appointment and Deposition of Chiefs (Amendment) Ordinances.

The first ordinance stated that ‘the entire property in and control of all minerals and mineral oils, in, under, or upon any lands in Nigeria and of all rivers, streams and water courses throughout Nigeria, is and shall be vested in the Crown...’⁽³¹⁷⁾ The second ordinance stipulated that all public lands acquired by the government for public purposes, including those in the protectorate to be Crown lands. The third and fourth ordinance aimed to enhance the powers of the Governor in relation to chieftaincy matters so that ‘powers given him under the Appointment and Deposition of Chiefs Ordinances of 1930 should be the same in relation to chiefs in the Protectorate as they (are) in relation to chiefs in the Colony’.⁽³¹⁸⁾

The passing of these ordinances did not provide for something new. In fact, they were a mere re-statement of existing laws whose purpose was to guarantee the maximum profits for the British in terms of minerals, and the overthrow of pro-nationalist chiefs. Likewise, they added to the sense of abuse and frustration felt by the nationalists, especially the NCNC members. The issues of land and chieftaincy were clearly sensible matters for the Nigerians. Henceforth, the Party decided to seize this opportunity to foment more hatred for the Governor whose powers were depicted as ‘dictatorial,’⁽³¹⁹⁾ and ensure consequently the overthrow of the Constitution. It is evident here that the NYM was less radical as it sufficed itself to declare that the Constitution should be ‘given a trial in the hope that it would not be so deficient for the people.’⁽³²⁰⁾ Conversely, the NCNC decided to lead its opposition movement further by touring the country.

To fulfil its objective the NCNC undertook a wide tour throughout the country to mobilise people, and amass funds for a delegation to London with a view to explaining the Party’s position vis-à-vis the Constitution. The campaign started in April 1946 under the leadership of Herbert Macaulay, Nnamdie Azikiwe, Michael Imudu, a trade union leader, Dr Olurun-Nimbe, a Lagos physician and Oyeshile Omege, a businessman.⁽³²¹⁾ However, an incident marred the tour; this was the death of Macaulay at Kano, at the age of 82.⁽³²²⁾ The delegation returned, then, to Lagos to organise the funeral, and later resumed its work with Azikiwe assuming the leadership of the delegation, and Ogedengbe Macaulay replacing his father. In December, that is eight months after, the group completed its tour with some success. In fact, it collected the sum of £ 13,000⁽³²³⁾ and aroused, to a certain degree, the political consciousness of the people, especially those living in the hinterland.

The Nigerian government could not by then ignore the activities and echoes of the nationalist parties as it did before. In fact, Sir Richards, worried by the impact that nationalist undertakings might have, decided to visit, himself, several areas so as to assess the work of the NCNC members on tour and counteract their success. Non impressed by Richards' reaction, the NCNC members kept on their mobilisation campaign by sending a delegation to London.

In June 1947, a group of seven NCNC leaders went on a delegation to London, including Azikiwe, Prince Adeleke Adedoyin, Chief Nyong Essien, Mrs Ransome Kuti and P.M Kale, from the Cameroons.⁽³²⁴⁾ They were received by the Secretary of State for the Colonies, Arthur Creech Jones, on August 13 1947. They presented him a memorandum asking for the reform of the Richards' Constitution and the repeal of the ordinances. However, the Secretary of State simply advised the delegates to go back home and co-operate with the government.⁽³²⁵⁾

The answer of the Secretary of State was a serious affront to the delegates who, upon their return to Nigeria, faced poignant criticism from their opponents for the squandering of the peoples' money.⁽³²⁶⁾ In an assessment of the Party's campaign and policy, the Colonial Office found out that they had four impacts. First, they acquainted the remotest people with the programme of the NCNC, increasing, thereby, the attractiveness of the organisation among people living in the East, Lagos, and other towns with mixed origin.⁽³²⁷⁾ Second, they deepened the fear of NCNC-Ibo domination in the North and West, leading ultimately to the formation of the Egbe-Omo Oduduwa⁽³²⁸⁾ in the West in 1948, and later the Action Group in 1951.⁽³²⁹⁾ Third, they induced the most extremist elements within the Party to engage in a radical movement, known as the Zikist Movement.⁽³³⁰⁾ Finally, they led to the creation, in November 1948 by K.O.K Onyicha and others, of an organisation called the National Church of Nigeria and the Cameroons whose main objective was to carry "the struggle for freedom" into the field of religion and to rid Nigeria of "the missionary allies of the Imperialists."⁽³³¹⁾

All in all, the Richards' Constitution nurtured an explosion in nationalist sentiments, stirring the development of political consciousness and the intensification of political activism. No wonder, then, that both Sir Richards and the Colonial Office felt themselves in a lamentable position that provoked more than ever the need for change.

The ongoing notes reveal, conspicuously, how the Constitution had whipped up nationalist sentiments, plunging the country in an unprecedented phase of political awakening and radical action. According to a local paper 'it was during Sir Arthur's regime that Nigerian nationalism was sharpened in order to meet the exploits of an administrator who ruled with an iron hand'.⁽³³²⁾ The weight of Nigerian nationalism was such as it cut the Richards' Constitution in its bud. In fact, within barely a year after the implementation of the Constitution, steps were taken by Richards' successor, Sir John Macpherson, for a new constitutional review marking thus the victory of the peoples. This forms the chief concern of the next chapter.

End Notes:

113. Jean Suret Canale, Afrique Noire, l'ère Coloniale, 1900-1945, La Dispute, 1982, p 9
114. Chennouf, Tayeb, op.cit, p 397
115. This project of assistance was known as the Marshall plan.
116. These were notably Stanley Hornback, Advisor on Far Eastern Affairs, and Summer Welles, one of Roosevelt's key men
117. By the 1950's, American anti-colonialists considered the transfer of power to pro-western leaders an important asset in the Cold War.
118. Lawrence K. Freeman, 'Roosevelt's Grand Strategy to Rid the World of British Colonialism 1941-1945', in the American Almanac, 1997 in http://american_almanac.tripod.com/lkffdr.htm
119. ibid
120. ibid
121. . ibid
122. Interest has been made essentially on British response as British colonial policy is part of the present thesis
123. Lawrence K. Freeman 'Roosevelt's Grand Strategy to Rid the World of British Colonialism 1941-1945', in the American Almanac, 1997 in http://american_almanac.tripod.com/lkffdr.htm
124. Ibid
125. In this respect Albertini stated: 'an influence in favour of progress toward self-government worked insidiously, unofficially, but nonetheless effectively'. R.V.N Albertini, op.. cit, p 54
126. Lawrence .R. Freeman, 'Roosevelt's Grand Strategy to Rid the World of British Colonialism 1941-1945', in the American Almanac, 1997 in http://american_almanac.tripod.com/lkffdr.htm
127. Here Churchill declared: 'so that is quite a separate problem from the progressive evolution of self-governing institutions in the regions and peoples which owe their allegiance to the British Crown', ibid
128. A Sudanese political organisation to fight against British colonial rule
129. These were France, Belgium, the Netherlands, Czechoslovakia, Greece, Luxembourg, Norway, Ireland, the Soviet Union and Yugoslavia
130. France joined later
131. These numbered about 850. Henri Labouret, Colonisation Colonialism Décolonisation. Larose Paris, 1952, p 58
132. ibid
133. The Charter comprised 111 articles that set forth the aims of the Organisation and its administrative bodies, viz : the General Assembly, the Security Council, the Economic and Social Council, the Secretariat and the International Court of Justice.
134. quoted in Jean Suret Canale, op. cit, p 12
135. ibid, p 27
136. ibid
137. ibid. This motion was added to the article which finally read: 'transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature related to economic, social, and educational conditions.' Article 73 in [http:// un.org/en/documents/charter](http://un.org/en/documents/charter) 1. html.
138. The Colonial Secretary, Oliver Stanley, stated here 'they have been imbued with methods of organisation, discipline, improving housing sanitation, better food, more money'. CO 582/588/19275/1944. Memorandum on Colonial Development and Welfare. Increased and Extended Provision by Oliver Stanley.
139. Here Hailey added that they had been 'impressed by the depth of the gulf which exists between the native standards of life and those of the more advanced and highly organised nations'. W.H Hailey, 'World Thought on the Colonial Question', in African Studies, V N 2, 1947 p 54
140. These included 26 from all over Africa, 33 from the West Indies and the rest from various British organisations, <http://www.marxists.org/archive/padmore/1947/pan-African-congress/index>, htm
141. Some of the delegates represented the African Diaspora (Afro-Caribbean and Afro-American) http://en.wikipedia.org/wiki/pan-african_congress
142. <http://www.marxists.org/archive/padmore/1947/pan-African-congress/index.htm>
143. The petition was signed by 36 organisations which were: New York Conference, National Council of Negro Women, Delta Stigma Theta Sorority, National Sunday School, National Bar Association, West Coast Regional Office, American Teachers' Association, National Association of Coloured Women, Non-Partisan Interfaith Committee, National Negro Congress, Council on African Affairs, Southern Negro Youth Congress, Improved Order of Elks of the World, Negro Newspaper Publishers Association, National Baptist Convention, Phi Beta Sigma Fraternity, National Medical Association, Kappa Alpha Psi Fraternity, League

of Coloured Peoples, National Council of Nigeria and the Cameroons, Non-European Unity Committee, Imperial Ethiopian Legation, Nyasaland African Congress, the Imperial African Association, St Kitts-Nevis Trades and Labour Union, the Barbados Progressive League, the Barbados Workers' Union, International African Service Bureau, Kenya African Union, Kikuyu Central Association of Kenya, West African Youth League, and the Caribbean Labor Congress. [http:// un.org/en/documents/charter 1. html](http://un.org/en/documents/charter1.html).

144. The revenue of Nigeria from 1939 till 1945 was as follows : 1938-39 £5,811,088 ; 1939-40 £6,113,126; 1940-41 £ 7,273,157; 1941-42 £ 7,975,054; 1942-43 £ 9,034,154; 1943-44 £ 10,913,200; 1944-45 £ 10,132,599. Colonial Office List, 1946, p 172 .

145. The exports of Nigeria from 1939 till 1944 were: 1939 6,227,127; 1940 9,289,546; 1941 11,340,122; 1942 12,106,020; 1943 12,484,125; 1944 13,986,035. Ibid, p 172.

146. The imports of Nigeria from 1939 till 1944 were: 1939 £3,648,021; 1940 £ 4,328,731; 1941 £3,695,241; 1942 £ 4,923,297; 1943 £ 7,436,562; 1944 £7,958,142. Ibid, p 172

147. Colonial Office List, 1940, p 437

148. Ibid

149. Ibid

150. Ibid

151. Toyin Falola, *Colonialism and Violence in Nigeria*, (Indiana University Press), 2009, p 156

152. Here Birchman says: thousands of natives were literally hurled from their primitive agrarian and tribal mode of living into the modern world of machinery and capitalism. Robert L Birchman, 'Class Struggles in Nigeria' in *Fourth International*, vol 6, N° 10, October 1945, p 310

153. Ibid

154. Toyin Falola, (*Colonialism...*) op.cit, p155

155. Falola slates; 'the emergence of unionism in Nigeria illustrates how strikes can be interpreted as economic violence to combat the structure violence of the colonial economy', ibid.

156. The first union was the Nigerian Civil Service Union formed in 1912. Ibid, p 155. In 1939, the number of wage and salaried workers was about 183,000: 37.5 percent were employed by the government, 37.5 percent in mining and 25 percent by commercial firms, agriculture and other private interests. Birchman, op.cit, p 310

157. Falola, (*Colonialism...*) op cit, p 159.

158. Ibid

159. Even after the promulgation of this ordinance, strikes continued. In 1943. Michael Imodu, president of the Railway Workers Union led a protest march to the house of Bourdillon. Ibid, p 162

160. Birchman, op.cit, p 310

161. ibid

162. ibid

163. Here, Oyebade says that the economic conditions led to tensions which found expressions in anti colonial sentiments and activities. Adebayo Oyebade, op.cit, p 122.

164. By 1944. the TUC numbered 400,000 adherents, representing 64 unions, ibid

165. Hodgkin states that its strategy was to question, both in action and words, 'the constitutional administrative and economic assumptions of British authority'. Thomas Hodgkin, 'Background to Nigerian Nationalism', in *West Africa*, August 1951, p 751.

166. Sklar. R. *Nigerian Political Parties: Power in an Emergent African Nation* , (Africa World Press), USA, 2004, p 49

167. Ibid

168. Ibid, p 50

169. He became a Fellow of the Royal Anthropological Institute at the suggestion of Professor Malinowski of London University who was in attendance when the Nigerian student reported to a seminar at the university of Pennsylvania. ibid

170. Quoted in Claude Whautier *L'Afrique des Africains, Inventaire de la Négritude*, Editions du Seuil, Paris, 1946, p 97. According to Cornevin, 'l'émancipation totale pronée tout au long de RenascentAfrica est le nécessaire préalable à une émancipation politique. M. Cornevin, *Histoire de l'Afrique Contemporaine de la Deuxième Guerre Mondiale à nos Jours*, Paris-Payot, 1972, p 20

171. The editor of the *Sierra Leone Weekly News*, December 1938, commented on the rise of a new Nigerian figure, Nnamdie Azikiwe:

'We wish this brimming pioneer-'Zik'-all success in his effort for the Rebirth of Africa. But if he should leave religion out of consideration to teach his followers that Age and Experience are mere rubbish, it would not be long before he shall find himself face with a stone wall and an impassable one too to prosperity for his Nigeria' K.W.J. Post 'British Policy and Representative Government in West Africa 1920-1951' in L.H Gann and Duignan P (eds), *Colonialism in Africa 1870-1900*, V 2, Cambridge University Press, 1982, p 45

- 172.The total circulation of the various papers produced by Azikiwe's press was estimated to 20,000. CO/852/873/19298/63/12/1948. Nigerian Survey, p3
- 173.In this scope, Coleman states in his portrait of Nnamdie Azikiwe: 'his first two published works, Liberia in World Politics and Renascent Africa, were written with the basic preconception that the struggle of the future was racial, between black and white', quoted in Sklar, op cit, p 51.
- 174.ibid
- 175.In 1941, internal rivalry between Ernest Ikoli and Dr Azikiwe over the issue of who should stand for the vacant legislative council seat led to a breach between the Yoruba and Ibo. Azikiwe who had proposed Samuel Akinsanya, an Ijebu, was greatly frustrated by the election of Ikoli. Commenting this breach Hodgkin believed it was due primarily to a press rivalry since Ikoli edited the Daily Service which rivaled Azikiwe's West African Pilot. Michael Crowder, op.cit, p 203.
- 176.Sklar, op. cit p 54/55
- 177.Hodgkin, op. cit
- 178.Birchman, op. cit, p 310
- 179.Hodgkin, op. cit
- 180.Birchman, op .cit
181. ibid
- 182.ibid
- 183.This petition was prepared by a committee consisting of Mr Ikoli, as Chairman, Chief H.O Davies, Chief S.L Akintola, and Awolowo. Obafemi Awolowo The Autobiography of Chief Obafemi Awolowo, (Cambridge University Press), London, 1960, p 124/125
- 184.ibid. These departments were: Agriculture, Public Works, Education, Health, Rail and Road Transport, Commerce and Industry and Labour, ibid
- 185.Pearce states 'In Nigeria, it was Nnamdie Azikiwe who called for the end of colonial rule. He was determined that the war should see a fundamental shift of British policy. R.D.Pearce, The Turning Point in Africa :British Colonial Policy 1938-48, London:Cass, 1982 p 135,
- 186.The strike was a response to the army's confiscation of the students' dormitories, which had compelled the students to live in disagreeable lodgings. Sklar, op cit, p 56
- 187.ibid
- 188.The NUS was created in March 1940 by a group of students from the Abeokuta Grammar School with a view to counteract tribal separatism among students, consider the public problems of Nigeria and the practical means for their solution. Ibid
- 189.ibid, p 57
- 190.The other members of the NCNC were: J.O Lucas, Vice-President; Rev A.W Howell, Financial Secretary; L.P Ojukwu, Treasurer; L.A Owojobi and A.Akerele, Auditors and E.J.Alex, J.I.C David, E.A Akerele, O.A Alakija, Ladipo Odumsi and J.I.C Taylor as legal advisors. James.O.Ojiako. Nigeria Yesterday and Today, Singapore, 1981, p 13
- 191.Sklar, op. cit.
192. By the end of 1945 there were about 180 organisations affiliated to the NCNC. Hodgkin, op cit p 752
- 193.Sklar, op. cit
- 194.ibid
195. James.S. Coleman , Nigeria: Background to Nationalism, (University of California Press), 1971, p 260
- 196.ibid, p 262
- 197.ibid, p 267
- 198.Hodgkin, op. cit, p 752
- 199.Coleman, op. cit, p 266
- 200.Quoted in Albertini, op cit, p 85.Commenting this declaration, Austin stated: 'assessment of the time available for the movement towards self-government even for colonies which might be thought candidates for independence within the Commonwealth was often grotesquely unreal. Denis Austin, 'the Transfer of Power: why and how', in Macmillan, Decolonisation and After, 1982, p 7.
- 201.R.D.Pearce, op cit, p 17
- 202.J.M.Lee, 'Forward Thinking and War: The Colonial Office During the 1940's', The Journal of Imperial and Commonwealth History , V (VI) , 77p 70
- 203.Pearce, op cit, p 19
- 204.Report by Lord Hailey, Native Administration and Political Development in Tropical Africa, 1940-1942, 1942, p 2
- 205.ibid

206. *ibid.*, p 13 ,
207. Albertini, *op. cit.*, p 53
208. Hailey, *op cit.*, p 3
209. *ibid.*, p 50
210. *ibid.*, p 51. As an argument for this, he stated '...since the development of parliamentary institutions may involve the disintegration of the native authority organisations leaving (us) with no alternative System of rule on which to fall back'. *Ibid* Further Albertini stated 'self-government must not be an artificially supported representative System of the British type, which functioned unsatisfactorily if at all'. Albertini, *op cit.*, p 97. Besides, Stanley added that political development without socio-economic progress would bring 'to whom it is desired to benefit nothing but disaster'. Quoted in Hailey, *op cit.*, p 5
211. *ibid.*, p 52
212. *ibid.*, p 52
213. J.M. Lee, *op cit.*, p 197/198
214. Curtis R. Nordman 'The decision to Admit Unofficial to the Executive Council of British West Africa' in The Journal of Commonwealth and Imperial History, V (IV), N° 2, 1972, p 197. Hailey here: stated 'go cautiously at the centre...concentrate on local institutions to train Africans in managing their own affairs...', Hailey, *op cit.*, p 53
215. Albertini, *op cit.* p 87
216. *ibid.*, Hailey here stated 'there will of course be vocal elements who will want to quicken the tempo. We must expect a certain amount of agitation before things settle down after the war'. Hailey, *op cit.*, p 53
217. CO 583/244/30453/39 Memorandum on the Future Political Development by B.A Bourdillon, p 6
218. *Ibid*
219. J.M Lee, *op cit.*, p 200. Bourdillon affirmed here 'it has been almost invariable practice in the past to postpone political advances to the last possible moment, only when the pressure becomes too strong to resist'. CO 583/244/30453/39 Memorandum on the Future Political Development by B.A Bourdillon, p10
220. Pearce, *op .cit.*, p 55
221. Hailey, *op cit.*, p 5
- 222 CO 583/275/30572/1944 Memorandum on Post War Development in Nigeria, p 1,2
223. *Ibid*
224. Albertini, *op. cit.*, p 58
225. *ibid.*, p59
226. J.M Lee, *op. cit.*, p 66. Between April 1939 and December 1942, the number of administrative class officers on the geographical side was reduced from 73 to 53 and in personnel from 83 to 53, while those in the subject departments increased from 66 to 170. *Ibid*
227. *Ibid.*, p 65
228. *Ibid.*
229. *Ibid*
230. Ronald Robinson, 'Andrew Cohen and the Transfer of Power: Why and How' in G. Fisher and Morris Jones Decolonisation and After: the British and French Experience, London, Cambridge, 1980, p 58
231. D.S. Gupta, Imperialism and the British Labour Movement 1914-1964, London, 1975, p 275
232. CO 582/588/19275/1944. Memorandum to the War Cabinet. Colonial Development and Welfare: Increased and Extended Provision, by Oliver Stanley.
233. Stanley stated: '...there will in the long run accrue considerable benefits to us, either in the form of increased exports to us of commodities which otherwise we should have to obtain from hard currency countries, or in the form of increased exports from the colonies...My feeling is that in the years to come, without the Commonwealth and Europe, this country will play a small role in world affairs'. *Ibid*
234. Governor Richards affirmed plainly the impact of external and internal pressure upon the necessity of change: 'nor would it be possible to continue in face of pressure, external and internal, the present system which is full of inconsistencies'. CO 583/286/30453/44/45. Original Despatch of Richards to the Secretary of State on July 19 1944
235. By 1943 the Allies defeated the Italian and German forces in the North African Campaigns. Afterwards, they invaded Sicily and Italy forcing the overthrow of the fascist government. http://en.wikipedia.org/wiki/World_War_II
66. The record of his service was as follows: Malay Civil Service, 1908-29; Acting General Adviser to Government, Johor, 1929; Governor of North Borneo, 1930-33; Gambia Colony, 1933-36; Governor of Fiji and High Commissioner , Western Pacific, 1936-38; Governor of Jamaica, 1938-43; Governor of Nigeria, 1943-47; House of Lords 1948. *Ibid*
239. *Ibid*
240. *ibid*

241. CO 583/286/30453/44/45. Original Despatch of Richards to the Secretary of State on July 19 1944
242. *ibid*
243. *ibid*
244. Cmnd 6599 of 1945, Proposals for the Constitution of Nigeria, p 8
245. CO 583/286/30453/44/45. Original Despatch of Richards to the Secretary of State on July 19 1944
246. *ibid*
247. Headquarters in the North inhabited by the immigrant southern people, especially the Ibo
248. CO 583/286/30453/44/45. Original Despatch of Richards to the Secretary of State on July 19 1944
249. CO 583/286/30453/45-48. Financial Aspects of Sir Arthur Richards' Proposals
250. *ibid*
251. CO 583/286 Note of a Meeting held in the Secretary of State's Room on November 9, 1944
252. CO 583/286/30453/44/45. Original Despatch of Richards to the Secretary of State on July 19 1944
253. CO 583/286/30456, Northern Chief Commissioner Despatch to the Governor. July 14 1944
254. CO 583/286/30456 Despatch of the Eastern Chief Commissioner to the Governor July 3 1944
255. *ibid*
256. CO 583/286/30453 Despatch of the Western Chief Commissioner to the Governor
257. *ibid*
258. CO 583/286 Note of a Meeting Held in the Secretary of State's Room on October 30, 1944 to discuss Sir Arthur Richards' Proposals for Constitutional Development in Nigeria
259. *ibid*
260. *ibid*
261. *ibid*
262. CO 583/286/30453/45-48. Financial Aspects of Sir Arthur Richards' Proposals
263. *ibid*
264. Revenue drawn from taxation
265. CO 583/286 Note of a Meeting held in the Secretary of State's Room on November 9
266. *ibid*
267. CO 583/286 Points Raised by Lord Hailey in connection with Sir Arthur Richards' Draft Despatch on the Nigerian Constitution.
268. Cmnd 6599 of 1945, Proposals for the Constitution of Nigeria. This increase was as follows: five provincial members from the North, four from the West, five from the East, three members for Lagos, and one member to represent mining. *Ibid* (both Emirs and Chiefs were considered as unofficials)
269. Membership of the Northern House of Assembly was 19 officials and 20 unofficials (increase of provincial members from 12 to 14). That of the Western House of Assembly was 14 officials and 15 unofficials (increase of provincial members from six to seven). The Eastern House of Assembly's membership was 13 officials and 14 unofficials (increase of provincial members from seven to nine). *Ibid*
270. Kalu. Ezera, Constitutional Development in Nigeria : An Analytical Study of Nigeria's Constitution-Making Developments and the Historical and Political Factors that Affected Constitutional Change, (Cambridge University Press), 1960, p 67
271. Kalu. Ezera questions here the necessity behind the parliamentary approval as the Orders-in-Council did not need to be laid before Parliament. *Ibid*
272. This was Dr N.T. Olusoga, Member of the Ijebu Division. *Ibid*
273. Parliamentary Correspondent of West Africa, 'Nigeria's Constitutional Improvement Government Pronouncement', in West Africa, December 1 1945
274. *Ibid*
275. *ibid*
276. CO 583/271/30572 1944. Nigeria Preliminary Development Plan. In preparing the outline plan, the heads of departments concerned with the development programme were requested to submit a scheme of expansion of services and facilities. Sessional Paper N° 6 of 1945. Preliminary Statement on Development Planning in Nigeria, p 2
277. Provision was to be made for the extension of hospital services by practically 200 per cent including the construction of almost sixty new hospitals. *Ibid*, p 11
278. CO 583/271/30572 1944 Nigeria Preliminary Development Plan
279. Sessional Paper N° 6 of 1945. Preliminary Statement on Development Planning in Nigeria
280. *ibid*
281. The schemes to be financed by the Nigerian government were: development in port and marine, aviation, labour, police, part of geological survey, postal service, extra administrative service, housing and pensions of African staff and the extension of the accounting, audit, and African clerical services. CO 583/271/30572. 1944 Nigeria Preliminary Development Plan
282. Sessional Paper N° 6 of 1945. Preliminary Statement on Development Planning in Nigeria p 3

283. CO 583/271/30572 1944 Nigeria Preliminary Development Plan.
284. *ibid*
285. CO 583/271/30572/1944 Note of a Meeting Held at the Secretary of State's Room on November 6 1944 to discuss the Nigeria Preliminary Development Plan
286. *ibid*
287. *ibid*
288. Ezera, *op.cit*, p 74.
289. Crowder, *op cit*, p 224
290. *Ibid*
- 291 In this context, Dike cited 'undoubtedly the Richards constitution is a dividing line in Nigerian Constitutional Development. Before it the keynote in Nigerian politics was unification towards a centralised state and the realisation of a common nationality. But with the Richards constitution, this tendency towards unification was on the whole arrested...' quoted in *ibid*
292. Lord Hailey precised here 'the principles of indirect rule, if not incompatible with the ideal of self-government by representative institutions, are at all events so alien to it that native institutions must be materially modified if they are to fit into any scheme involving an elected parliament' W.H. Hailey, African Survey, Revised 1956, (Oxford University Press), London, 1957, p 1640
293. Quoted in K.W.J Post , *op cit*, p 53
294. According to Ezera this 'would have been in itself a form of indirect election if those Native Authorities were themselves of a democratic nature. But they were not'. Ezera, *op cit*, p 75
295. *Ibid*, p 74
296. *Ibid*, p 70
297. Hodgkin, *op. cit*, p 725
298. *Ibid*
299. Here Post maintained that the Constitution should be regarded as the culmination of the developments of the 1920's and 1930's, rather than as the beginning of a new era. K.W.J. Post, *op .cit*, p 53
300. Birchman, *op cit*, p 3
301. CO 583/286/30453/1945-6. Report of the Meeting of the Trade Union Congress of Nigeria.
302. Ezera, *op .cit*, p 77
303. Quoted in *ibid*
304. *Ibid*
305. *Ibid*
306. CO 583/268/50453 1945-48. Memorandum on the New Constitution for Nigeria by the NCNC, p 2
307. *Ibid*, p 4
308. *ibid*, p 5
309. *ibid*
310. the official members should comprise 19 Native Authorities. The unofficial members should include 30 popularly elected members as follows: a) 16 members to represent aboriginal communities (Hausa, Fulani, Kanuri, Tiv, and Nupe), b) 8 members to represent pagan communities, and c) 6 members to represent the Sabon Gari communities. *Ibid*, p 3
311. The official members should comprise 14 Native Authorities. The Unofficial members should include 25 popularly elected members to represent the following provinces: Abeokuta 3, Benin 4, Ijebu 3, Ondu 4, Oyo 8, Warri 3. *Ibid*
312. The official members should comprise 14 Native Authorities. The unofficial members should include 25 popularly elected members to represent the following provinces: Calabar 3, Cameroons 3, Ogoja 3, Onitsha 7, Owerri 9. *Ibid*
313. *ibid*, p 5. The reason evoked by the NCNC for their objection was that 'the country should not allow those who are energetically concerned in the exploitation of its agricultural and mineral resources to exercise legislative power as a matter of privilege'. Quoted in Grove. Hainef, Africa Today, (The John Hopkins Press), Baltimore, 1956, p 989
314. CO 583/268/50453 1945-48. Memorandum on the New Constitution for Nigeria by the NCNC, p 5
315. 'The Nigerian Constitution. Further Proposals for Amendment', West Africa, September, 1945, p 501

- 316.Ibid
317.Quoted in Ezera, op.cit, p 78
318.Ibid, p 78/79
319.Ibid, p 79
320.Ibid, p 78
321.Grove. Hainef, op cit, p 989
322.Macaulay was already ill when the tour began
323.Ezera, op cit, p 79
324. Grove. Hainef, op cit, p 989
325.CO 554/599 Note on Trends in the Policies of the National Council of Nigeria and the Cameroons, p 2
326.Ezera, op cit, p 78
327. CO 554/599 Note on Trends in the Policies of the National Council of Nigeria and the Cameroons, p 2
328.this will be examined in the subsequent chapter
329. CO 554/599 Note on Trends in the Policies of the National Council of Nigeria and the Cameroons, p 2
330.Ibid, p 3.
331.Ibid

Chapter III

Macpherson's Constitutional Review 1948-1953

The announcement for a new constitutional review by Governor John Macpherson in 1948 could be understood, partly, as an answer to the vigorous nationalist opposition to the Richards Constitution. Yet other factors were equally preponderant, notably the growth of colonial agitation at two levels both in West Africa and south east Asia, and the new British government Labour colonial policy globally marked by Cohen's strategy for a transfer of power. This chapter intends, hence, first to explore the effects generated by the above agents on the new constitutional change, and then it tries to examine Macpherson's Constitution and the nationalists' stand towards it.

1. Growth of Agitation in Colonies 1945-1948

The heightening of agitation in the British colonies along the period 1945-1948 embodied a cataclysmic change in the coloniser/colonised binary. The former began to re-consider the latter in a more realistic form. Thus the uprisings and riots that took place, respectively in West Africa, and south east Asia made the British feel less confident in their endless rule in the colonies, and more pre-disposed to nod at the grievances of colonial peoples. For analytical purposes, colonial agitation will be examined successively in Nigeria, India, and finally the Gold Coast.

1.1 1945 Strike in Nigeria

On June 21 1945 started a general strike of about 150,000 workers, serving on the government-owned railroads, harbour, communication systems and public works.⁽³³³⁾ The strike was initiated by the African Civil Service Technical Workers Union and steadily followed by other unions. The leaders of the Union claimed for a minimum wage of 2 shillings six pence a day, retroactive to April 1 1944, and a 50 percent increase in the cost of living allowances for all workers earning less than £48 In fact, the strike was preceded

by an ultimatum of thirty days for the government starting on June 21 1945. The ultimatum precised that ‘the workers of Nigeria shall proceed to seek their own remedy, with due regard for law and order on the one hand and starvation on the other.’⁽³³⁴⁾ The workers were embittered with their low living conditions. The normal family income was of the order of £ 15 per annum, and about five per cent of it was spent on taxes; whilst the salaries of Europeans were constantly adjusted, with the granting of separation allowances, free quarters and other commodities. Workers also affirmed that the cost of living index was not appropriate as it underestimated workers’ market prices of goods and rent increases.⁽³³⁵⁾

Sir Arthur Richards’ reaction to the ultimatum was negative; he refused to meet the workers’ representatives and declared that a revision of wages would not offset the increasing cost of living, but would merely cause inflation.⁽³³⁶⁾ As a response, another appeal was made to the Governor on June 11 1945, but in vain. To prepare for the strike, the government enforced its regulations, such as press censorship whereby any person publishing a seditious article or criticising the Governor would be amanded a fine of £ 500 or imprisoned.⁽³³⁷⁾ However, this re-enacted ordinance did not curtail the workers’ determination and after the expiry of the ultimatum the strike broke out first in Lagos, then it spread to other centres like Jos, Vom, Makurdi, Kaduna, Enugu, and Calabar. About 17 unions took part in the strike, viz the African Civil Service Technical Workers, the African Railway and Engineering, Workshop Workers, African Land and Survey Technical Workers, African Post and Telegraph Workers, Nigeria Electrical Workers, Nigeria Marine workers, Public Works Union, Lagos Town Council Workers, African Locomotive Drivers, Government Sawmill Workers, Nigeria Union of Nurses, African Inspection Union, African Railway Topographical Workers, African Railway Station Masters, Government Press Technical Workers Union, and Medical Department Workers Union.⁽³³⁸⁾

The government tried without success to break the strike by imprisoning strike leaders, threatening workers to withhold their wages and cancel their pensions. This only increased the determination of the strikers who were intransigent on their demands. The strike lasted over forty-four days,⁽³³⁹⁾ paralysing, to a great extent, the economic life of the country. It was strongly backed by Azikiwe’s papers, notably the West African Pilot and the Daily

Comet which were consequently banned.⁽³⁴⁰⁾ Likewise, Azikiwe tried to seek international support for the strike. He sent cables to Labour and Negro progressive associations in the USA, and Great Britain for help, explaining that his papers were being victimised, that the freedom of press was endangered and that even his life was at stake as the Nigerian government was planning to assassinate him.⁽³⁴¹⁾ As a result of this protest letters were sent to the Colonial Office and the Nigerian Governor by James P. Cannon, National Secretary of the Socialist Workers Party, and R.J. Thomas, President of the United Automobile Workers.⁽³⁴²⁾ Enquiries were made by the Institute of Journalists, the League of Coloured Peoples and the West African Secretariat,⁽³⁴³⁾ Wallace Johnson and Nkrumah menaced the British to present the issue to the United Nations. Besides, both the British Centre Against Imperialism and the Council on African Affairs expressed their dissatisfaction with “such petty victimisation.”⁽³⁴⁴⁾

In support of the Governor, the Colonial Office showed its satisfaction with the measures taken by the Nigerian government arguing that ‘any increase in the cost of living allowances would not only be operated to the detriment of the wage earners themselves, but would result in the deterioration of the general economic situation.’⁽³⁴⁵⁾ Governor Richards set a counter attack on Azikiwe whose character, he stated, was coloured by:

‘what appears to be a bitter hatred of the white man and a conviction that the only aim of the European in Africa has been to exploit the African. He has consistently pursued an editorial policy which is bitterly opposed to Government, and has not scrupled to use lies and misrepresentation to further the propaganda campaign.’⁽³⁴⁶⁾

However, neither the Colonial Office nor the Governor could maintain a deaf ear to the workers’ grievances. Further, support movements did not cease. In London, about 2,000 Africans and other colonial seamen, war plant workers, and students organised a mass rally collecting over \$ 2,000 to help the strikers.⁽³⁴⁷⁾ Sixty telegrams were sent to world trade union organisations and unions in America, India and the West Indies by the Pan-African Federation in view of supporting the Nigerian workers.⁽³⁴⁸⁾ Another mass meeting organised in Manchester culminated in the collection of \$ 500 for the strikers.⁽³⁴⁹⁾

Under this strong pressure, wide solidarity, and nationalist alliance with the workers the British could not stand on their position for a long. Under instructions of Oliver Stanley, George Hall declared the government’s compliance with the strikers’ demands, withdrawal

of any victimisation, release of all strike-leaders and levy of the ban on the suppressed newspapers guaranteeing Azikiwe's full protection.⁽³⁵⁰⁾ The Governor also promised the appointment of a commission of enquiry. The Tudor Davies Commission recommended an increase in the allowances by 50 per cent for African employees on over £ 220 a year or less.⁽³⁵¹⁾

The resolutions of the Commission represented a significant success for the Nigerian workers, and the nationalist leaders alike. The British could not withstand a vehement two-sided front, and had, henceforth, the sole outlet of yielding to the sound pressure. In doing so they confirmed their feebleness to determinant large-scale colonial struggle. A more vivid image of this struggle took place in another part of the British Empire, notably India.

1.2 Indian Path for Independence

Indian anti-colonial struggle that was coroneted by independence in 1947 was considered as a landmark victory in the history, not only of India, but that of colonial peoples in general. The event signified a colossal collapse in the belief of British invincibility, and energised, hence, African struggle for self-rule. In this respect, it is highly important to hindsight the path trodden by the Indian peoples to achieve their liberty, and measure its impress upon the African nationalist movements.

Indian nationalist agitation against colonial rule was related to the last decades of the nineteenth century. By 1885, a political party, known as the Indian National Congress (INC), was founded by Womesh Chandra Bannerjee, Jawaharlal Nehru and others. In 1915, Mahatma Ghandi joined the organisation and became its president. Initially, the INC was not antagonistic to British presence, as its leaders were 'steeped in British liberal thought'.⁽³⁵²⁾ They reacted simply against British racism and favouritism. Their demands were, therefore, representation in the Legislative Council, a greater share in the Civil Service, protection of Indian industries and reduction in unproductive public expenditure.⁽³⁵³⁾

The Party by that time was not a mass organisation. It drew its membership from the most prominent Indian classes, the educated, the professionals and the commercials.⁽³⁵⁴⁾ It only converted into a mass party in 1918, adopting the claim of full provincial autonomy

and a share in the government. This came as a result of a British pledge to grant India its independence subject to its participation in the First World War. ⁽³⁵⁵⁾ However, the pledge was not honoured, and the Montagu-Chelmsford reforms granted only an increase of authority at the central and provincial levels, with the Viceroy responsible only to London. The nationalists described the reforms as ‘disappointing and unsatisfactory’. ⁽³⁵⁶⁾

The period following the War was, indeed, hard for the Indians. The increased taxes, together with disruptions in domestic and international trade had culminated in the doubling of the index of prices in India between 1914 and 1920. ⁽³⁵⁷⁾ Unemployment made the situation even more critical, to which the Indians responded by striking and rioting. ⁽³⁵⁸⁾ Over-angered by those events, the British intensified their repressive measures, entailing sometimes whole massacres such as the Amritsar massacre in 1919 that led to the death of 379 Indians. ⁽³⁵⁹⁾

The rising tide of Indian agitation led Gandhi to launch the Satyagraha movement, which meant non-violent resistance. ⁽³⁶⁰⁾ Thus, campaigns for boycotting imported goods were organised. By 1935, the British introduced what they considered a major constitutional reform, the Government of India Act, which granted the Indian Assembly large powers except for defence and foreign affairs, and full control over local affairs to the eleven Provincial Assemblies. Yet, this did not meet the expectations of the nationalist leaders who were aspiring for full self-government. Another more important hindrance to the Act was the fact that it did not give due weight to the Hindu/Muslim rivalry. The former, forming the core of the INC, represented the 2/3 of the population, while the latter, adhering with the Muslim League (ML) led by J.A. Jinnah, formed the rest 1/3. ⁽³⁶¹⁾ The Hindu/Muslim schism was confirmed in the elections of 1937, during which the INC secured control over 8 of the 11 provinces, while the ML obtained the rest. This induced Jinnah to ask for a separate state, called Pakistan. The British, then, promised to grant independence after the Second World War.

The War period witnessed an upheaval of events. Strikes reached a fever pitch in the years 1939-1940. ⁽³⁶²⁾ In 1942, Gandhi proclaimed the “Quit India Movement”, which claimed immediate withdrawal of the British. The country was swept in violent demonstrations led by students. Gandhi was, thus, imprisoned, and the Indian National

Army was formed by an extremist, called Subhas Bose, under the auspices of the Japanese. This measure was, however, short-lived because the army was forced to surrender and its soldiers were tried at Red Fort in 1945.

The post-war era saw again an alarming increase of colonial agitation. A number of mutinies took place in Calcutta, Madras and Karachi, with a death toll elevated to 1,700 people.⁽³⁶³⁾In view of this mounting agitation, the British Labour Government sent a commission composed of three members with the view of preparing the transfer of power. The British commissioners proposed a compromise constitution which would be acceptable, both by the Hindu and the Muslims, but this solution failed. The next suggestion was the creation of a federal government, where the central government would have limited powers, while the provincial governments would be vested with very large powers. The two factions accepted at first the scheme, but later could not find a common ground for the details. This aroused the suspicion of Jinnah who called for “Direct Action”, by which he meant a widespread peaceful manifestation to make the Muslim demand for a separate state acceptable. However, things turned to the opposite, and violent rioting between the Hindu and the Muslims broke out in Calcutta, with 5,000 persons being killed.⁽³⁶⁴⁾Agitation spread afterwards to Bengal, making other casualties. This was the sign that only partition could put an end to the squabbles and avoid a civil war. Hence, in 1947 the new Viceroy, Lord Mountbatten, decided to divide the territory along communal lines into two states: India, comprising the Hindu and Sikh communities, and Pakistan including the Muslims. Therefore, he conceived a plan that was worked out within six weeks. Mountbatten, then, announced August 1947 as the date of independence. Pakistan was proclaimed a new Dominion on August 14 1947, and the following day India was declared independent.

The momentum of the Indian anti-colonial struggle in boosting colonial peoples, the Africans in particular, to rebel against colonial rule could not be denied. In fact, the Indian methods of struggle, embodied in mass uprising and stiff disobedience to colonial laws, sowed confidence in colonial peoples. The latter understood that with cogent determination they could vanquish in yielding their rights. Besides, Ghandi’s philosophy of non-violent resistance inspired African nationalists in defying colonial governments. In this respect, Nkrumah, a prominent leader in the Gold Coast stated:

‘After months of studying Ghandi’s policy and watching the effect it had I believe...(when backed by strong political organisation) it could be the solution of the colonial peoples’.⁽³⁶⁵⁾

Thus, inspired by Ghandi’s policy, Nkrumah decided to launch the struggle, significantly portrayed by the Accra riots, which will form the next point of discussion.

1.3 The Accra Riots 1948

The Accra riots generated another indirect force of pressure that propelled a rapid decolonisation movement in Africa. The roots behind those riots went back to the state of unrest and discontent for economic grievances, already boiling in the Gold Coast since the year 1947. The government had, by then, quickly coerced people to refrain from any contentious movement that would challenge colonial rule. By December 1947, Kwame Nkrumah, a distinguished pan-African leader, returned to his country just to find a people rotten by economic exploitation and rigid repression rules. He immediately organised a series of meetings with people to measure their bitterness. On January 20, he was appointed General Secretary of the United Gold Coast Convention (UGCC), a Party led by J.B.Danquah.⁽³⁶⁶⁾ A firm advocator of ceaseless unarmed struggle to end colonial rule, he started to tour the country to preach his ideas. His strong rhetoric induced a successful mobilisation of the masses around the claim of self-government. Nkrumah believed that the major weapons to achieve that were strikes and boycotts.

In conformity with this thought, the long-accumulated people’s suffering burst out into civil disobedience in 1948. A boycott of expatriate firms was soon followed by an ex-servicemen’s march in February 28, with the object of petitioning the Governor, Sir Gerald Creasy, for a redress of their situation, notably unemployment. Unfortunately, the police shooting resulted in the death of six former soldiers.⁽³⁶⁷⁾ Consequently, riots broke out in Accra and other important towns, lasting over five days and entailing the death of 29 people.⁽³⁶⁸⁾ To press the situation more, Nkrumah and other members of the Party sent a strong worded cable to the Secretary of State in which they blamed the Governor.⁽³⁶⁹⁾ They called him ‘crazy Creasy’ for his failure to resolve the Gold Coasters’ problems.⁽³⁷⁰⁾ The Secretary of State replied that it was the nationalists who should be blamed for the situation.

On March 1 1948, the Governor issued the Riot Act, proclaiming a state of emergency and press censorship. Eleven days later, removal orders were made for the arrest of the six UGCC leaders,⁽³⁷¹⁾ namely Nkrumah, J.B.Danquah, Edward Akufo Addo, William Ofori Atta, E.Ako.Adejei and E.Obetsebi Lamptey.⁽³⁷²⁾As a result, demonstrations were organised by Cape Coast students for the release of the Party leaders, but the government did not yield.

This state of troubles alarmed the Colonial Office which appointed a commission of enquiry, under Mr A.K.Watson, to search out the reasons behind the disturbances. The Commission began its work on April 1 1948. Meanwhile, the Governor, under the continuous students' pressure, released the UGCC leaders and lifted the ban on press. This marked a magnificent success of the people's will. However, though these measures calmed down the electrifying situation, they did not fade out the self-government claim.

On April 26 1948, the Watson Commission ended its investigations. According to its report, the main cause was the great frustration felt by the Africans. It recommended, therefore, a new constitution that would stand as an important move towards eventual self-government. Likewise, an all-African constitutional committee, under the chairmanship of Mr Justice Henry Coussey, an African jurist of the Gold Coast High Court, was formed to draft the constitution. J.B.Danquah and other nationalists took part in its elaboration; but not Nkrumah owing to a difference of opinion. While the former kept to moderate demands, the latter was more radical in outlook.

Those events were clearly a sign of a split in the nationalist movement. Effectively, on June 12 1949, Nkrumah founded a progressive mass party,⁽³⁷³⁾ called the Convention Peoples Party (CPP), with the motto 'Self-Government Now.'⁽³⁷⁴⁾The Party adopted a policy known as 'positive action' which like Ghandi's meant non-violent struggle for securing self-rule. Its expedients, according to its advocator, were: 1) legitimate political action, 2) newspapers and educational campaigns, and 3) strikes, boycotts and non-cooperation.⁽³⁷⁵⁾The reason why Nkrumah chose radicalism was his conviction that freedom had never been handed over to any colonial territory on a silver platter.⁽³⁷⁶⁾Hence, the Gold Coasters were urged to embark on constitutional positive steps to achieve positive results.

Six months later, the Coussey Committee published its report providing for African inclusion in government, but made no statement as to self-rule. The CPP did not accept the Committee's resolutions and proposed to the Governor amendments within an ultimatum of two weeks. As the government did not respond, Nkrumah began his positive action campaign that involved an arduous struggle ending by the independence of the Gold Coast in 1957.

The Accra riots showed clearly that the Africans had reached an immeasurable stage of political consciousness which, when backed by strong nationalist leaders, could challenge the mightiest power. It was, undoubtedly, the lessons triggered by the Accra riots that, as will be examined later, made the Colonial Office re-consider its position vis-à-vis self-government and hasten constitutional change ⁽³⁷⁷⁾ so as to 'strengthen the hand of the moderate chiefs and intelligentsia against the extremists'. ⁽³⁷⁸⁾ Within this scope it is pertinent to add the remarks of Sir Hugh Foot, Chief Secretary, in relation to the need for constitutional change:

'We took into account the disorders and changes which had recently taken place in what was then the Gold Coast. We came to the conclusion that we must at once take a new initiative.'⁽³⁷⁹⁾

Broadly speaking the Nigerian workers' strike of 1945, the Indian path for independence and lastly the Accra disturbances were all evocative of the undeniable truth that colonial agitation and nationalist movements had attained a great force to prompt the British Labour Government's re-orientation of colonial policy which unfolded into Cohen's plan for the transfer of power. The next lines will reveal how this policy was worked.

2. The British Labour Government Colonial Policy

It is beyond any doubt that the impress of colonial agitation, and fear of its channelisation by nationalist leaders into repressive movements made change in colonial policy expedient.⁽³⁸⁰⁾ Yet, a no less significant factor was the Labour Government, with Arthur Creech Jones as Colonial Secretary (1946-1951) that accelerated the pace for colonial decolonisation. The Labour Party was, as outlined earlier, known for its socialist ideas and the promotion of colonial conditions which found an expressive form in the post-war era.

Boosted by international opinion, which was committed to the end of colonial rule, it geared its efforts to the creation of welfare conditions for colonial peoples.

This policy was, clearly, expounded by A.C.Jones in a speech to the Fabian Colonial Bureau on December 14 1946 which emphasised social change as a means to build higher standards and a richer life for the colonised. This change was of course to be based upon community responsibility and co-operative practice.⁽³⁸¹⁾ To ensure that provision was to be made for the spread of education, self-confidence, good health, sanitation conditions, good community habits, in addition to the building of the necessary public works and utilities.⁽³⁸²⁾ However, these could only be achieved within the creation of voluntary associations and societies concerned with aid, such as co-operative and friendly societies, municipalities and local government.⁽³⁸³⁾ In the field of economic development, the Secretary of State was anxious as to the possibility of industrial development which would establish a diversified economy. He added that colonial governments were required to have some degree of state action to stabilise prices and secure proper marketing.

Creech Jones' speech was, clearly, a re-affirmation of the existing policy (CDWA) with an emphasis on the elimination of all forms of racism and exploitation.⁽³⁸⁴⁾ There was still no hint as to a rapid transfer of power since political responsibility at the centre was to be underpinned with sound social and economic organisation.⁽³⁸⁵⁾ Nevertheless, in the same year the first concrete step towards political change was undertaken by the Labour government, exemplified by a memorandum on the factors affecting native administration policy by J.B.Cartland. It would be, hence, expedient to see what the document provided and why precisely it focussed on Native Administration instead of Central Administration.

2.1 Cartland's Memorandum 1946

J.B.Cartland had served in the Gold Coast in the period 1935-45 first as a Cadet and then as a District Commissioner.⁽³⁸⁶⁾ His experience, hence, showed him the incapacity of the Native Authorities of 'doing much more than deal with the most primitive administrative problems.' In 1945 he was seconded to the Colonial Office and charged by Jones to comment on native administration policy.

Cartland argued that the policy of native administration was generally criticised by the educated Africans who suspected the European administrators of using it as an expedient to divert the natural political aspirations of the Africans.⁽³⁸⁷⁾ Besides, even departmental officers were critical of the policy on the grounds of its inefficiency.⁽³⁸⁸⁾

On the other hand, Cartland showed that the actual policy would stir critical demands from the returning African troops who would not be satisfied with the existing conditions, and that the new development policy would exercise more strain on the Native Administrations than before. Henceforth, in view of that he concluded that the basis of Native Administrations was not broad enough, that the Native Authorities were less efficient in performing the duties imposed upon them, and that the general policy required a review to ensure better its reinforcement and re-direction. In fact, Cartland was of the view that it was no longer 'sufficient for the Native Authorities to be a mere expedient to provide the Central Government with cheap local agents to carry out the details of its day to day administration', but it was 'necessary that it should become an active partner in, and an essential instrument of the development policy.'⁽³⁸⁹⁾

In relation to the question of central government Cartland considered that it was extremely important to make a re-statement of the policy in regard to the position of the Native Administrations vis-à-vis the central government; in other words would the central government be formed of a federation of Native Administrations, or would it continue in its present form with the Native Administrations serving as its local agencies? He also added that if this restatement was to be made it ought to be done in more general terms given the wide differences between colonial territories.

Cartland provided no details as to the statement of policy. Yet, he advised on the requirements of this restatement. First, there was urgency for a change of the label of this system of government and to call it local government or African local government. The interest behind that would be threefold: to get rid of the word 'native' which was objectionable in some parts of Africa so as to show the difference of the new phase of policy from the old, to dismantle all forms of prejudice, and finally to pinpoint the real and intended sphere of this form of government.

The second piece of advice was related to the state of the Colonial Service. Cartland precised the difficulties that officers were enduring; long tours, overwork, increasing difficult conditions, and a rising cost of living which had sapped both their energy and enthusiasm for tackling big problems. Moreover, the colonial personnel was greatly alarmed by the absence of leadership, a situation conspicuously confirmed by the inefficiency of the new recruits since they had no training and little understanding of the history and policy of colonial administration. To re-organise the state of things, Cartland suggested that the District Commissioners should be induced to feel that there was a conscious overall policy, and that the local application of that policy was being carefully planned by enlightened Provincial Commissioners.

Explaining how this new change could be achieved, Cartland precised that it should rest essentially on the provision of more library facilities by colonial governments (to colonial officials) so as to get them more informed about what was happening elsewhere, and their authorisation to work on local governments in other colonies. Furthermore, he proposed the introduction of an official journal dealing with the issues of land, native law, and native courts. The objective behind that was the increase of the colonial officers' knowledge about African affairs in all colonial territories.

Another condition for the adjustment of the state of the colonial service, according to Cartland, would be the encouragement of District Officers to explore their districts widely so as to visit and supervise the outlying Native Authorities. This touring could only be made possible if these officers were relieved from the heavy routine work through the increase of clerical assistants.

The boosting of the new system would, further, require the development of regular conferences (conferences of the District Commissioners and those of the Native Authorities' staff and dignitaries), with a view to creating more enthusiasm. Cartland also considered the arrangement of regional conferences in East, West and Central Africa as a good expedient both to get interest and acquire more experience.

In relation to the change envisaged for the Native Authorities, Cartland proposed their transformation into reasonably efficient organs of local government by performing useful local functions. Besides, they should be given systematic preliminary and

refreshing thinking.⁽³⁹⁰⁾ Their remuneration ought equally to be revised to maintain their prestige. Cartland ended his memorandum by laying emphasis on the necessity of raising the moral standard of Africans by urging the help of the psychologists and sociologists.

On the whole, Cartland's memorandum did not hinge on the details of the policy of local government, but simply on the conditions that would make it successful. How the Colonial Office viewed those proposals is the next point to be considered.

Andrew Cohen, Head of the African Division, was greatly satisfied with Cartland's memorandum as it complied with his wish to initiate change in that direction. He solicited, henceforth, the views of other officials in the Colonial Office, notably Mr. Footman, Mr. P. Wilkins, Mr. O. S. Wallace, Mr. M. H. Varvill, Mr. A. H. Dulton, Mr. J. B. Williams and Mr. Frederick Pedler. All agreed with Cartland on the necessity of democratising the Native Authorities with a view to enabling the educated Africans participate in the local government of their country. Furthermore, Frederick Pedler suggested the breaking up of the large Native Authorities, and the amalgamation of the smaller ones.⁽³⁹¹⁾

All in all, though the views of officials fluctuated as to the re-definition of the policy, they nonetheless converged towards the same idea: that of the reformation of the Native Authorities through the inclusion of the educated Africans. The year 1947 was to pave the way for the crystallisation of this idea.

2.2 1947 Colonial Strategy

The year 1947 witnessed the most strikingly revolutionising change in colonial policy by the elaboration of an overall plan for the transfer of power within only a time span of one generation. The reasons behind this turning point were ineluctably linked to the growth of agitation in colonies (both African and Asian), international criticism and public opinion.⁽³⁹²⁾ Andrew Cohen was the chief authority behind the new framework under the instigation of A. Creech Jones. The policy was worked out in different stages. First, a committee was appointed by the Secretary of State, under the headship of Cohen and Sydney Caine, Head of the Economic Department, to 'chart a new approach to Africa'.⁽³⁹³⁾ They were to deal both with economic advance and political development. In February 1947, a despatch was sent by A. Creech Jones to the colonial Governors, and

subsequently a series of conferences were held respectively in Cambridge (1947) and London (1948). The examination of those steps are, therefore, worthy of comment for a clear understanding of the new policy.

2.2.1 Cohen's Committee 1947

Before dwelling on Cohen's Committee, it is important to shed a little light on its chairman. Cohen joined the Colonial Office in 1933 as a scholar 'to monitor the dependent Empire.'⁽³⁹⁴⁾ His first visit to Africa, precisely Rhodesia, was in 1937. There, he was so perplexed by the load of colonial peoples that he decided to fight for the nationalisation of the British South African Company's copper royalties. Besides, his one-year sojourn in the United States to study the Negro problem hammered in him a hatred for the colour bar. This, undoubtedly, made him join the Fabian Bureau and embrace the socialist cause. From 1940-43, he was appointed to Malta as Acting Lieutenant-Governor, then in 1943, he returned to the Colonial Office where he was made Assistant-Secretary.

His work during the drafting of the Committee's report earned him the adoration of many people in the Office. One of his colleagues, ex-private Secretary of Churchill, described him as follows:

'he seemed to make the history which we lived in and so affected all our work. He was a giant who towered above all of us of his generation at the Colonial Office.'⁽³⁹⁵⁾

This was the man who was behind the 1947 policy. The report of the Committee brought about spectacular changes, shaking strikingly the old beliefs. It was assumed that within a generation the principal African territories would have attained full responsible government.⁽³⁹⁶⁾ The aim of the report was clearly stated as:

'to guide the colonial territories to responsible self-government within the Commonwealth in conditions which ensure to the people concerned both a fair standard of living and freedom of oppression from any quarter...The broad aim of policy is to transform the Legislative Council from a body, in its most elementary form, comprising principally officials or members nominated by the Governor, to a body on which the members are wholly elected by the people and to which falls responsibility for appointing and controlling the executive council.'⁽³⁹⁷⁾

For this sake Cohen prescribed a policy of transfer of power to the African colonies that was to follow four stages, but the pace and manner of change might be altered by internal pressure.⁽³⁹⁸⁾ Cohen stated that the foundations upon which self-government would be based were already existing, notably the Executive Council, the Legislative Council, the Colonial Service and the local councils. The desired end would be the building up of colonial governments as entities of their own.⁽³⁹⁹⁾

For the first stage Cohen recommended the breaking up of the Central Government into a number of departments, each under the responsibility of a member of the Executive Council. This would constitute the basis of 'a full Cabinet System'. The number of members would vary from one territory to another. The larger territories would include a Finance member, a member for Economic Development or National Resources; a member for Social Services, and others, while the smaller territories would suffice themselves with only a smaller number, generally confined to the Chief Secretary, a member for Finance and Economics, a Law member and a member for Social Services. The Executive Council would in this way be treated as the real government of the territory, rather than simply as an advisory body. The unofficial members, without responsibility, would continue to make a link between the Council and the Legislature. The success of this stage would require the appointment of a Secretary to the Executive Council.

In the second stage, African unofficials were to be made responsible to the Governor, and would be put in charge of a number of departments. The Governor would, steadily, relinquish his executive powers till accepting the majority opinion of the Council in relation to certain subjects. The number of unofficials would gradually increase, and the Executive Council would achieve the point of being responsible to the Legislature.

In the third stage, some of the members would become Ministers under a system of Cabinet responsibility, with the Governor stepping into the King's representative. However, his responsibility would only cease when the Ministers assumed full responsibility to the Legislative Council, and when elections (direct or indirect) were plainly democratic. Cohen thought this stage could not be reached without an effective system of local government, together with popular elections.

The final stage would be attained when all departments were brought under the responsibility of Ministers, and internal self-government was conceded. Cohen believed this stage would follow rapidly on the preceding one.

According to Cohen, these stages for the transfer of power would depend exclusively on the Africanisation of the Civil Service. In other words, the higher ranges of the Public Service were to be manned by the local people.⁽⁴⁰⁰⁾ This was, manifestly, to be achieved by education, especially higher education. The latter would secure the entitled personnel and the teachers who would, in turn, contribute to the transformation and modernisation of the African society. On the importance of education, Cohen said; ‘if educational development cannot keep pace with it (political development), the results may well be disastrous.’⁽⁴⁰¹⁾ Hence, political development had to concurrently parallel educational development.

A further requirement for the smooth transition to self-government would be the establishment of small consultative groups of local people who would work in closest touch with the Directors of the most important Departments.⁽⁴⁰²⁾ Such groups would be of considerable importance both in the working out of the policy, and the review of development programmes. This procedure ought also to be developed in regional headquarters and, lower down, in administrative districts.

To mark the progressive change to responsible government, Cohen precised that the Secretary of State would devolve his authority to colonial governments, but he would retain a certain degree of control over specified matters. These included the handling of external relations such as defence, air navigation, import, export and exchange of controls. The Colonial Office would also be responsible for providing governments with the staffs required from abroad for assisting with technical and scientific advice.

Another field where the Secretary of State’s authority would be retained concerned fiscal policy, especially measures against inflation, loan policy and finance development. According to this provision, the estimates of colonial governments should not require the approval of the Colonial Secretary, but would merely be sent to the Office for information.

Broadly speaking, the Secretary of State's partial loss of authority meant that the colonial governments were to effectively gain dominion status in a steady way, so as to mark their smooth adaptation to the new status.

By and large, Cohen's formulas for the transfer of power at the central level were based upon the British-parliamentary system. They were to apply to all of British Africa, in spite of the existing discrepancies between the regions. In fact, Cohen, deeply conscious of that, asserted that certain areas were to accede to self-government before others, the case, for instance, of West Africa in comparison with East and Central Africa. Yet, it was clear that independence could not be achieved unless territorial unity had become a reality, and suitable political leaders representative and responsible to the people had emerged.⁽⁴⁰³⁾ In other words, African leaders had to work, through the genuine mobilisation of the masses, for sound unity and prosperity. In Cohen's view, this climatic phase was conditioned by the development of local government, since without it democratic control could not be secured. In this respect, it is quintessential to examine the chart proposed by Cohen for the local machinery of government. This presupposes the following question: did Cohen maintain the system of indirect rule or did he frame a new model?

Cohen believed that the actual Native Authorities could by no means meet the requirements that a rapid advance to self-government needed.⁽⁴⁰⁴⁾ There was urgency for the creation of an effective system of local government, modelled on the British one that would not only be concerned with maintaining law and order, but would equally undertake a large initiative in local services, and secure more effective representation of the people.⁽⁴⁰⁵⁾

To alter, henceforth, the impediment of the ineffective Native Authorities, resort should be made for the establishment of local government units on the Kenya model⁽⁴⁰⁶⁾ in areas of limited tribal authority, and the institution of proper local government bodies below the Native Administrations in areas where the Native Authorities controlled large populations.⁽⁴⁰⁷⁾

The next institution which merited change given the new considerations was the position of chiefs. The rapid socio-economic transformation of the African society had entailed the

growth of a new middle class, and the migration of labour to industrial areas, which in turn had contributed irrevocably to the disintegration of tribal influence.⁽⁴⁰⁸⁾Hence, it was necessary not to tie up the local government system with chiefs who were unable to exercise their authority.⁽⁴⁰⁹⁾A good expedient to undo this problem would be the setting up of the Council system as the directing authority, while the chief would either serve as the president of the Council or a ceremonial or religious leader. These Councils would be set in such a way as to represent all shades of opinions and interests by the inclusion of the politicians, the professionals, the common tribesmen, and the “African strangers”⁽⁴¹⁰⁾As to the selection of these members, nomination by the District Commissioner, or the chief might be used at the beginning, and later elections could be used more exclusively. In fact, Cohen thought that only a genuine selection of the representatives of the people would guarantee the flourishing of democracy. Besides, to increase the effectiveness of Councils as local government units, committees could be set up to handle such specific matters as finance, education, health...etc. In the case of large towns, necessity would be to increase the participation of Africans in the local government bodies both in East and Central Africa so as to obtain an African majority. For West Africa, consideration was to be made for the creation of suitable municipal governments in areas which were not vested with those institutions, and primarily to improve the efficiency of those bodies.

The substitution of the old Native Authorities with new local government bodies was not the sole modification envisaged by Cohen for the attainment of self-government. The nature of personnel and functions were equally to be subject to alterations. Only a qualified personnel could pursue the proper performance of the local government units. Hence, it was important to establish adequate training schemes. In fact, the different educational institutions (secondary schools, polytechnics and the higher colleges) were required to pay a great attention to that. It would also be possible for local government officials to organise short visits to London with a view of benefiting from field training courses.

As far as the issue of local government functions, two things were proposed by Cohen. The first was the division of functions between the central and local governments. In other words, colonial territories would be called to delimit the duties which would be performed by the Native Administrations, and those which ought to be undertaken exclusively by the central government. The second was related to the issues of finance, land usage and law.

In fact, the placing of local government bodies on a sound financial basis was a salient condition for the successful operation of local government units. To achieve that, it was recommended to grant the local institutions an adequate share of the native tax, and control over a wider range of local taxation. It was, of course, evident that people ought to contribute financially for the development of local services.

If the introduction of an additional tax revenue was to boost the proper functioning of local government, the adjustment of the systems of land tenure was, comparably, to enhance that progress. It was assumed that the remaining of chiefs in their posts would certainly entail the danger of their control over land for their own interests and their relatives as well at the expense of the commoners. Likewise, it was considerably important that the African governments form their own policy as to land problems.

The modification of African law was another paramount question that colonial governments had to face so as to keep pace with the socio-economic and political evolution of the African society. Colonial governments were, therefore, required to frame a definite policy as to African law.

The changes proposed in the report both for the central and local machineries of government were the essential steps to be trodden by African governments for the attainment of self-government. Yet, the successful achievement of that depended on economic advancement. The recommendations of the Committee for this domain provided for the utmost increase of African production and services. Agriculture, the pillar of African economy, was still to secure the wealth desired. For this sake, the local farming methods had to be transformed from family-based production to large scale operations with increased use of mechanical assistance and with the object of increased productivity. Scientific knowledge had to be used as it was closely interlocked to the promotion of agriculture. This implied that widespread and bold experimentation had to be applied.⁽⁴¹¹⁾ Further, the development of large holdings and co-operation amongst small farmers would, overwhelmingly, contribute to the extension of agricultural production.

These were, generally, the broad lines along which economic development was to complete political development. Once the policy had been clearly defined, the next stage was to inform and win the confidence and collaboration of the men on the spot (Governors,

officials and unofficials). This implied that Creech Jones and Andrew Cohen had to highlight both the necessity and efficiency of the new change. The Governors were, thus, the first to be approached on the matter.

2.2.2 Despatch to Colonial Governors 1947

On 25 February 1947, The Secretary of State sent a despatch to colonial Governors so as to get their assent. The despatch dealt chiefly with the new British policy of local government as it was thought to be the main expedient for drawing African peoples to development. This was stated by A.C.Jones as follows:

‘I believe the key to success lies in the development of an efficient and democratic system of local government. I wish to emphasise the words efficient, democratic and local. I do so, not because they import any new conception into African administration, indeed these have been the aim of our policy for many years. I use these words because they seem to me to contain the kernel of the whole matter, local because the system of government must be close to the common people and their problems, efficient because it must be capable of managing the local services in a way which will help to raise the standard of living, and democratic because it must not only find a place for the growing class of educated men, but at the same time command the respect and support of the mass of the people.’⁽⁴¹²⁾

Through this despatch the Secretary of State wanted to convince the Governors that the Africans could no longer rely on the Native Authorities as organs for leading the people to progress and development. What was required instead was a system of local government that would cater for all the people, chiefs and common people alike, and that would operate all services in the most efficient way. Besides, the new system would promote democracy by associating both the educated people and the other fringes of the society. The despatch dealt also with the changes to be made for the successful introduction of local government. These had to do with the already mentioned reforms in the Colonial Service (collection and exchange of information, the setting up of a journal...etc).

The reasons why, according to the Secretary of State, the new system of local government was necessary were twofold. First, the development programmes put into execution by the African governments required such a system. In fact, it was in the townships and villages

that such programmes would take place, involving the active co-operation of the people under the leadership of the local authorities.⁽⁴¹³⁾ The second reason was that the local government had to play an important part in political development. Africans had been granted considerable responsibility in the central machinery of government. As these positions were filled by the educated people who were in the minority, that situation was extremely dangerous and would in the future absorb the politicians at the centre and dislocate them from the people.⁽⁴¹⁴⁾ Consequently, local government was recommended to train the people in the management of their affairs so as to attain civic responsibility and help them express their opinion.⁽⁴¹⁵⁾ In fact, this was considered an important step for effective participation in the central government.

Roughly speaking, Arthur Creech Jones' despatch concentrated its focus upon the reformation of the Native Authorities and the Colonial Service. It was assumed that the former was the most important device for training the African peoples in democracy, and thereby the art of political leadership. No hint was made as to central government changes. It is now worth questioning how the Governors responded to the despatch.

Colonial Governors did not all seem to be impressed by the new policy. The most outspoken critical reply to the despatch came from Sir Philip Mitchell, Governor of Kenya (1944-1952). Mitchell did not oppose the policy of local government as such.⁽⁴¹⁶⁾ In fact, he strongly adhered to the benefits of Western civilisation, and believed the Africans could not progress on their own lines, but within Britain's civilising mission.⁽⁴¹⁷⁾ He maintained that the East African peoples could only reach civilised government if the colonial governments kept their hold:

'The government of Kenya...considers itself morally bound to resist processes which might be 'political progress' by the misinformed or opinionated but would in fact, be no more than progress towards the abdication of its trust in favour of...professional politicians...It may be difficult but will, for a very long time, be necessary to dispose of the moral courage and political integrity to say no to proposals for apparent progress of that kind'.⁽⁴¹⁸⁾

Mitchell argued that the new policy would do no more than achieve a false progress, and that the main achievement would be Britain's abandonment of her tutorial role in Africa. The views of Mitchell were shared by the Acting Governor of Tanganyika. In a letter

to the Colonial Office, the Governor stated that he had had a look to Mitchell's reply, and that he agreed with it.⁽⁴¹⁹⁾

Those responses infuriated the Secretary of State who, in an attempt to persuade the Governors, declared that the demand for self-government was something inevitable and that Britain could not wait till Africans had pressed for that claim. The Colonial Office could not, however, stop at those pieces of criticism. It had to carry on with the implementation of the new policy by foreshadowing its details for the colonial administrators in a series of summer schools and conferences.

2.2.3 Summer Schools and Conferences 1947

The first summer school was held in August 1947 at Queen's College, Cambridge with the attendance of a range of six administrative officers from each British African colony. The objective was to clarify the policy of local government with a view of guaranteeing a great persuasion. The officers were arranged in six groups, each tackling a special aspect of local government. They were staffed by Andrew Cohen. Discussions ranged over the functions and finance of local government bodies, urban government, district staffs and race relations. The members showed their assent to the policy, inaugurating hence a new departure in the Colonial Office-Colonial Service nexus as stated by an officer who had attended the school. He argued that the school:

'was to mark the beginning of a new era. From now on the relationships between us and our opposite numbers in the Colonial Office were to undergo an almost complete transformation. Their visits to us would soon become more frequent and more welcome, for now they would often come as personnel friends.'⁽⁴²⁰⁾

The mood of entente that prevailed during the school did not characterise the Governors and Governor-designates' Conference that was held in November 1947, in London. The Conference aimed both to expose, clearly, the policy in front of the Governors and get their consent. But things did not turn as the Colonial Office had planned. In fact, a trenchant tension marked the Conference. Governor Mitchell, who had already showed his opposition to the new ideas in his reply to the despatch, disapproved completely of the

Conference from its beginning to the end as the ideas exposed were for him divorced from reality. Describing it, he said:

‘We conferred all day largely on dry theoretical ideas of colonial self-government totally divorced from the realities of the present day. The Colonial Office has got itself into a sort of mystic entrenchment and sees visions of grateful, independent utopias beaming at them from all around the world, as if there was yet any reason to suppose that an African can be cashier of a village council for three weeks without stealing the cash...There is really no understandings whatever of contemporary realities in the Colonial Office-Creech blathered a good deal.’⁽⁴²¹⁾

According to Mitchell, the Colonial Office was simply charting a policy that had absolutely nothing to do with reality, since the efficiency of any theory could never be verified without experimentation. Further, he believed that the attainment of independence was nothing but a dream.

Governor Richards was also critical of the policy. Reflecting his view upon the constitution he had introduced in Nigeria (1946), he said it was ‘very little more than a continuation of Lugardian own outlook on the future.’⁽⁴²²⁾ In other words, progress towards independence was to be achieved via traditional institutions not the British model, and it was certainly remote as the constitution was to remain in work for nine years. Henceforth, he asked the Secretary of State not to challenge the authority of chiefs, a pledge that he was easily accorded since he was on retirement. In fact, a more flexible Governor, Sir John Macpherson, was to replace him ensuring, thereby, the implementation of the policy.

Apart from Sir Mitchell and Richards, other Governors clashed over another issue: the Member System, some were in its favour (especially those who had already used it), and others were against. On the whole, the Conference ended without an agreement, implying thus that still more work had to be done to get final agreement over the policy. The solution was to organise a meeting with the unofficials. Hence, in August 1948, a summer school was convened, but this time the Colonial Office chose to explain its policy in broad lines so as to avoid any possible friction .

One might ask why the Colonial Office bothered to convene the unofficials, an initiative that could have been scarcely envisaged in the past. The answer simply lies in the

fact that the Colonial Office was so anxious to win the confidence and collaboration of the colonial peoples as they were part and parcel of the new system.⁽⁴²³⁾ In fact, during the Conference an important speech was made by the Secretary of State who emphasised that progress was to be achieved along British lines and British institutions, above all the system of local government, and that it could be done: ‘either by ruthlessness, or by compulsion or by education and persuasion, i.e. by encouraging initiative in the individual.’⁽⁴²⁴⁾

Of course, the British were much more inclined towards the third expedient, i.e. education and persuasion as they were the most plausible means for stepping to safe anchors without incurring financial expenses. The Secretary of State affirmed that the colonial peoples would move forward only if they had the inward compulsions, and that actually only the educated African leaders had the desired faith, but not the great rural populations. Therefore, the breaking down of their resistance and the stimulation of their desires for change was of the utmost importance.

Again, it is bewildering to know that the Colonial Office was deeply desirous of inculcating that faith for the colonial peoples. The key behind this attitude was that advance to the new system of local government had to be undertaken at a rapid pace as put by Andrew Cohen:

‘I think one element of the new policy is that it is now generally recognised that one can no longer accept fully the proposition that the development of local government must take place at the pace which the people of the area are prepared to accept...I think that modern thought is coming to the conclusion that radical changes may have to be made, even in areas where the extreme conservatism of the majority of the people make changes extremely difficult to carry through...It is sometimes said that the risk lies in going too fast; whereas there may be even greater risk in going too slowly.’⁽⁴²⁵⁾

According to Cohen, the colonial peoples were urged to accept radical changes to fit themselves for the system of local government, even if a great gap separated their traditional system from the new one. Those proposals were fully accepted given the degree of persuasion used by the Secretary of State and Cohen as affirmed by the former: ‘I have now seen the dry bones of papers transformed so dramatically by personal contacts and speeches into something real and human.’⁽⁴²⁶⁾

Therefore, in the view of the Colonial Office the policy was a success and there was only room for its application the sooner the better. Yet, before dwelling on how the new system was put into action in Nigeria; it may be fruitful to evaluate Cohen's policy.

At the outset, Cohen's strategy was indeed clear and comprehensive. In fact, the Colonial Office managed for the first time to draft a detailed plan covering both central and local machineries of government. In doing that, it marked a formidable change with the past when frameworks were drawn only partly. This explains certainly that the Colonial Office was in a rush. In this junction, it is relevant to ask why the Colonial Office framed its 1947 policy without associating the Colonial Service which was by far more versed in colonial affairs. This presupposes again the state of hurry in which the Colonial Office found itself in.

As to the stages for constitutional advance, they were clearly defined and required an effective Africanisation of the Civil Service. Yet, progress in the higher level of government was conditioned with the efficiency of the local system of government. In fact, a great emphasis was put by the Colonial Office upon this system as it was to create 'an intelligent and responsible public opinion which would act as the sheet anchor of genuine democratic control.' How that? Simply by drawing an effective chain of representation from the local councils, the provincial councils, the Regional councils and then the Legislative Council.

Indirect elections were still to be maintained in association with direct elections in municipalities. The former method was yet preferable giving its suitability for enlightening the illiterate masses. The notion of timing for self-government is again something striking. A shift from 'generations or centuries' to a mere decade strikes deeply. There is no doubt that the Colonial Office wanted to make rapid concessions before it was forced to. The events of India were partly a decisive factor behind this attitude.

Bending now on the formula for constitutional development, they were modelled on the British parliamentary system, and brought into the fore the importance of the educated elites. This represented a crucial departure from the old policy, whereby marginalisation and denigration were the Africans' lot. The British recognised that the educated Africans,

alone, were entitled to man their governments, subject, of course, to wide popular support. Furthermore, the system of indirect rule was superseded, making room for the new system of local government with its emphasis upon the educated Africans. Thus, the chiefs who were held under esteem in the former system were to make way for the enlightened classes as little progress had been achieved under their hands. The educated Africans were, thus, more convenient for bringing the desirable socio-economic development. It is notable at this level to notice that Hailey disapproved of Cohen's policy for local government, and believed it could not be used given the wide conditions that separated the colonies. He also doubted that the new system could work effectively in very backward areas, unless under the close supervision of the District Commissioner.⁽⁴²⁷⁾

The two systems were diametrically opposed. Indirect rule rested basically upon the chief as the sole Native Authority, which meant an exclusion of the educated African, while local government rested upon the council, with the educated African playing a momentous role in the running of local affairs and the chief merely converted into a ceremonial president. How far the new system was better fitted for socio-economic and thereby political development could certainly not be ascertained at that time, yet what was true was that its effective implementation required a sound educational development.⁽⁴²⁸⁾

On the whole, 1947 policy was significantly important in terms of the concessions prepared. Independence was to be granted to the Africans within a short time, but within the Commonwealth as shown by A.Creech.Jones:

'We are engaged on a world-wide experiment in nation-building. Our aim is to create independence - independence within the Commonwealth -not to suppress it. No virtue is seen in permanent dependence. A vigorous, adult and willing partner is clearly more to be desired than one dependent, adolescent and unwilling.'⁽⁴²⁹⁾

A point of great interest now is to see how this new policy was integrated within the new constitutional review in Nigeria.

3. Announcement and Proceedings of the Constitutional Review in Nigeria

In pursuance of the new colonial policy, Sir John Macpherson made an announcement to the Legislative Council on August 17 1948 related to the initiation of a new constitutional review:

‘the progress already made has been, in my considered view, so rapid and sound that I propose that if it is the wish of the Council and the country, constitutional changes should be made not at the end of nine years but in the second three year period which will start at the beginning of 1950. Before any change is made it is of the utmost importance to allow adequate time for the expression of public opinion.’⁽⁴³⁰⁾

Macpherson’s speech revealed clearly a crucial change in his handling of the constitutional issue in comparison with his predecessor. Not only was he favourable to a new constitution, but even more striking was his acceptance of public consultations.⁽⁴³¹⁾ This could be interpreted as the British intent to gain the confidence of the nationalists as they were the essential components in the transfer of power. No wonder then that the Governor’s words were perceived positively even if they were criticised by Azikiwe. Thus with this view in mind, Mr Hugh Foot suggested, during a meeting of the Legislative Council at Ibadan in March 1949, the creation of a Select Committee which would delimit the steps necessary for the desired constitutional review, and design the appropriate methods for ascertaining the views of the people on the issues involved. At the same time, he advised the Nigerians not to believe blindly in the miraculous work of the Committee:

‘There is some inclination to believe that all that is necessary is to send a committee like Moses into the mountain and that all the people need to do is to watch and pray that the committee will in due course return from the clouds the perfect constitution to last for ever, written in tablets of stone. No one can hand his responsibility in this matter to others. Every Nigerian has a stake in his own country and it is for him by means of village meetings and divisional meetings and provincial meetings throughout the country and through the organisations of which he is member to make his views known.’⁽⁴³²⁾

Subsequently, the Committee was formed under the chairmanship of the Chief Secretary, including all the unofficial members of the Legislative Council (i.e eighteen members), the three Chief Commissioners, the Attorney General and the Financial Secretary. It recommended public consultations at different levels, namely village and district meetings, divisional and provincial conferences, regional conferences and a Colony

conference. The process of this constitutional review together with the composition and functions of those bodies are worth commenting here.

3.1 Process of Constitutional Review

Public consultations were to start first at the level of the village. A village meeting was to be convened to choose two or three representatives to sit in the Divisional gathering. The latter would sound their views as to the constitutional questions presented to them by the District Officer. The Divisional meeting would, then, send its delegates to the Provincial Conference where representatives from the different divisions would meet. Here the Resident together with members of the Regional House of Assembly would consult the Native Authorities or any representative body⁽⁴³³⁾ in the province, and afterwards would call a provincial conference in such a way as to take account of the minority groups.⁽⁴³⁴⁾ After a preliminary consideration of the constitutional issues, the Conference would select its representatives who would make recommendations to be considered by the Regional Conference.

Each Regional Conference would include all the members of the Regional House of Assembly in that region, in addition to a given number of representatives of the different Provincial Conferences.⁽⁴³⁵⁾ As to its functions, they would comprise the examination of the views of the Provincial Conferences, the designation of three representatives to attend a Drafting Committee and finally the sending of a considerable number of representatives to a General Conference.⁽⁴³⁶⁾

In addition to the three Regional Conferences two other conferences were to be convened, namely the Colony Conference and the Lagos Conference. The attendees of former were to be settled by the Commissioner of the Colony, the Legislative Council member of the Colony, the Native Authorities and the representative organisations in the Colony. The attendees of the latter, on the other hand, were to be delimited by the Commissioner of the Colony, the three elected Legislative Council members for Lagos, the Lagos Town Council and the representative organisations in Lagos.⁽⁴³⁷⁾ The two conferences would then meet in a joint Colony and Lagos Conference in order to consider

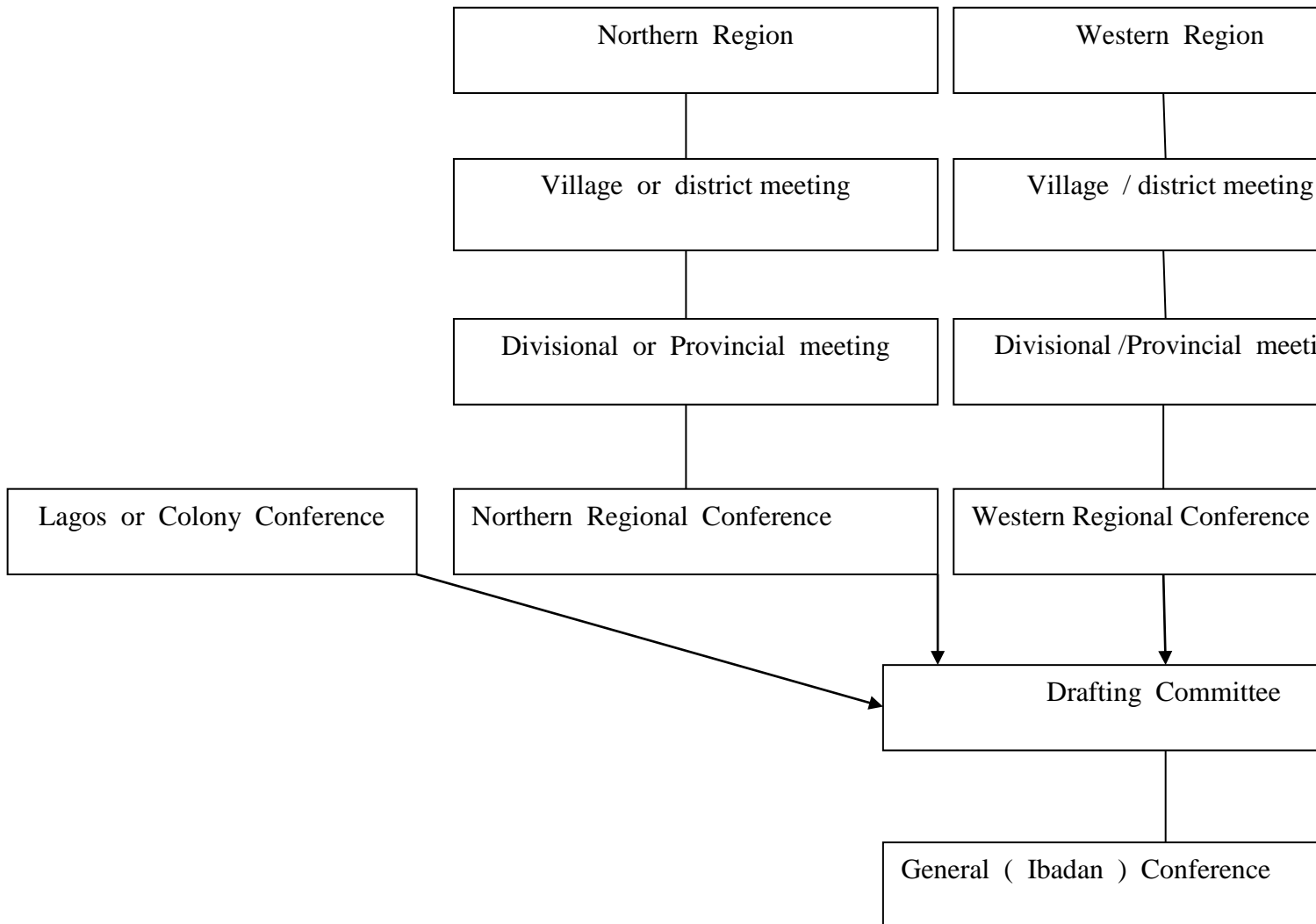
the views of the separate conferences, and designate the representatives to sit in the Drafting Committee and the General Conference. (See diagram 7)

The Drafting Committee was to be comprised of eleven non-official representatives (nine representing the three Regional Conferences and two representing the Colony Conference and the Lagos Conference).⁽⁴³⁸⁾ The Committee was concerned with the analysis of the views of the four Regional Conferences and the elaboration, on their basis, of a constitutional draft which would be submitted to the General Conference for decision. The latter was to be composed of fifty-three members under the chairmanship of the Attorney-General. Twenty-five members were to be drawn from the different conferences, while the remainder would be confined to the unofficial members of the Legislative Council.⁽⁴³⁹⁾ (See table 2).

The General Conference was to examine the constitutional draft set by the Drafting Committee with a view to making any necessary alternatives or amendments. Its recommendations would, then, be submitted to the Regional Houses and the Legislative Council for discussion, before being sent both to the Governor and the Secretary of State for approval.

This was broadly the Select Committee's proposals as to the way public views could be canvassed at a larger and representative level. The Committee did not expound their view as to the constitutional questions to be addressed to the different meetings. They were in fact announced by Mr Hugh Foot during a meeting with the Legislative Council. They chiefly dealt with the nature of the government (unitary or federal), powers of regions, regional boundaries in case of a federal government, membership of Central and Regional Legislatures and method of selection, creation of an Executive Council in each region, functions both of the Central Executive and Legislative Councils, future of the Colony in relation to any new legislative system, constitutional arrangement in regard to the Cameroons, and pace of implementation of the changes within regions.⁽⁴⁴⁰⁾

Diagram 7



Process of Constitution

Table 2: Composition of the General Conference

Area or institution	Number of representatives
Northern Provinces	18
Western Provinces	12
Eastern Provinces (including two members from Calabar)	12
Lagos Colony	6
Other existing nominated unofficial members of the Legislative Council	2
	3

Source: k.Ezera, Constitutional Development in Nigeria: An Analytical Study of Nigeria's Constitution-Making Developments and the Historical and Political Factors That Affected Constitutional Change, Cambridge University Press, 1960, p 109

These questions were, then, to serve as the basis for public discussions. The different arrays of meetings progressed along a long span of time from April till September 1949. The Eastern Regional Conference was the first to finish the process of constitutional debate in July, while the Lagos-Colony Conference completed its work in August and the Western and Northern Conferences in September.⁽⁴⁴¹⁾ Those deliberations were tremendously important since they represented the first experiment in Nigeria in assessing public opinion. Here Margery Perham adds that ‘probably no constitution in the world will ever have been put through such an elaborate democratic process of discussion.’⁽⁴⁴²⁾ Though those public consultations contributed somehow to the political education of the community,⁽⁴⁴³⁾ one cannot be sure how far those who took part in the process, especially those at the level of the village, could comprehend such issues and weigh their repercussions on the long run.⁽⁴⁴⁴⁾

The recommendations which were set out by the Regional Conferences were published in October 1949. They reflected a general agreement over the way the constitutional review should operate, but they showed equally a certain number of discrepancies as to some problems which were left to be resolved by the Drafting Committee. It is pertinent, then, to see what the resolutions of the Committee were.

3.2 Proposals of the Drafting Committee

The Drafting Committee met during two rounds: the first from October 10 to 21 1949, and the second in November 20. It concentrated its endeavour to find a common ground for constitutional concessions that would be acceptable by the three regions. To do this, the members had to comply with the following principles:

‘(1).The main aims of constitutional advance should be to maintain the unity of Nigeria and to serve the best interests of the country as a whole.

(2)There should therefore be a strong Central Legislature and Executive on which all regions would be represented.

(3) In a country of the size of Nigeria with its diversities of history, race, tradition and religion, real unity would not, be achieved by attempting to concentrate all power at the Centre, but rather by further decentralisation of authority to the regions.

(4) Each region should, accordingly, enjoy a greater measure of internal autonomy in the spheres of legislation, finance, the making of policy and executive action’.⁽⁴⁴⁵⁾

Thus, on the basis of these objectives the Drafting Committee recommended the setting up of a federal system of government with the maintaining of the three existing regions. It also called for the granting of regional autonomy in the sense that the Regional Legislatures would not be simply advisory, but should have legislative powers over a range of subjects, including local government, town and country planning, agriculture and fisheries, education, public health, forestry, veterinary services, land, welfare, local industries, regional public works, native courts and direct taxation. In regard to any possible conflict between the Centre and the Regions, the Committee proposed the retaining by the Central Legislature of residual and overall powers, such as reviewing, referring back or rejecting regional legislation when conflicting with the national interest.⁽⁴⁴⁶⁾ Furthermore, it recommended the creation of a Central Legislature to be known as the House of Representatives and a Central Executive to be called the Council of State. The membership of the former would comprise seventy-four members distributed as follows: thirty members from the Northern Region and twenty-two members from each of the Western and Eastern Regions. In fact, this was a compromise for the Northern claim of representation in the Central House equating 50 %. The membership of the latter would include the Governor as President, six ex-officio members and twelve unofficial members

to be drawn from the House of Representatives (four from each region). Those members would become ministers responsible each for one or more subjects, but not departments.⁽⁴⁴⁷⁾ This body would be concerned with the formulation of policy and its execution.

As to regional autonomy, it was to be guaranteed by Regional Executives and Legislatures. Each Regional Executive Council was to be composed of the Lieutenant-Governor as Chairman together with five officials,⁽⁴⁴⁸⁾ and not more than nine regional members to be drawn from the Regional House of Assembly.⁽⁴⁴⁹⁾ Both Northern and Western regions were to be granted bi-cameral houses: a House of Assembly and a House of Chiefs. The Northern House of Chiefs would consist of the Lieutenant-Governor as President, three official members, all first-class chiefs, thirty-seven other chiefs and an advisor on Muslim law.⁽⁴⁵⁰⁾ The Northern House of Assembly would be comprised of the President, four official members, ninety elected members and not more than ten special members representing interests or communities not otherwise adequately represented. The Western House of Chiefs would include the President (the Lieutenant-Governor), three official members and not more than fifty chiefs, while the Western House of Assembly was to consist of the President, four official members, eighty elected members and not more than three special members. Finally, the Eastern House of Assembly would be formed of the Lieutenant-Governor as President, five official members, eighty elected members and not more than three special members.

In addition to those recommendations for regional autonomy, there were to be Joint Councils in both Northern and Western Regions. They would each consist of not more than forty members elected from each Legislative House, bringing a total number of eighty. It was also proposed that the Northern Joint Council would select members to the Central House of Representatives,⁽⁴⁵¹⁾ whereas the Western Joint Council would not.

On the sensible issue of financial policy, that is the allocation of revenue between the Central Government and the Regions, the Committee saw that it was out of its competence and that of the General Committee, and for this reason it advised its consideration by a special committee to be chaired by the Financial Secretary and to include fifteen members chosen by the General Conference.

A final recommendation was pending to the question of qualification of candidates, the system of elections and the distribution of seats between the regions for which the Committee proposed the appointment of an Electoral Commission in each region, including eight members designed by the General Conference in addition to one official. The recommendations being set so, they were then to be considered by the General Committee at Ibadan. At this level it would be quite interesting to examine its resolutions.

3.3 Resolutions of the Ibadan General Conference

Between 9 and 28 January 1950 the General Conference assembled at Ibadan in order to set the final statement on the future system of government of Nigeria. The main characteristic of the meeting was the state of tension stamping the regional delegates. This is why they presented a staunch preference for federalism on the ground that it was the sole outlet for safeguarding their separate interests. In this respect, it is extremely important to ask why the Conference members did not agree on a unitary state but adopted instead the federal system with three regions. To understand that, one should look into the ideologies of the regional delegates. Chief Obafemi Awolowo was from the start the most eloquent supporter of federalism.⁽⁴⁵²⁾ In 1947 he had declared in his Path to Nigerian Freedom:

‘Nigeria is not a nation. It is a mere geographical expression. There are no ‘Nigerians’ in the same way as there are ‘English’, ‘Welsh’ or ‘French’. The word Nigeria is merely a distinctive appellation to distinguish those who live in Nigeria from those who do not.’⁽⁴⁵³⁾

In fact, the Westerners believed in the slogan “unity in federation.”⁽⁴⁵⁴⁾ Ahmadu Bello, a Northern delegate, held a similar view to Awolowo when he explained:

‘sixty years ago there was no country called Nigeria. What is now Nigeria consisted of a number of large and small communities all of which were different in their outlook and beliefs. The advent of the British and of Western education has not materially altered the situation and these many and varied communities have not knit themselves into a composite unit.’⁽⁴⁵⁵⁾

The Northerners wanted a ‘North for Northerners’ because they were at a great disadvantage with the other two regions.⁽⁴⁵⁶⁾ The position of the Easterners was reflected by Azikiwe who, initially advocating pan-Nigerian ideas, found himself under the new circumstances adhering to federalism with more regions on the ground that the tripartite division of the country was ‘an artificial creation and must inevitably tend towards

balkanisation.⁽⁴⁵⁷⁾ Instead, he recommended the partition of Nigeria along the main ethnic groups, i.e ten in order to enable each group to exercise local and cultural autonomy.⁽⁴⁵⁸⁾

These views confirm clearly why the Conference adopted the principle of federalism. In fact, the general belief was that over-centralisation would be an omnipotent danger, and that it would be better to achieve unity at the centre through strength in the regions.⁽⁴⁵⁹⁾ But what is yet less conspicuous is the maintaining of three regions instead of creating more other regions.

If the Conference reached unanimous agreement on federalism, there were issues which remained unsolved, especially the Northern stand as to revenue allocation and seat representation at the Central House of Representatives. In fact, the Northerners clung to their claim for the central revenue grants to be allotted on a per capita basis so that the North would be on the same foot as the South. They also firmly held to the North's demand for representation at the centre comparable to the two regions together. In this context the Emirs of Zaria and Katsina presented a rigid front when they declared 'unless the Northern Region was allotted 50 of the seats in the Central Legislature it would ask for separation from the rest of Nigeria on the arrangements existing before 1914'.⁽⁴⁶⁰⁾ Although the other conferees proposed a compromise solution of forty-five seats for the Northern Region and thirty-three seats each for the Eastern and Western Regions, the Northern members refused to vote.⁽⁴⁶¹⁾ One could certainly link the Northern stiff opposition with the large socio-economic gap separating the North and the South, and the feelings of fear associated with it.

Apart from the Northern opposition four minority reports were handed over to the General Conference dealing with: 1) the regional basis of government, indirect election, the establishment of Houses of Chiefs and the representation of 'vested interests'; 2) adult suffrage; 3) denial of franchise to Southerners domiciled in the North and 4) the position of Lagos.⁽⁴⁶²⁾ The first three reports were signed by the NCNC, while the fourth was signed by the AG. The first minority report attacked regionalism on the ground that it was to promote tribalism and particularism to the expense of national interests. Indirect elections were criticised because they were to favour local notables and undermine party leaders. The allocation of "concurrent and equal powers" to the Northern and Western Houses of Chiefs was viewed as undemocratic as Eyo Ita put it: 'the power of Princes and

the power of the people are never concurrent and equal...Today we are out to abolish feudalism not to reform it.'⁽⁴⁶³⁾The second report condemned the restricted franchise as it was against the ideal of 'all men created equal'.⁽⁴⁶⁴⁾ It also criticised the merging of towns with rural areas for election purposes which implied that the important towns of Onitcha, Ibadan, and Kano would not enjoy direct election for the Legislative Council.⁽⁴⁶⁵⁾In fact, the nationalists saw that this measure was a mere attempt to weaken their forces.⁽⁴⁶⁶⁾Furthermore, the inhibition of women from voting was also opposed because it antagonised with traditional customs, especially in the South. According to Ezera, a Nigerian writer, this provision was mainly undertaken to cut female support (market women) to nationalist organisations.⁽⁴⁶⁷⁾The third minority report opposed the denial of voting rights to the non-Northerners living in the North by arguing: 'it is invidious that any Nigerian could under a Nigerian constitution be deprived of the right of election to the House of Assembly in any region which he for the time being or permanently has his abode merely by reason of the accident of birth or ancestry.'⁽⁴⁶⁸⁾ It was basically clear that this measure aimed to favour the Northerners and exclude the Southerners, especially the Ibo living there.⁽⁴⁶⁹⁾ The last minority report objected to the recommendation that only the Colony and not Lagos should be integrated within the Western Region.⁽⁴⁷⁰⁾

This was briefly the body of the reports which, in spite of their importance, were given little consideration or categorically refused. What mattered more were the questions of seat distribution and revenue allocation which were left for the Governor and the special committee to make a judicious pronouncement on. Meanwhile, the General Conference endorsed the recommendations. Sir John Macpherson, in turn, accepted the Conference resolutions and dispatched them to the Secretary of State who commented:

'...In the view of His Majesty's Government the recommendations which have emerged are of the utmost value. I have been particularly impressed by the wide measure of agreement reached. All who have taken part in the constitutional review are to be congratulated on the results; these have amply justified the initiative which you took in 1948 in proposing that such review should be undertaken and the decision of the Legislative Council to accept your proposal...I wish to make it clear beyond all doubt that His Majesty's Government attaches the very greatest importance to building up a unified Nigeria on the basis of the three component Regions.'⁽⁴⁷¹⁾

One is certainly magnified by the praise made by the Secretary of State to the Nigerians, when knowing that barely three years later the over-elaborated constitution proved ineffective. On the whole, the Secretary of State accepted the constitutional scheme on the basis of three regions which, in his view, would stimulate the unity of Nigeria. As to the time for reviewing the constitution, which the Conference set for five years, A.Creech.Jones disapproved of that, arguing that constitutional change should depend on the extent of political development reached by the country.⁽⁴⁷²⁾ The constitutional arrangements were, generally, well accepted by the Nigerian nationalists except for Azikiwe and other Easterners, In fact, the Westerners were the most enthusiast supporters of the new constitution. On this scope, Awolowo thought the constitutional provisions were ‘a prominent landmark in the nation’s political development.’⁽⁴⁷³⁾

The approved constitution was known as the Macpherson Constitution; and it came into effect in November 1951. There was a belief that its adoption would bring into the fore difficulties in who was to overlap who: the regional government or the central government. Before examining the functioning of the new government notice should be made to the way according to which the issues of distribution of seats and revenue allocation were settled.

3.4 Seat Distribution and Revenue Allocation

As already stated the issue of seat repartition in the House of Representatives was left to the Governor to solve, but the latter handed over the matter to the Legislative Council which accepted the Northern pledge, i.e parity of representation of the North and South. Under this arrangement, membership of the Central Legislature was to be enlarged to 148 members divided as follows: the President, six ex-officio members, 136 elected Nigerians (68 chosen by the Joint Council of the Northern Region, 31 by the Western House of Assembly, 3 by the Western House of Chiefs and 34 by the Eastern House of Assembly).⁽⁴⁷⁴⁾

The last constitutional question which remained to be solved was that of the allocation of revenue between Central and Regional Governments. For that sake an expert commission, known as the Hicks-Phillipson Commission, was set up. It based its work upon four elements: independent revenues, derivation, needs, and national interests. According to

these principles the Commission recommended the partition of revenue along the following lines:

The revenues designated for the regions were to include: a) all revenues declared purely regional; b) all customs duties on motor spirits; c) one half of the revenue from the taxes imposed on tobacco and cigarettes in accordance with the consumption of these products in each region; and a capitation grant to be calculated on the number of male tax-payers in each region.⁽⁴⁷⁵⁾ The regions were also to benefit from special grants comprising: a grant of 100 % from grants-in-aid to educational voluntary agencies, and a grant of 100 % of regional expenditure on the Nigerian police. A capital grant of £ 2,000,000 would be given to the North to compensate it for the unjust public revenue attribution per head of population in comparison with the other regions. The sources of revenue of the central government would include excise duties on imports and exports, 50% from the taxes on tobacco and cigarettes, and mining royalties.

The proposals of the Commission were then considered by a committee of sixteen, including the Financial Secretary as chairman, five members from each region and one member representing Lagos.⁽⁴⁷⁶⁾ The Committee met on the 10th and 14th of April and deeply appreciated the skillful efforts of the commissioners, yet other concessions were claimed by the Northern and Western representatives, notably the grant of 3 million instead of two to the North and the grant of 100 % of the tobacco duties to the regions instead of 50 %. These demands being partly accorded (the Northern demand was rejected); the report was then submitted to the Governor who showed his acquiescence. The partitioning of revenue was to take place on the same date of the promulgation of the constitution. So with the two last issues being settled, interest now is to shed light on the process of elections which were to bring the men in the government.

3.5 The Electoral Process

According to the new system, members of the Regional Houses of Assembly should be elected by electoral colleges that were bound to be the most representative possible from the smallest unit (village) till the largest. It was, further, stipulated that the latter should have at least two representatives in the Regional Assembly. The formation of these

electoral colleges would depend upon local circumstances. Under these regulations the electoral machine was set in the following way:

In the Northern Region there were five electoral stages: the primary electoral units (where all adult tax-payers were entitled to vote), the electoral areas, the intermediate electoral areas, the intermediate electoral sub-areas and the electoral district colleges from which members were chosen to the Northern House of Assembly.⁽⁴⁷⁷⁾ In the Western Region there were three electoral stages, whereas in the Eastern Region there were only two. (See diagram 8 for full appreciation of the electoral machine).

The result of elections was impressive: those who were elected were drawn from an array of activities whose attributes ranged from elementary educational level to university degrees. This substantially implies that the elected members did not have the same enlightened spirit. In the Northern House of Assembly the majority of the members were Native Authority employees (over 40,19 %) followed by school teachers over (36,27 %). The other two regions by contrast comprised a majority of school teachers followed by traders and then lawyers, with the following respective percentages: 18,39; 16,09; 12,64 for the West and 23,86; 10,22; 6,81 for the East. (See table 3).

It is evident that the elections were undertaken under the aegis of political parties. So in addition to the NCNC, new parties emerged such as the Northern Peoples Congress (NPC) and the Action Group (AG), the history of which will be dealt with subsequently. Suffice it here to say that the North ran the elections with the NPC, the West with the AG, while the East contested with the NCNC. The NPC was the sole party which swept the Northern Region with no opposition party. In the Western Region, the success of the AG was overwhelming due partly to its sound party organisation. At first, it obtained 49 votes from 80 and later as a result of the wavering of many NCNC members into the ranks of the winning party, the electoral votes rose to 60 for the AG, 13 for the NCNC, 3 for the Benin Delta Peoples' Party and 4 for independents.⁽⁴⁷⁸⁾ In the Eastern Region the fact that the NCNC was not properly organised ended with the initial victory of 50 independent members who had NCNC sympathies. Azikiwe rushed then with expediency and intelligence to persuade those members to declare their affiliation to the NCNC.⁽⁴⁷⁹⁾ Azikiwe could, hence, proclaim a solid victory for his party.⁽⁴⁸⁰⁾

Each region, with the exception of the North, had then a government party and an opposition party. This implied that there was no nation-wide political party. The three regions set for a party form of government: Tafawa Balewa, leader of government service in the North, Awolowo in the West and finally Eyo Ita in the East. It is notable to remark here that Azikiwe had chosen from the start to contest for Lagos instead of the East, thinking that it was a safe constituency for him, but the AG majority and its use of bribery forbade him from achieving his goals.⁽⁴⁸¹⁾ The point which merits now consideration is to enquire into how the regional and central governments discharged their functions, and whether there was real regional autonomy or the centre overlapped over the regions.

3.6 Functioning of Regional and Central Governments

The new constitution stipulated that regional governments should be autonomous on a certain number of subjects; this implied that they had to promote regional interests, while the central government had to favour the national ones. To understand how the division of powers was undertaken, the examination of each government should be set apart.

The working of regional governments was intimately linked with the regional executives. When a Regional Council needed to introduce a legislation for a given bill, then the minister in charge of that matter was to lay it before the Regional House of Assembly. Through the use of the majority party, the bill could be passed easily. Opposition members could express their views openly, but given the majority rule they could achieve nothing.

In the course of its evolution this system gave way to the development of the party-parliamentary committee according to which bills would be discussed in this committee before being submitted to the House for debate. If the bill was found profitable, the party members in the House were instructed to support its passage and if it was found non-viable the party-back-benchers in the House opposed its adoption. Henceforth, it could be said that, through the expedient of the party-majority, regional governments could work tacitly for the passage of a bill or its opposition. In this context, it is interesting to enquire about the pattern in the central government.

Diagram 8: Process of Elections to the Regional and Central Governments

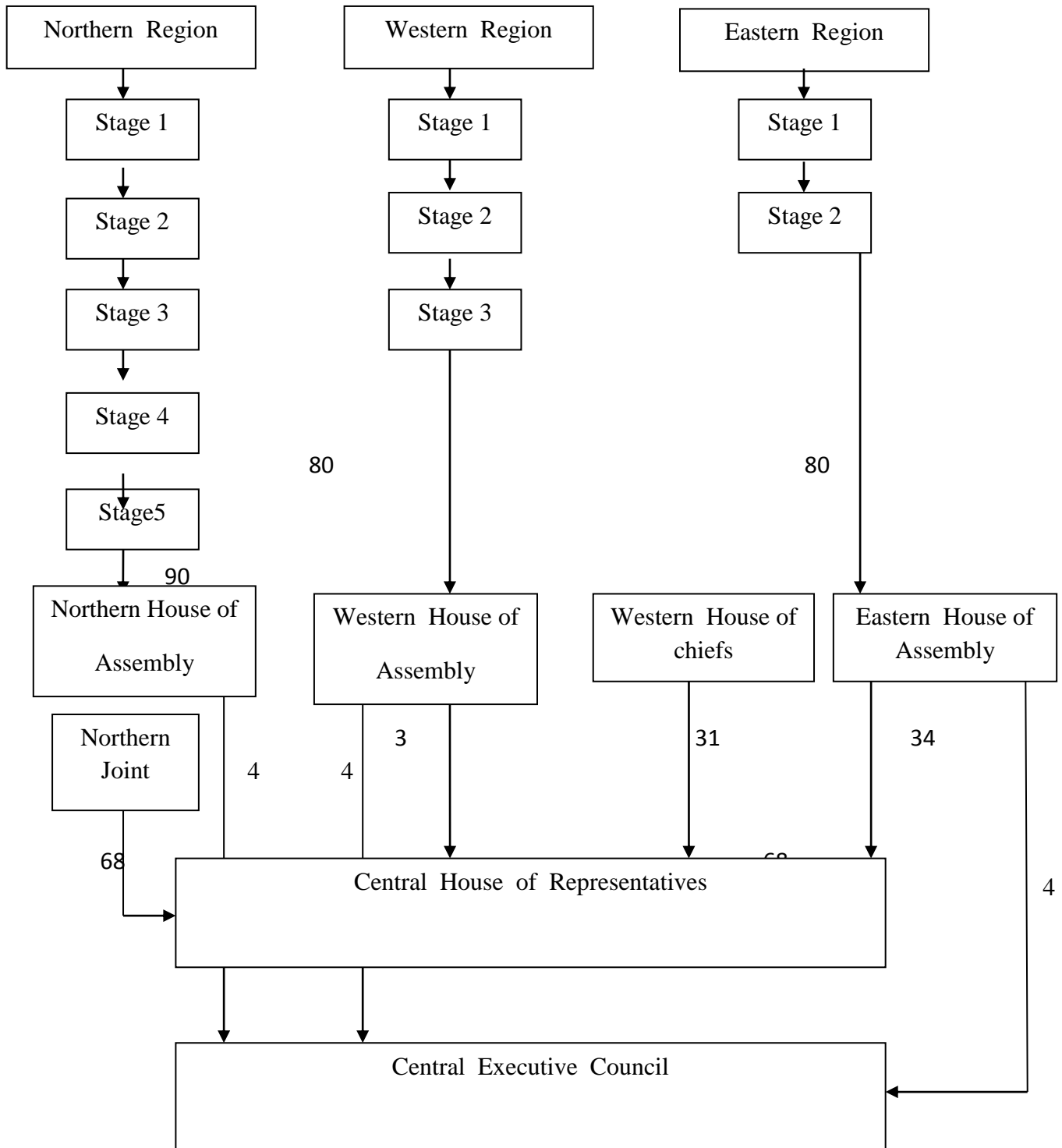


Table 3: Composition of the Legislative Assemblies

Occupation	Northern Region	Western Region	Eastern Region	Central House of Representatives
Chief	-	-	-	15
Civil Servant	6	5	5	6
Commercial Agent	3	7	5	7
Company Director	-	3	2	4
Contractor	-	2	1	2
Farmer	5	4	5	4
Journalist	-	3	1	1
Lawyer	-	11	6	10
Letter-Writer	-	-	1	-
Medical Practitioner	-	2	3	3
Minister of Religion	1	2	2	3
Money-Lender	-	1	-	-
Native Authority Employees	41	6	10	43
Pharmacist	-	1	2	2
Pensioner	1	2	3	-
Principal of Secondary Schools	-	5	8	6
School Teacher	37	16	21	29
Trader	8	14	9	9
Trade Unionist	-	3	3	2
University Lecturer	-	-	2	2
Total	102	87	88	148

Source: K.Ezera, Constitutional Development in Nigeria An Analytical Study of Nigeria's Constitution-Making Developments and the Historical and Political Factors That Affected Constitutional Change, (Cambridge University Press), 1960, p 135

In the Central House of Representatives there was no party in power. Each Regional House selected from its number those who were to sit in the Central House, making thus a cluster of the representatives of the three regional parties: NPC, NCNC and AG. This meant that there was no opposition. The Central Legislature was to some extent similar to the British parliament where the government benches faced the opposition benches. However, in Nigeria these two sides were inexistent since the former, comprising six ex-officio members and twelve ministers was not regarded yet as the government bench.⁽⁴⁸²⁾ Further, the fact that there was no national party inhibited the development of a national outlook encouraging rather the flourishing of regional interests.

The Council of Ministers was the principal instrument of policy; and it had collective responsibility; however ministers were not responsible for departments but simply for subjects. Sir John Macpherson made it clear when he said: 'in respect of the implementation of the policy, the Nigeria Order-in-Council 1951 places certain limitations on the responsibility of ministers.'⁽⁴⁸³⁾ In other words, ministers had no individual responsibility; they were simply charged of the initiation into the Council of the discussion of matters under their portfolio; while the settlement of the policy fell within the competence of the Council. Having outlined the mode of operation of the two governments, it would be notable to examine the division of powers between the two with a view to identifying who overlapped whom.

At the outset, no limitation of powers was placed by the constitutional provisions on the central legislative authority, nor was there a clear confirmation of the exclusive regional list. In fact, there were many instances when the Centre was in a powerful position. First, Regional Legislatures could not acquire the assent of the Lieutenant-Governors for their bills unless the latter were approved by the Central Executive Council. Second, Lieutenant-Governors could not exercise their legislative powers without the consent of the Governor. Third, the Central Legislature could add or remove any matter from the Regional Legislatures. Fourth, the Central Executive had power to give directions to a Regional Executive to implement a given bill, and beyond all that it had power to veto regional legislation. On the light of that, it could be said that the Regional Legislatures were dependent upon the Centre. At this level it is worth questioning whether the system provided for any checks and balances. Certainly as the Centre could not interfere with the

sources of revenue that were designed purely for the regions; and in case a central law was inconvenient with a regional one, then it was the latter which would prevail.

All in all, the constitutional regulations entrenched clearly the supremacy of the Centre over the regions; yet this was not the desired objective of the constitution, i.e regional autonomy. In 1951 the constitution seemed to work successfully only because all decided to give it a fair trial.⁽⁴⁸⁴⁾

The new constitutional instruments were not the sole guarantee of a smooth transition to self-government. As already stipulated by Cohen's policy other parameters were equally salient, notably the Africanisation of the Civil Service, the adoption of the new system of local government and the promotion of socio-economic conditions. An examination of the achievements made in these domains is all the more momentous.

4. Africanisation of the Civil Service

To give effect to the Africanisation of the Civil Service, a commission of enquiry was set up on May 27 1948, with a view to making recommendations about the methods of recruiting substantial numbers of Nigerians in the Senior Service. The Commission was formed of Hugh Mackintosh Foot, Chief Secretary to the Government as Chairman, Thomas Gladys Plummer, Deputy Director of Education, Charles Dadi Onyema, member of the Legislative Council and of the Eastern House of Assembly, Nnamdie Azikiwe, member of the Legislative Council, Mallam Muhammadu Ribadu, member of the Northern House of Assembly, Chief Jaccob Rosiji Turbon, member of the Western House of Assembly and Chief Thomas Vaisey Scrivenor, Civil Service Commissioner.⁽⁴⁸⁵⁾ The Commission undertook its work over almost two months and published its report in August.

The commissioners noticed a striking shortage of Nigerians in the Civil Service. In 1948 their number amounted to only 172 out of a total of 2,207 of posts available;⁽⁴⁸⁶⁾ this meant a percentage of only 7.79. It was evident that only education and intensive training could figure out this hindrance. Accordingly, the Commission set a three-year plan for the award of 385 scholarship and training schemes at an estimated cost of £ 285,000.⁽⁴⁸⁷⁾ This figure

included 30 scholarships for women, 100 for education and general courses, 108 for professional courses and 127 for technical courses for officers in the Junior Service.⁽⁴⁸⁸⁾ It was important that those scholarships should be awarded in a way which would give priority to the government's needs (central secretariat and the departments). In addition to this programme, the Commission recommended that expatriates should not be recruited for any government post unless there was no suitable and qualified Nigerian; that there should be no discrimination against non-Nigerians already under service and that the Junior Service should be reviewed each year so as to select the suitable young men and women to be trained and promoted.⁽⁴⁸⁹⁾ The achievement of this policy required a machinery including a Central Public Service Board and Regional Public Boards. The former would be charged with the selection of candidates, both from the government and outside, for promotion to senior posts and the selection of candidates in the Junior Service for scholarships and special training; while the latter would settle the work delegated to them by the Central Board.⁽⁴⁹⁰⁾

These proposals were totally approved by the Colonial Government which embarked on the formation of the Public Service Boards that started to assume their duties on January 1 1949. About 65 Nigerians were appointed during that year bringing a total of 237 serving in the Medical, Judicial and Educational Departments.⁽⁴⁹¹⁾ To hasten the application of the policy, an expert body was set up in 1953 comprising Sir Sydney Philipson, Commissioner on Special Duties and Mr. S.O. Adebo, a Nigerian administrative officer.⁽⁴⁹²⁾ But the problem was how far those Nigerian Civil Servants could get rid of old practices which obstructed the welfare of the Nigerians as a whole. In fact, in January 1947 the Nigerian government, in anticipation of the new policy, warned against two important aspects: the first was financial integrity arguing that the average African was accustomed to pay a public servant for the service received as if it was a mere 'gift';⁽⁴⁹³⁾ the second was loyalty to the government in the sense that, as a result of growing political consciousness, Nigerian civil servants were prone to support subversive movements.⁽⁴⁹⁴⁾ This implied that the Nigerians had to cultivate a new constructive attitude towards communal interests. A notable question is how this would be achieved.

In a paper submitted to the Nigerian Governor on March 15 1951, S.O. Shonibare and Adetunji Aiyoola, both members of the AG, set the lines for that as follows: impartial selection, administrative competence, political neutrality and imbue with the spirit of

service to the community.⁽⁴⁹⁵⁾To fulfill these conditions and fade out all forms of nepotism and favouritism, two elements were the essential actors notably the individual and the community. The former should be highly competent, and express a deep devotion to public welfare because he represented 'the pivot around which the wheel of operations' ⁽⁴⁹⁶⁾ revolved. The latter should develop a great appreciation of merit, and most importantly develop a high standard of communal morality so as to attain an incorruptible Civil Service.⁽⁴⁹⁷⁾A further provision for the success of the Nigerianisation policy was the establishment of the same scale of salary between the clerical (related to administration) and technical sides of the Service. (medicine, law, accountancy, engineering, surveying, veterinary, agriculture and forestry, and teaching and mining). The argument behind that was the elimination of bitterness and frustration which could result from discrimination of salaries between persons holding the same qualification, but serving in different departments.

This was on the whole the trajectory to be followed for an efficient Africanisation of the Civil Service. The modernisation of the Native Authorities was another domain which could produce a parallel progress. At this point the examination of the new system of local government is of crucial importance.

5. Local Government

In compliance with Cohen's policy of local government, Sir John Macpherson announced on April 14 1948: 'I shall devote my special interest to the problems of local government.'⁽⁴⁹⁸⁾ This meant the democratisation of the Native Authority system through the introduction of the elective principle in place of nomination and traditional right, and the granting of responsibility for the elected councils to run local affairs which under the Native Authorities were left to the Administrative Officer. Three subdivisions were, thus, to be created: county, district and local councils, the last being as close to the individual village as possible.⁽⁴⁹⁹⁾ However, the issue as to whether the new change should be adopted in all regions or only one was all the more important. Given the actual differences between the three regions, it was decided that the East alone would embark the first on the proposed change; while the North and West would follow suit later.

Likewise, a memorandum was prepared by the unofficial members of the Eastern House of Assembly, and then a Select Committee was formed from these members to give a further study to the proposals. As a result, the Eastern Region Local Government Ordinance was enacted in 1950 providing for the reform of the Native Authorities. In the process 3 counties, 12 districts and 187 local councils were set up⁽⁵⁰⁰⁾, however the Native Authorities still continued to operate in backward areas.

The Western Region was the second area to implement the new policy, yet change was not to be radical.⁽⁵⁰¹⁾Obafemi Awolowo, in a memorandum about local government in the West, gave his vision on how the system should be carried out successfully. He proposed a five-year programme for the complete elimination of Administrative Officers via the training of a sufficient number of persons who would become administrative secretaries.⁽⁵⁰²⁾To ensure that, he suggested the selection of a suitable candidate to study for the London University degree for a diploma in public administration, and later he would be affected to a town clerk in the United Kingdom for a period of training of 12 months. Further, he recommended that the salaries and conditions of service in local governments should be similar to those pertaining in Regional and Central Governments so as to be attractive to the literate people; and that treasury supervisors and local government inspectors should be appointed to supervise local governments. These were, indeed, tangible measures for an efficient system of local government, but momentum was more in the diffusion of a sense of responsibility in those who were to serve the local needs of their peoples. Thus in line with the new system, the number of Native Authorities was reduced from 137 in 1945 to 50 in 1953, with a majority of elected members introduced to form the new councils.⁽⁵⁰³⁾The “Sole Native Authorities”,⁽⁵⁰⁴⁾ formed in 1939, were suppressed and the committee system was increasingly used. Furthermore, in 1952 the two Legislative Houses passed a local government bill providing for the creation of local government councils of four types: divisional, urban district, rural district and local councils.⁽⁵⁰⁵⁾The new bodies were constituted of traditional rulers, acting as ceremonial presidents, an elected chairman and other members, the third of whom were to be nominated by the chiefs from among the local functionaries.⁽⁵⁰⁶⁾

The North was the last region where the new system was adopted because fear of hasty reform required the enlightening of the people. In a meeting held in Cohen’s office on November 5 1951 with the attendance of John Macpherson, Mr Hudson, Mr Vile, and Mr

Godden, it was remarked that 90 % of the Northern population was loyal to their chiefs whose legitimacy was clearly entrenched by religion.⁽⁵⁰⁷⁾Therefore, to ‘stampede or over stampede’ these to concede their authority precipitately would infuriate the people.⁽⁵⁰⁸⁾For this consideration it was essential that reform should emanate from the ruling classes themselves and not be imposed on them, that the body of chief-in-council should be largely fostered in the area, and that commissioners for local government should be appointed to help in the application of the system instead of relying upon the Residents.

Henceforth, reform in the North was gradual. Prior to 1950 there were 114 Native Authorities which were categorised as follows: 86 Sole Native Authorities (where chiefs were not legally compelled to consult their advisory councils), 4 Chiefs-in-Council (where chiefs considered the views of their councils but might overrule their decision), 14 Chiefs and Council (where the majority decision overruled that of the chief), 9 councils and 1 District Officer.⁽⁵⁰⁹⁾(See table 4).

Table 4: Types of Native Authorities

Province	Sole Native Authorities	Chiefs-in-Council	Chiefs and Council	Councils	District Officer	Total
Adamawa	2	–	–	1	–	3
Bauchi	9	1	2	–	–	12
Benue	4	–	2	–	–	6
Bornu	7	–	–	–	–	7
Ilorin	7	–	–	–	–	7
Kabba	8	3	5	1	–	17
Kano	4	–	–	–	–	4
Katsina	2	–	–	–	–	2
Niger	6	–	–	3	–	9
Plateau	28	–	5	4	1	38
Sokoto	4	–	–	–	–	4
Zaria	5	–	–	–	–	5
Total	86	4	14	9	1	114

Source: CO554/235 Reform of Local Government in the Northern Provinces of Nigeria, p

In sum, progress in the implementation of local government did not proceed at the same pace in the three regions with the Eastern Region taking the lead. Yet, again here success of that policy rested basically upon the devotion of Africans to communal interests. The next point to examine is the extent of achievement of socio-economic development.

6. Socio-Economic Development

To have a broad appreciation of the progress made by the Nigerian government in the promotion of socio-economic conditions, it is notable first to record the trade figures for the period 1951-1953 with a view to assessing whether Nigerian economy had soared or sunk into crisis; Notice will also be made to the CDW grants so as to see the extent of British Government contribution to Nigerian development. Second, in view of the importance of education in political development, the evaluation of the educational activities proves greatly necessary, above all with the particular case of the North.

In respect of Nigerian external trade, the year 1952 was generally characterised by an increase in the value of trade which amounted to £ 242,000,000 in comparison with £ 205,000,000 in 1951. ⁽⁵¹⁰⁾This represented a considerable growth of £ 37,000,000, an amelioration due no doubt to the growth of international trade which consequently boosted demand on Nigerian products and harnessed the Nigerians' purchase of European, American and Asian goods. Export and import figures for 1952 were respectively £ 129,000,000 and £ 113,000,000; whereas those of 1951 were £ 120,000,000 and £ 85,000,000. ⁽⁵¹¹⁾ Exports were largely destined to the United Kingdom followed by Germany and Holland. On the other hand, imports came principally from the UK with the largest share (over £ 58.2 million for the year 1952). ⁽⁵¹²⁾ The other countries which supplied Nigeria with her needs were, in order of importance, Japan, India, the Netherlands, Germany, the US and Italy. The chief exports were cocoa, groundnuts and palm produce; while imports included cotton-piece goods, iron and steel manufactures and artificial silk manufactures. Table five indicates the increasing value of imports along the period 1950-1952.

In terms of revenue and expenditure, there was a commensurate increase, with the process of regionalisation achieving an important progress. This meant that items of

revenue purely regional were directed to the regions. The year 1951 recorded a revenue of about £ 50 million, with customs and excise constituting 66 %, and an expenditure of £ 44 million.⁽⁵¹³⁾ The subsequent year marked an increase of revenue totaling £ 54 million and an expenditure of over £ 44 ½ million, making a surplus of £ 9 ½ million⁽⁵¹⁴⁾. The regions held also balance in their revenues amounting to £ 4 million, bringing thus the whole amount of surplus to £ 13 ½ million.⁽⁵¹⁵⁾

Table 5: Value of Imports into Nigeria from 1950 to 1952

Countries	1950 £ million	1951 £ million	1952 £ million
UK	37.0	43.5	58.2
Japan	5.8	7.5	11.3
India and Pakistan	3.8	4.9	6.5
Netherlands	4.6	5.4	8.3
Germany	1.4	4.5	6.5
US	2.5	3.7	5.2
Italy	1.2	3.8	3.9

Source: Annual Report Nigeria 1952, p 31

The substantial increase in revenue implied that the Nigerian government could embark on the development of a number of services. Yet, the notable question is how far could this be realised, and how far could the British Government fulfill its promise of grants? In this scope the ten-year plan was revised by the Legislative Council owing to the rising costs of services and goods. The revised plan for 1951-56 was estimated at £ 34,183,641 and comprised the following expenditure: CDW grants (£ 16,212,584), Nigerian loan funds (£ 9,950,450) and Nigerian revenue contribution (£ 8,020, 607).⁽⁵¹⁶⁾ An examination of expenditure over a number of projects in 1951 shows a discrepancy between the original estimates and the actual expenditure . (See table 6) Two interpretations are possible here: either the estimates were over calculated and the real expenditure proved much more inferior, or the money available was not sufficient to cover the original estimate. The first supposition is to be rejected because the year 1951 witnessed an increase of prices of goods and hence services. Besides, criticism in that year did not cease, especially in the fields of urban water supplies, tarring of roads, electricity supplies and hospitals.⁽⁵¹⁷⁾

Table 6: CDW Schemes in 1951

Schemes	Original Estimate £	Actual Expenditure £
Medical	1,596,596	475,209
Medical Housing	178,230	134,827
General Education	1,533,750	688,638
Technical Education	425,400	240,846

Source: Annual Report on the General Progress of Development and Welfare Schemes 1950-51, p 83...87

In 1951-52 the situation was not better owing to the same problem of lack of skilled personnel, certain materials (cement) and equipment. Indeed, it is to be doubted whether the British Government could fulfill its commitment to colonial development as it had to cater for its own welfare. In fact, in 1951 the Conservatives, who had resumed control of the government under Churchill, advocated a policy of the State Welfare, that is the betterment of the domestic conditions. Besides, rationing which was introduced during the Second World War did not phase out until 1950; while meat rationing continued till 1954.⁽⁵¹⁸⁾

On balance, it could be said that certain initiatives were undertaken to promote socio-economic services but CDW grants were far from meeting the desired expectations. It is beyond the scope of this work to comment all schemes; however education ranks more importantly than others and deserves, hence, to be mentioned.

At the outset the process of educational regionalisation was completed. The Centre included an Inspector-General, two Chief Inspectors and advisers in the branch of women's, technical, rural and adult education. Each region had the same staff: a Regional Director, a Deputy and three Inspectors of education. However, there was no co-ordinating policy: the Regional Inspectors made reports only to their Directors. This constituted, indeed, an impediment because even if conditions in the three regions were not identical, co-ordination and exchange of information had a cogent role in the betterment of the educational outcome.

Education was among the most important schemes that enjoyed a great attention. The number of children under primary instruction for the years 1950 and 1951 was respectively

820,314 and 1,069,781.⁽⁵¹⁹⁾ This meant a percentage of 27 % and 35.65 %. These figures show conspicuously a progress, but regional distribution of primary education was uneven. The number of pupils attending primary schools in 1953 in the Western, Eastern and Northern Regions was as follows: 390,165; 553,635 and 125,989, while the comparative figures for primary schools were respectively: 4,121; 3,825 and 1,705.⁽⁵²⁰⁾ Furthermore, the number of teachers in primary schools was 16,261 for the West, 19,243 for the East and 4,991 for the North. (See table 7)

As far as secondary education was concerned, the three regions were enduring the same problem, notably the lack of trained staff and the shortage of equipment and material. In the absence of data for the period under review, the progress made in this domain could not be assessed. Yet, on the light of the results of primary education, the North was still behind the two other regions.

For adult education, all three regions set aims for combating illiteracy. In the North, region-wide campaigns were made and in 1952 about 20,590 adult literacy certificates were delivered.⁽⁵²¹⁾ In the West, about £ 1,000 was voted by the regional government and in the East demand exceeded supply, but the government decided not to take any initiative unless there was real enthusiasm, not a temporary one.

In the field of technical education, Nigeria counted six trade centres in operation in 1953 at Enugu, Ome River, Yaba, Kaduna, Kano, and Bukuru with a total enrolment of 709 trainees.⁽⁵²²⁾ This represented an amelioration in comparison with the year 1951 with only 393 apprentices and three centres at Yaba, Kaduna and Enugu.⁽⁵²³⁾

Though progress was recorded in all branches of education, the major problem, whether in general or technical education, was that of untrained teachers. In 1953, 136 teacher-training courses were held in 116 centres (56 in the West, 42 in the East and 38 in the North), yet the percentage of trained teachers was 23 for the East, 53 for the North, while the West lied between the two.⁽⁵²⁴⁾ In 1950 the number of trained teachers was over 5,556, whereas that of the untrained was 25,315⁽⁵²⁵⁾. This equated the percentage of approximately 17.99 % which by all standards was an alarming number for a country on the way to self-government.

Table 7: Regional Distribution of Primary Education

Pupils		Primary Teachers				Schools	
Assisted	Unassisted	Government	Assisted	Unassisted	Government	Assisted	Unassisted
2,700	1,412	3,177	318,159	68,829	649	12,760	2,852
45	1,364	5,797	440,042	107,796	45	12,899	6,299
27	375	126	101,103	24,760	12	4,118	861
72	3,151	9,100	859,304	859,304	706	28,977	10,012

Source: Annual Report Nigeria, 1953, p 65

The last and most significant branch of education was higher education, and here a remarkable achievement was recorded, namely the opening in January 1948 of the University College of Ibadan with an initial number of 104 students and a staff of 13.⁽⁵²⁶⁾ In 1949 the students numbered 201, including 176 undergraduates preparing degrees in science and 25 others attending special courses.⁽⁵²⁷⁾ Three years later, the College comprised four faculties (arts, science, agriculture and medicine), 22 academic departments and a staff of 100. The number of students rose to 414 among whom 370 were in residence, while the rest were completing their courses in the UK. The College had a capacity for 1,000 students but lack of residence halls inhibited this achievement. Further, the Extra-Mural Department held courses in 150 residential centres as follows 48 in the North, 14 in the East and 88 in the West, in addition to vacation courses in local government and trade unionism.⁽⁵²⁸⁾

Not all students could afford studies in the College owing to the fees. Only one third were privately supported. In 1952, the government awarded 167 scholarships to students: 95 from the West, 62 from the East, 7 from the North and 3 from Sierra Leone. Some of these students went to Ibadan College; whereas others joined universities in the UK.⁽⁵²⁹⁾ In the same year, the sum of £ 3 ½ million was voted by the government for a 480-bed teaching hospital at Ibadan.⁽⁵³⁰⁾

On the whole, substantial efforts were made to develop education at its different levels, yet they remained relatively insufficient for a country of the size of Nigeria. Moreover, the ongoing notes reveal that the North, which had half the population of Nigeria, was still lagging far behind the South. Indeed, the Northerners had felt the extreme importance of education for social improvement, and their demands for educational facilities were constantly rising. Unfortunately, lack of trained teachers and the problem of the building capacity marred evolution. Even if special grants were given to that region such as the 1949 £ 5,000⁽⁵³¹⁾ and the 1952 £ 2 million grant⁽⁵³²⁾, yet more money was still required. The Westerners, on the other hand, placed all their emphasis on the provision of free, universal compulsory education beginning in 1955. The Easterners were perhaps the most motivated. Their long term policy was the introduction of universal primary education, expansion of secondary education, acceleration of girls' and adults' education and a comprehensive scheme for scholarship awards both for secondary and higher education.

Generally speaking, the promotion of education and other services in addition to the Africanisation of the Civil Service and the adoption of the reform of local government were, indeed, conditions sine qua non for a judicious preparation to eventual self-government. The latter required also a strong nationalist movement which would man smoothly the transition. It would be extremely gratifying in this junction to enquire about the advent of Nigerian nationalism in the realm of the regional character of the constitution.

7.Regionalisation of the Nationalist Movement

A major peculiarity of the Macpherson Constitution was the boosting of regionalism on a more accelerated pace, and this was clearly reflected in the nationalist movement. The new constitutional provisions impacted the formation of political parties on a regional basis with a view to championing the interests of their respective regions in the field of ‘constitutional and parliamentary maneuver’.⁽⁵³³⁾ This was typically exemplified by the emergence of two main political organisations, viz the Northern Peoples Congress in 1949, and the Action Group in 1950. The objectives and policies of these bodies present a landslide interest to comprehend the forces and weaknesses of the new government.

7.1 Emergence of Northern Nationalism

The burgeoning of nationalist activity in the North was specifically retarded by the Emirs’ isolationist policy, plainly supported by the British who shunned the North from currents of change, embodied mainly by western education. The Fulani were vehemently opposed to any change, political or social, that might challenge their authority. Smith had explained this by the fact that the ‘Hausa regarded obedience to their superiors and loyalty to their chiefs as one of the doctrines of Islam: ‘addinimu addinin biyayyaye’ (our religion is a religion of obedience’.⁽⁵³⁴⁾ This explains why most of the bulk of the schools were fully controlled by the Native Administrations which had conceived curriculums adapted to their needs, instead of being strictly copied on the Southern model. The school leavers, henceforth, found no problems in getting employed either in the Native Administrations or the government service, inhibiting, thus, the spread of any form of bitterness and even if it existed it was strictly nipped in the bud by the lack of freedom of speech, association, and the press through the threat of victimisation.⁽⁵³⁵⁾

In the midst of the context of opposition to any trend of change, one cannot resist asking the question how nationalism could find a way of expression in the North. The answer lies within the scope of the comparative existence of revolutionising factors that could be elucidated as follows: the challenging effect of the drift of the North into the sphere of modern world via the overseas groundnuts and cotton export economy, the development, though on a small scale, of a network of communication based on roads, rail and air, the stimulation of tin-mining at Jos, the tremendous immigration of the Southerners to the North given the critical need for clerks and other employees, and finally the propagation of missionary education in the Middle Belt.⁽⁵³⁶⁾ Yet, the most stimulating factor was by all standards the Northern realisation of their colossal socio-economic backwardness during the drawing of the new constitution. In terms of higher education, for instance, the 16 million Northerners could count in 1951 only one of their number who had obtained a university degree.⁽⁵³⁷⁾

These parameters assembled contributed, grandly, to a favourable contact between the North and the South, and above all the dissemination of new ideas and values; and these, in turn, paved the way for the rise of a political movement among the educated Northerners that had two orientations: one conservative and the other critical. The analysis of these movements is a hallmark to the comprehension of the Northern attitude as to constitutional development.

The leaders of the conservative movement were, generally, moderate in their outlook. They held the British as being responsible for the policy of backwardness, and desired, therefore, to reform this situation through the spread of educational activities, the provision of modern services and the democratisation of the political institutions. The movement was represented by two organisations, viz the Bauchi Improvement Union and the Northern Peoples Congress.

The first political organisation which rose in the North was known as the Bauchi Improvement Union. It was set up in 1943 by Mallam Sa'ad Zungur, a Northern nationalist who had been in contact with the South, and the first Northerner to attend Yaba Higher College; Mallam Aminu Kano, a Fulani school teacher who became later a prominent leader of the NEPU⁽⁵³⁸⁾; and Mallam Abubaker Tafawa Balewa, Headmaster of the Bauchi Middle School and later became a distinguished leader of the NPC. One cannot assess the

objectives and policy of this organisation given the slender information about it, yet what is certain is that it did not exert a strong influence on the Northerners because it encountered a great opposition from the Emir of Bauchi, and therefore sank into failure. The second organisation, the Northern Peoples Congress, was able to play a more significant role.

On September 26 1948, a group of Northerners, keenly interested in the promotion of the North, organised meetings in Zaria and Kaduna with the ultimate purpose of creating a pan-northern cultural organisation. The leaders included Dr.A.R.B.Dikko, the first Northern medical officer, Mallam D.A.Rabih, a senior employee of the Nigerian railways and Mallam Abubaker Imam, editor of the government-owned newspaper Gaskiya Tafi Kwabo (truth is worth more than a penny). The meetings ended with the creation of two organisations, namely Jami'yyar Mutanem Arewa A You (the Association of the Northern Peoples of Today) and Jami'yyar Jama'ar Arewa (Northern Nigerian Congress). Later the two bodies were merged to form the Jami'yyar Mutanem Arewa (Northern Peoples' Congress) in December 1949 in Kano, with Dr Dikko being elected as its president.⁽⁵³⁹⁾ The Congress leaders declared their objective to be purely cultural so as to eradicate "ignorance, idleness and injustice".⁽⁵⁴⁰⁾ They also emphasised that the organisation:

'does not intend to usurp the authority of our Natural rulers; on the contrary, it is our ardent desire to enhance such authority whenever and wherever possible. We want to help our Natural rulers in the proper discharge of their duties...We want to help them in enlightening the talakawa.'⁽⁵⁴¹⁾

It was probably those 'harmless' aims that made the Sultan of Sokoto and the Emirs of Kano and Zaria congratulate the Congress leaders. In fact, the latter had but to keep themselves away from any political commitment programme as the majority of the members were either government servants or Native Administration employees, posts that clearly discouraged political actions.⁽⁵⁴²⁾ However, that drift from political life could not be maintained as long as the Northerners realised the Southern educational supremacy and the threat from the radical NEPU. It was with this concern that the NPC was declared an overtly political party on October 1 1951 declaring its aims as being:

1. To preserve regional autonomy within a United Nigeria.
2. To undertake local government reform in the North within a progressive Emirate system
3. To ensure that the voice of the people is heard in all the councils of the North, i.e through elected representation.
4. To retain the traditional system of the appointment of Emirs, but with a wider representation on the Electoral Committee.
5. To improve the standards of education throughout the North, while retaining the regional cultural influence.
6. To eliminate bribery and corruption in every sphere of Northern life.
7. To achieve eventual self-government for Nigeria with Dominion status within the British Commonwealth.
8. To preserve one North, one people, irrespective of religion, tribe or rank.⁽⁵⁴³⁾

This conversion from a cultural organisation to a political party was, quintessentially, resorted to given the new constitutional machinery and the urgency to secure a sweeping majority both in regional and central legislatures. This explains why the Northern delegates at the Ibadan Conference were intransigent on their claims of the parity of representation with the South. Further, the Party remained conservative in its grievances. With regard, for instance, to self-government, it did not press for hasty change but desired a reform 'at a reasonable speed, not at an impossible speed'.⁽⁵⁴⁴⁾ Another instance of the Party's conservatism could be found in Tafawa Balewa's proposal in 1950 to set an independent commission of enquiry (without officials) which would promulgate the essential reforms in the North. The Emirs strongly opposed this motion and denounced it as being 'designed to promote ill-feeling'.⁽⁵⁴⁵⁾ On the other hand, knowing how much power and prestige the Emirs had acquired under the colonial system, it was, henceforth, extremely difficult to convince those rulers to initiate reforms that would in one way or another undermine their powers.⁽⁵⁴⁶⁾

Plainly, the NPC's orientation was directed towards promoting the Northern interests and barring the Southern attempts in having a foothold in the North. On that basis, the Northern fear was justified. An inspection of the controversial debates at the Ibadan Conference over the issues of revenue allocation and change of boundaries revealed that the Northern anxiety was effectively founded.⁽⁵⁴⁷⁾ In respect of that, it had to adapt its march so as not to hamper the traditional rulers and at the same time inhibit the growth of strength of the critics. Who were the latter and how did they operate is worth elucidating?

In contrast with the conservatives, the Northern critics were radical in their outlook. They were critical of the traditional system. Explaining their extreme position, Whitaker believed that their status within the traditional hierarchy was marginal and tenuous,

acquired more through skill than close blood and clientage.⁽⁵⁴⁸⁾ This movement was represented by the Northern Elements Progressive Union.

In August 1950, a group of eight radical young Northerners,⁽⁵⁴⁹⁾ the most outstanding of whom was Mallam Aminu Kano, antagonistic to the moderate NPC, proclaimed the birth of a political party called the Northern Elements Progressive Union or Jam'iyyar Neman Sawaba in Hausa.⁽⁵⁵⁰⁾ The main objectives of the Party were the "emancipation of the talakawa" (commoner class) and the "reform of autocratic political institutions". In fact, the NEPU criticised vehemently the traditional system on the ground that the lamenting state of social order in Northern Nigeria was due to the "family compact rule" of the autocratic Native Authorities.⁽⁵⁵¹⁾ The leaders of the Party believed that the British had provided a considerable buttress to feudal power. Therefore, they urged the talakawa to organise themselves 'consciously and politically for the conquest of the powers of Government.'⁽⁵⁵²⁾ This meant that change had to be imposed from below rather than above. Yet, what kind of change did the NEPU desire? Certainly not a moderate one like the NPC. Its interest was to reform the Northern institutions, in other words to root out the feudal systems and instill instead democratic ones.⁽⁵⁵³⁾

The Party's appeal was not made only to the talakawa, but other classes were solicited as well. The mallamai (educated people) were for instance pledged to contribute to the modernisation of the North via the setting up of a network of modern schools and the creation of a Nigerian Muslim Congress, with a view to reforming Islam. In fact, the Party sought to redress the grievances of any people who desired assistance and change. Many people supported, therefore, the NEPU such as the ex-servicemen, the teachers and the Native Administration employees.⁽⁵⁵⁴⁾

The Party was greatly backed in the outer areas of Kano city and to some extent within the city itself.⁽⁵⁵⁵⁾ The reason behind that was the transfer of the Daily Comet, an organ of the NCNC, from Lagos to Kano, allowing thus the NEPU to publicise its activities and make propaganda for its ideas. It received a little support in the other provinces given the fact that it was affiliated to the NCNC which had discredited itself when not fulfilling the promises to the Northerners who had joined it.⁽⁵⁵⁶⁾

All in all, though the NEPU ventured to defend the rights of the frustrated Northerners, above all the talakawa, in having a better life with modern institutions, it could not manifestly impose itself in front of the influential moderate Party, the NPC. The NEPU's affiliation with the NCNC, on one hand, and the anxious feeling as to Southern domination, on the other hand, increased the chances of the NPC to lay a considerable hegemony over the North. Likewise, it is not surprising that in the 1951 elections, the NPC won the majority. If this was the fate of the nationalist movement in the North, a question worth asking is how was nationalism in the West?

7.2 Nationalism in the West

The birth of nationalist sentiments in the West go back to the year 1945 when a pan-cultural organisation, known as the Egbe Omo Oduduwa, was inaugurated in London. However, real political activity in the region did not start until 1950 when some Yoruba (the anti-Azikiwe group) felt the danger of an NCNC electoral victory in the Western region.⁽⁵⁵⁷⁾ The existing NYM did not truly signify a strong organisation to account for, as its strength was felt only in Lagos. The Egbe Omo Oduduwa, on the other hand, was rather considered as a conservative organ. It was within this arena of anxiety as to the future of the West that the Action Group was formed by Obafemi Awolowo. To provide a clear picture about this, it is of interest to analyse first the rise of the Egbe and then that of the Action Group.

As already stated, the Egbe Omo Oduduwa⁽⁵⁵⁸⁾ was conceived in London by a group of Yoruba students, including Awolowo. Three years later, it was established in Ife-Ife with the attendance of about 700 delegates.⁽⁵⁵⁹⁾ The objective of the Egbe as set by its constitution was:

‘to unite the various clans and tribes in Yorubaland and generally create and actively foster the ideas of a single nationalism throughout Yorubaland...To recognize and maintain the monarchical and other similar institutions of Yorubaland; to plan for their complete enlightenment and democratization; to acknowledge the leadership of Yoruba Obas and to establish a firm basis of entire co-operation between the Yoruba people and their Obas...To accelerate the emergence of a virile modernized and efficient Yoruba State of Nigeria.’⁽⁵⁶⁰⁾

Two main themes emerge in this statement: 1) the development of Yoruba nationalism by creating a sense of unity between the different tribes, and 2) the acknowledgement of the legitimacy of the Obas and their democratisation. Apparently, the Yoruba were living in a state of misunderstanding and perpetual differences; and the Egbe had, hence, the urgent task of promoting race consciousness, harmony and true friendliness.⁽⁵⁶¹⁾ At this level, one question might be considered: why did the Egbe yearn for Yoruba nationalism instead of Nigerian nationalism? The answer is that the Yoruba were anxious to be eclipsed by the Ibo in political, economic and social terrains.⁽⁵⁶²⁾ According to the Egbe, the issue of regional nationalism was a device to achieve unity at a micro level, and then at a macro one. The Daily Service clearly expressed that: ‘the most practical way to achieve unity in this country is by having unity in each of the regions. If we have a united West, a coherent North, and an indivisible East, then the meeting at the top to form a united Nigeria will be a matter of course.’⁽⁵⁶³⁾ Hence, the Egbe, through its philosopher Awolowo, advocated the achievement of self-government on a steady basis, that is at the pace judged appropriate by the people within each region.⁽⁵⁶⁴⁾ Working on that basis, the Egbe’s concern was to establish a firm root all over Yorubaland. At first, however, it met with stiff opposition above all in the following districts: Igbara-Ondo, Ilesa, Ogbomoso, but later branches were created in these places. By 1951, the Egbe had over 80 branches in the Western region and another 20 among the Yoruba living in other areas.⁽⁵⁶⁵⁾

The increasing strength of the Egbe entailed a great state of hostility between the Yoruba and Ibo, especially those adhering to the NCNC. On January 17 1948, a committee created by the NCNC organised a protest demonstration against the Egbe in Lagos. In February, the Committee produced a statement criticising the Egbe that it was unrepresentative and that its idea of life officers was undemocratic.⁽⁵⁶⁶⁾ On June 12, the Committee inaugurated an organisation known as the Yoruba Federal Union ostensibly to rival the Egbe. Its avowed objective was to hasten Yoruba unity, work out for educational progress and economic betterment. The next step in the Ibo-Yoruba friction was the launching of press attacks between the West African Pilot and the Ijebu Weekly Echo, representing the NCNC and the Daily Service and the Star of Oduduwaland representing the Egbe. The latter was for instance treated as ‘the dirty exhibition of egocentric stupidity, ethnocentric arrogance and capitalised idiocy’.⁽⁵⁶⁷⁾ Azikiwe, on the other hand, was depicted as the chief danger to the unity of Nigeria. Abusive and harsh words were fired on both sides to the point of breaking into physical violence. The latter was only averted by the government

intervention. The hostilities finally ceased with the Enugu shootings that generated the birth of a sense of national unity between all people in Nigeria.⁽⁵⁶⁸⁾

By and large, the Egbe was far more successful, above all, in bringing about an alliance between the Oba and the educated people, and made the Yoruba feel a pride in their culture and the organisational ability of its leaders. Yet, in spite of its popularity it could not be used to contest for the elections. It had within its fold a great number of Obas whose engagement in politics would undermine their status. Any commitment to political life could constitute a violation of traditional custom as a chief, by customary laws, was considered as the “father” of all his people with complete disregard to their political affiliations.⁽⁵⁶⁹⁾ Awolowo, himself, believed : ‘members even dreaded and considered it dangerous for the Egbe to fight elections. The danger would tend to the destruction of the Egbe and its ideal’.⁽⁵⁷⁰⁾ It was essentially these hindrances which compelled Awolowo and a number of radical nationalists to think about the creation of a party that would militate for the interests of the Western region. This was the background against which the emergence of the Action Group should be seen.

The Action Group was conceived in secrecy by Obafemi Awolowo from March 26 1950 till March 4 1951.⁽⁵⁷¹⁾ The aim behind that was twofold: 1) to see the feasibility of creating a party independent from the Egbe or closely associated with it in the sense of serving as its political wing, and 2) to see what organisation, policy and methods to adopt. After a short controversy, the Egbe decided to remain as a cultural organisation. So on April 28 1951, the AG was publicly inaugurated with the attendance of representatives from twenty-two out of twenty-four administrative divisions in the Western Region,⁽⁵⁷²⁾ with the election of Awolowo as its President and chief Bode Thomas as its Secretary-General. The aims of the Party as expounded by Awolowo were: ‘1) to bring and organise within its fold all nationalists in the Western Region, so that they may work together as a united group, and submit themselves to party loyalty and discipline, and 2) to prepare and present to the public programmes for all departments of government and to strive faithfully to ensure the implementation of such programmes through members elected into the Western House of Assembly and the Federal Legislature’.⁽⁵⁷³⁾

Achievement of unity within the Western Region and promotion of the interests of its peoples were generally the cornerstone to the Party’s creation. The Party maintained that

the fulfillment of these objectives rested basically upon four principles that could be seen as follows: immediate termination of British rule, universal education and enlightenment of the illiterate, provision of health and creation of good standards of life.⁽⁵⁷⁴⁾ As to its organisation, the Party believed it should be based upon the smallest units in towns and villages to be termed as Local Communities. The latter would send their representatives to the Divisional Committees (at the level of the division), and then representatives would be drawn to form the regional body of the Action Group.

Reckoning the importance of a party's statement of policy, the AG was indeed the forerunner in that field in contrast with both the NCNC and the NPC. In fact, the Party issued a detailed political programme that would foster its strength, including among other things: the setting up of a national mineral corporation to take responsibility for all forms of mining enterprise, the introduction of free compulsory education for children between 5 and 13 and the abolition of dual control in education.⁽⁵⁷⁵⁾

The Party was noticeably peculiar for its membership. Its founders were from the most prominent men within the Western Region. In the period 1950-1953, the executive members of the AG comprised 13 barristers, 11 businessmen, 10 teachers, and 5 chiefs.⁽⁵⁷⁶⁾ According to Sklar, the latter class, especially the most enlightened, were somehow compelled to associate themselves with the rising AG in order not to lose their prestige and dignity.⁽⁵⁷⁷⁾

Thus with its clearly-defined programme, studious organisation and characteristic leadership, the AG was vowed to success, above all to the guarantee of election of its members both to Regional and Central Legislatures. Showing congratulations to the Party, Azikiwe expressed his view in the West African Pilot of March 29 1951 as follows:

'Its aims and objects are laudable and its programme of action varied and wide. From all appearances. It is an awakening consciousness in the West...It agrees in some aspects with the Gold Coast Convention People's party in being a party organization.'⁽⁵⁷⁸⁾

By opting for regional nationalism, both the AG and the NPC were conscious of the necessity of achieving political control in their respective regions. At this level, one is impelled to enquire about the fate of the pan-Nigerian NCNC and Nigerian nationalism. In

other words, did the NCNC convert into a regional party or did it maintain its national platform?

7.3 The NCNC and Nigerian Nationalism

The NCNC was a political organisation embracing a Nigerian national outlook. Following the Party's visit to London, it plunged into inactivity owing partly to internal problems, essentially the squandering of money in the fruitless delegation to London. This permitted the rise of other organisations (the Egbe, the NPC, and the AG). However, the rise of the latter boosted ardently the NCNC which decided to review its organisation with a view to adapting itself to the new context. By 1952, the NCNC party was organised as follows: 1) a Central Working Committee to stand as the controlling body of the Party, 2) a National Executive Committee to act as the main executive organ, 3) a Central Parliamentary Committee to be used as the meeting ground for the members of the Central Working Committee, 4) two committees to be established in each region, viz a Provincial Working Committee and a Provincial Executive Committee, 5) an Annual Convention responsible for endorsing or rejecting the decisions of the National Executive Committee as well as the motions sponsored by the affiliated bodies, and finally 6) a Special or Extraordinary Convention to be summoned by the Central Working Committee in case of emergency.⁽⁵⁷⁹⁾ The Party remained faithful to national unity, but its activities were greatly focused upon the East's issues as it had to comply with the new political situation. This indulged, then, the NCNC into extremist grievances.

The move towards the regionalisation of political parties was certainly colossal given the character of the constitution, yet the sense of national unity did expunge when government persecution was felt. This is particularly what happened in 1949 when following the Enugu shootings a national front, called the National Emergency Committee (NEC), was formed. The elucidation of this event is hence required to comprehend fully the development of the nationalist movement.

On November 18 1949, over 5,000 coal miners in Enugu, in the Eastern Region, started a go-slow strike demanding arrears of pay from 1946 to 1947, the upgrading of hewers, housing and travelling allowances.⁽⁵⁸⁰⁾ The strikers were told by Mr Ojiyi, the Secretary of the Colliery Workers' Union, that £ 800,000 was due to them and that it was being

purposely withheld from them in the Colliery Office.⁽⁵⁸¹⁾Fearing that the miners could seize the explosives which were stored in the mines, the Chief Secretary ordered the police to open fire, killing, thus, 21 miners and injuring 51 others of whom 29 were admitted to hospital. Later disturbances spread, for over one week, to other places such as Aba, Onitcha, Port Harcourt and Calabar. The Fitzgerald Commission was appointed to enquire into the disorders. It was composed of Sir William Fitzgerald as Chairman, Mr.S.O.Quashie-Idum, judge of the Gold Coast Supreme Court, Mr. A.A.Ademola, judge of the Nigeria Supreme Court, and Mr R.W.Williams, an MP. The commissioners stated that the Chief Commissioner and his staff had misjudged the character of the agitation, treating it as a political disturbance instead of an industrial dispute. However, they did not find them guilty, but rather condemned Ojiyi and the Nigerian press, especially the New Africa newspaper for stirring the riot. Nevertheless, the Commission pointed to the fact that the use of force to cow the civilian community could not be tolerated by any administration.⁽⁵⁸²⁾ It ended by making recommendations for the improvement of industrial relations in the future, and the revision of the status of the Labour Department.⁽⁵⁸³⁾

The Enugu riots promoted a movement of unity of the different factions in Nigeria. In Lagos, three NCNC members (Mbonu Ojike, K.Ozuomba Mbadiwe and Mokwugo Okoye) met with Dr Akinola Maya, H.O.Davies and other leaders of the NYM to see the feasibility of forming a national front. Consultations culminated in the birth of the National Emergency Committee (NEC) with Dr Maya elected as Chairman, Mbonu Ojike Secretary and Dr J.Akanni Doherty Treasurer. Azikiwe, who was in London during the event, joined the Committee after his return. With Bode Thomas (of the NYM), he planned for the formation of a Coalition Council including the existing parties (NCNC, NYM, and NNDP). The Coalition set a platform of demands comprising immediate self-government, and the support of ethnic groups and organisations with a view to increasing the political awakening of the peasants. However, in spite of these endeavours the NEC and the Coalition Council failed owing to leadership disputes. This, irredeemably, begs the question of how the Constitution could last within such separatist outlooks.

8. Breakdown of the Constitution

The breakdown of the Constitution was an inevitable matter given the absence of country-

wide political parties in addition to its short-comings in terms of power distribution. Yet, the most decisive factors behind its downfall were namely the Eastern regional crisis and the 1956 self-government motion tabled by the AG. In this respect, it would be interesting to shed light on the way these events developed and how they impacted the abrogation of the Constitution.

8.1 The Eastern Regional Crisis

The non-election of Azikiwe to the Council of Ministers made him and his supporters greatly buttressed and disillusioned. Instead, leadership of the Party was assumed by the new men both at the Central and Regional Governments. The NCNC representatives to the Central Council included A.C.Nwapa, Eni Njoku, Okoi Arikpo and Dr Endeley of the Cameroons; whereas the Eastern Regional House was led by Professor Eyo Ita. There followed in the course sound antagonisms between, on one hand, these members and the regional ministers who desired to give the constitution a trial, and on the other hand Azikiwe and his supporters, who were consequently against the constitution. In view of that, the latter group intensified their public declarations and meetings so as to overthrow the Constitution. In his speech “the Price to Liberty”, Azikiwe declared that neither opportunism nor careerism would affect their stand for a free country based on a democratic constitution.⁽⁵⁸⁴⁾ In June 1950, Kola Balogun, National Secretary of the Party, published a pamphlet entitled “Home Rule Now”, calling for the abrogation of the Macpherson Constitution and amendment of the NCNC constitution so as to permit the Central Working Committee and the Provincial Working Committee in the East to control the appointment of the NCNC central and regional ministers.⁽⁵⁸⁵⁾

In August 1952, during the annual convention of the NCNC held in Lagos, Azikiwe suggested a set of objectives to form the backbone of the Party’s policy as follows: a) decline of co-operation in working the 1951 Constitution; b) the convening of a constitutional assembly to frame a new constitution which would ensure an independent status for the capital; c) universal suffrage; d) international recognition of an independent state of Nigeria; e) election of Nigeria to the United Nations Organisation and f) control of the Central Working Committee over regional branches of the Party and thus over regional and central ministers.⁽⁵⁸⁶⁾ However, the Convention did not endorse all the proposals, especially (a) and (f), resulting consequently in Azikiwe’s press attacks against Nwapa, the

NCNC Central Minister of Commerce and Industries, as well as the regional ministers who were behind this objection.

Two months later, the National Executive Committee met at Port Harcourt where Azikiwe restated the aims of the Party, viz: the achievement of self-government for Nigeria in 1956 and the creation of an independent federal government based on eight linguistic states and the abrogation of the 1951 constitution on the ground that the Council of Ministers was the graveyard of every plan.⁽⁵⁸⁷⁾ Azikiwe also attacked the ministers who had 'compromised their allegiance to the aims of the Party and were transformed into apologists of imperialism'.⁽⁵⁸⁸⁾ The National Executive Committee adopted a series of resolutions, the full account of which is set in Appendix B. It agreed to give the constitution a fair trial, excision of Lagos from the Western region, abolition of the Electoral College system, appointment of Africans as Heads of Departments. Nevertheless, this agreement reflected only the views of the men holding ministerial posts; Azikiwe and others were far from sharing their opinions. This is why Zik and his followers mobilised to wreck the Port Harcourt decision, and decided to convene an extraordinary convention of the Party at Jos in December 1952. Though the parliamentary group was invited, they all abstained from the meeting except for one regional minister without portfolio and five members of the Regional House of Assembly. The Convention acquiesced to the abrogation of the Macpherson constitution at the earliest opportunity, in addition to the expelling of Nwapa, Njoku and Arikpo for their defiance of the Party leaders. The nine regional ministers sympathised with their colleagues, a position that made the Eastern Parliamentary Committee of the Party urge their resignation in order to make a reshuffle of the government. The ministers signed their resignation, but when they learnt their names would not be included in the list, six of them withdrew their resignation,⁽⁵⁸⁹⁾ a decision duly approved by the Legal Secretary. This only hardened the reaction of the NCNC, which on February 4 1953 passed a vote of no confidence in the six ministers.⁽⁵⁹⁰⁾ Yet in spite of that, the ministers kept their decision contending that the House should abide by the constitutional instruments whereby the revoking of a minister should be by secret ballot so as not to disclose how an individual member had voted.⁽⁵⁹¹⁾ But the NCNC refused to work with this method entailing an important crisis in the East. The dissident ministers and their supporters formed a party called the National Independence Party (NIP) on February 23 1953, with a view to ensuring constitutional eligibility with Eyo Ita as its president.

There was, thus, a minority government in the East led by the NIP. The NCNC, constituting the majority, decided to step itself into opposition party and defeated all bills introduced to the House. The Lieutenant-Governor, Sir Clem Pleass, could only remedy to that by using his reserve powers.

The crisis in the Eastern Regional Government was mainly due to power rivalry. It could have been reverted if Nwapa and his colleagues had collaborated tacitly with the NCNC, instead of defying its leader. The price of that was a three-month disfunctioning of the government from January 30 till May 6 1953. Yet, what hastened more the breakdown of the Constitution was the AG's resolution of self-government in 1956

8.2 The Action Group Self-Government Motion

In April 1953 a prominent backbencher, Anthony Enahoro, presented a private bill asking the House 'to accept as its primary objective the attainment of self-government in Nigeria in 1956.'⁽⁵⁹²⁾ In fact earlier undertakings had preceded this decision. On December 17 1956, during the second annual conference of the AG held in Benin city, a resolution was passed fixing December 1956 as the date for Nigeria's independence. There was also unanimous approval to adopt a policy of non-fraternisation with the Governor.⁽⁵⁹³⁾

When the motion was presented to the Council of Ministers, it decided by a majority vote not to participate in the debate of the bill, given the fact that the North did not yet feel itself ready for self-rule, and to support instead an amendment made by the Sardauna of Sokoto, Ahmadu Bello, replacing 1956 with "as soon as practicable". The AG central ministers, Sir Adesoji Aderemi, the Oni of Ife, chief Samuel Akintola, chief Arthur Prest and chief Bode Thomas, opposed the decision of the Council and decided to resign in order to debate Enahoro's motion as ordinary members.

The House of Representatives met on March 31 1953, and it was supposed to debate six motions: three sponsored by the NCNC and three sponsored by the AG. The motion on self-government was the last on the list; so both the NCNC and the AG decided to move their motions so as to have just Enahoro's bill to discuss. But the hopes of both parties were but a chimera since after Alhaji Ahmadu Bello had moved his amendment, a notable member of the NPC, Alhaji Ibrahim Imam, got up and moved a dilatory motion: "I beg to

move that the debate be now adjourned".⁽⁵⁹⁴⁾ This was probably an attempt to avoid debating the self-government motion in order to avert any possible crisis. In fact, Macpherson assumed that the Constitution had been judiciously elaborated by the Nigerians themselves and that it was unconceivable to amend it after barely 15 months of its work.⁽⁵⁹⁵⁾ Following the dilatory motion, Awolowo was so infuriated that he burst in violent words which are worth mentioning here:

'We should be free to say our mind on this issue without being fettered, and the North should be free to say its mind without being fettered. At division time we know by the look of things that we will be beaten. But we are afraid. It will go on record that A, B, and C once voted for their country and that E, F, G and H once voted against. That is all we are seeking. But what do we find now? We find that the Northern majority is not only being used in having their way.'⁽⁵⁹⁶⁾

Awolowo concluded by saying that they would not submit to this situation.⁽⁵⁹⁷⁾ After he had finished his speech, both the AG and the NCNC got out of the House, forming a temporary alliance.⁽⁵⁹⁸⁾ The event had a deep repercussion on the relations between the North and the South. As the Northern members of the House of Representatives walked out, they were met by huge angry crowds, insulting and booing them. Awolowo described the Northern leaders as despots and British stooges.⁽⁵⁹⁹⁾ This proved later greatly fatal to the two regions. Shortly after that, leaders of the AG announced a tour of Kano city in order to mobilise people for self-government in 1956. It is, indeed, bewildering how the AG leaders could undertake this initiative in view of what happened earlier in Lagos. The idea that they would not be received in open arms had certainly crossed their mind. The great humiliation of the Northerners had deeply inflamed the people in the North who decided to take revenge for the sacked dignity of their representatives. On May 16 1953, a huge number of Northerners, including the Native Authorities, marched through Kano, repeating the slogan "we don't want Yorubas here".⁽⁶⁰⁰⁾ There followed skirmishes and rioting for about three days resulting in the death of 36 and the wounding of 241.⁽⁶⁰¹⁾ The report of a commission of enquiry noted that the reasons behind the Kano disturbances were due to tribal tensions,⁽⁶⁰²⁾ but the truest causes were political partisanship.

Tensions were, then, at their peak showing that there could be no reconciliation between the North and the South. In fact, five days after the Kano riots the Northern House of Assembly and the Northern House of Chiefs jointly issued an eight-point programme calling for the dissolution of the federation, with the North enjoying full legislative and

executive autonomy with respect to all matters except defence, external affairs, customs and West African research institutions. In addition to that, there would be a central non-political agency for dealing with restricted matters, which would be localised in a neutral place, preferably Lagos.⁽⁶⁰³⁾

These claims conveyed clearly the Northern demand for secession. The country was, thus, plunged in a multi-faceted crisis embodied by a handicapped Council of Ministers incapable of carrying out any policy and a schism between the North and the South. These were glaring signs of the failure of the Macpherson Constitution and the urgency to review it. At this point, it is striking to note that the AG, which had constantly coaxed people to give the Constitution a trial, was the Party which precipitated its overthrow to the contrary of the NCNC which was continuously affirming its opposition. To clear this situation up, the Colonial Secretary, Oliver Lyttelton, declared that the 1951 Constitution would be 'redrawn to provide for greater regional autonomy and for the removal of powers of intervention which could without detriment to other regions be placed entirely within regional competence'.⁽⁶⁰⁴⁾ Accordingly, on May 21 1953, he declared in the House of Commons the British Government's intention to invite representatives from Nigeria to London with a view to discussing the constitutional defects and the ways to solve them. The resolutions of that meeting and its aftermath will form the object of the next chapter.

End Notes:

333. Birchman, op. cit, p 1
334. West Africa Correspondent 'Labour Costs and Conditions in Nigeria. 'The Report of the Tudor Davies Commission', in West Africa, October, 26, 1946, p 988
335. Birchman, op cit , p 1
336. Timothy Obert. 'Transport Workers Strikes and the Imperial Response. Africa and Post World War II Conjunction', in African Studies Review, V 31, 1988, p 26
337. ibid
338. Ibid. Workers on the privately-owned Elder Lines (a subsidiary of Elder Dempster & Co, Ltd) joined the strike at its beginning. Ibid
339. R.D. Pearce, op cit, p 138. Birchman gives another figure: 10 weeks. Birchman, op .cit , p 1
340. In response to the re-enactment of press regulations, these two papers appeared with their editorial pages blank. Ibid
341. Pearce, op, cit, p 138
342. Birchman, op cit, p 1
343. Pearce, op cit, p 138
344. Ibid
345. Quoted in Birchman, op cit, p 1
346. Quoted in Pearce, op cit, p 138
347. Birchman, op cit, p 1
348. ibid
349. ibid
350. ibid
351. 'Labour Costs and Conditions in Nigeria. The Report of the Tudor Davies Commission', West Africa, October, 26, 1946, p 988, p 990
352. Krishna. Gopal "The Development of the Indian National Congress as a Mass Organisation 1918-23", Journal of Asian Studies, xxv (1965-6) p 413
353. ibid
354. During its first meeting (1885) about 72 delegates attended. http://www.en.wikipedia.org/wiki/Indian-National_Congress.
355. About 1,5 million Indians had served in the armed services and India provided £146 million in revenue for the war http://www.en.wikipedia.org/wiki/Indian-National_Congress.
356. Krishna. Gopal, op. cit
357. ibid
358. About 200 strikes took place involving 1,5 million workers. <http://www.scribd.com/doc/18643502/the-struggle-for-freedom-against-colonialism-and-racism>.
359. Lowe Norman, Mastering Modern British History, the Macmillan Press, 1949, p 564
360. http://www.en.wikipedia.org/wiki/Indian-National_Congress.
361. The organisation was formed in 1906 with a view to promote among Muslims feelings of loyalty to the British, protect and advance political rights and interests of the Muslims of India. http://www.indohistory.com/muslim_league_formation.html.
362. Lowe Norman, op. cit
363. <http://www.occanlonline.pearsoned.com>
364. <http://members.tripod.com/India-Resource/freedom.html>
365. Lowe Norman, op. cit, p 564.
366. The Party was formed in August 1947.
367. <http://www.answers.com/topic/kwame-Nkrumah>
368. Peter. N. Stearns, The Encyclopaedia of World History, Ancient, Medieval and Modern, (Houghton Mifflin Company), 1968, p 1049
369. <http://www.info-ghana.com/history.html>
370. Ibid
371. They were popularly referred to as the Big Six. ibid
372. They were detained and exiled to the Northern Territories.
373. <http://www.answers.com/topic/kwame-Nkrumah>. The Party arose support from most sections of the people, of all tribes and areas, including farmers, market-women, small businessmen and the many half-qualified school leavers. Only the few traditionally prominent lawyers and intellectuals supported it.
374. Edmond J. Keller, 'Decolonisation Independence and the Failure of Politics in Africa', in M. Phyllis, op. cit , p 162

375.G.E.Metcalf, Great Britain and Ghana: Documents of Ghana History, 1807-1957, University of Ghana, 1964, p 689.

376.ibid, p 688. Nkrumah mentioned here the examples of the United States, India, Burma, Ceylon and other colonial territories which were obliged, each, to wage a bitter and vigorous struggle to attain their freedom. ibid

377.Commenting this process of constitutional change, Anthony Greene says it 'was a two-way affair of concession in response to pressure.' Anthony Greene, Decolonisation in British Africa, in <http://www.historytoday.com/anthony-greene/decolonisation-british-africa>

378.Ronald Robinson,op.cit, p 66

379.Dennis Austin, op.cit, p 14.

380.Here R.E.Robinson explained 'no policy of letting sleeping dogs lie is likely to succeed when the dogs are already barking'. CO847/38/3.1947 Some Trends in Native Administration Policy in the British African Territories. Memorandum by R.E.Robinson. In the same context, A.Creech Jones precised the effect of nationalism: 'the emotional fervour attached to nationalism infects and spreads. Unless a serious effort is made to channel it, it may become disruptive and destructive. Our task is to channel this emotion and concept towards constructive courses.'CO852/1053/1/1948. Opening Address to the Summer Conference for Colonial Officials-Cambridge.

381.Fabian Colonial Papers. Speech by A.Creech Jones to Fabian Colonial Bureau, 14 December 1946, p 1

382.ibid, p 2

383.ibid,

384.Ibid, p 1To justify this Arthur Creech Jones argued 'because our own security, economic well-being and social standards depend on this being done' ibid

385.Ibid

386.R.D.Pearce, op.cit, p 141

387.CO847/25/47234.1946 Memorandum on Factors Affecting Native Administration Policy

388.ibid

389.ibid

390.R.D.Pearce, op. Cit, p 143

391.In a memorandum entitled political development of colonial territories, reasons behind change were stated as follows: 'public declarations and actions by members of all political parties in the United Kingdom, coupled with the example of the more advanced countries and the criticisms of international public opinion have set in motion aspirations of virtually irresistible force'.CO847/36/47228.1947 General Political Development of Colonial Territories. Appendix II. According to Fisher G, British decolonisation was 'required by nothing more substantial than the prevailing spirit of post-war utopianism and the expectations of the Labour faithful that a Labour ministry ought to do something distinctively different in colonial field. Fisher.G § Morris.Jones, op.cit, p 61

392.CO847/37/47244. Constitutional Development of Africa Appendix III by Andrew Cohen

393.G. Fisher. op .cit, p 61

394.Ibid, p 59

395.Ibid, p 61. One of the officers who attended the Cambridge summer school, 1947 said: 'the dominant impression that most of us were to carry was that of the tall, fair-haired figure of Andrew Cohen striding restlessly up and down, deep in conversation, or sprawling untidily.' Quoted in R.D.Pearce, op cit, p 136.

396.CO 847/37/47244 Constitutional Development of Africa Appendix III by Andrew Cohen

397. Cmnd 7433, The Colonial Territories (1947-1948) p 1-2.

398.CO 847/37/47244. Constitutional Development of Africa Appendix III by Andrew Cohen p 4

399. ibid, p 2

400.ibid, p 6

401.Andrew Cohen, Memorandum on Education Policy in Africa, quoted in R.D.Pearce, op cit, p 165.

402.CO 847/37/47244. Constitutional Development of Africa Appendix III by Andrew Cohen, p 7

403.ibid, p 6

404.CO 847/36/47238. Memorandum on Local Government in Africa Appendix IV , by Cohen

405.According to Cohen : 'effective representation of the people in central political institutions can only be secured through local government bodies'. Ibid

406.The Kenya model relied upon local native councils

407. CO 847/36/47238. Memorandum on Local Government in Africa Appendix IV , by Cohen , p 2/8

408.ibid, p 2

409.ibid p 8. In this respect Cohen said: 'chiefs should only be used as local government authorities in so far as and for so long as they can make an effective contribution to the development of local government. There is no mystical value in the employment of chiefs as such.' Ibid, p 3

- 410.The strangers were those Africans who had come from other areas in search for production or labour. Ibid , p 3
- 411.CO847/36/47238 The Economic Development of Agricultural Production in the African Colonies by Monson and Clay
- 412.CO 847/35/6 Circular Despatch from Mr Creech Jones to African Governors
- 413.R.D.Pearce, op cit, p 150
- 414.ibid
- 415.Here Okafor emphasised: ‘progress depends on developing in African communities a sense of community obligation and social responsibility and service’. S.O.Okafor, “Ideal and Reality in British Administrative Policy in Eastern Nigeria”, African Affairs V 73, N° 293, 1974p 459.
- 416.Pearce, op cit, p 178
- 417.Ibid, p 177
418. Quoted in ibid
- 419.Ibid, p 179
- 420.Quoted in ibid, p 153
421. Ibid
- 422.Ibid, p 179
423. CO852/1053/1. Opening Address to the Summer Conference for Colonial Officials. Cambridge 1948, by Mr Creech Jones.ibid
424. Ibid
- 425.Quoted in R.D.Pearce, op cit, p 158
- 426.ibid, p 182
- 427.ibid, p 156
- 428.In this respect Cohen precised: ‘unsatisfied appetites in an ignorant and illiterate population make it an easy prey to subversive propaganda of all kinds.’ CO 852/1053/1. Opening Address to the Summer Conference for Colonial Officials. Cambridge 1948 , by Mr Creech Jones
- 429.ibid
- 430.Annual Report Nigeria 1953, p 123
- 431.Here Toyin Falola comments that by doing so the Governor discovered he had opened the Pandora’s box of constitutional difficulties as the conflict between federalism and centralism was resurrected and given wider expression. Toyin Falola, (Colonialism.....) op.cit , p 193. Ezera believes it: ‘was a subtle attempt by the British Government to make amendments without losing face for the manner the Richards Constitution had been instituted barely three years later. Ezera, op.cit, p 88
- 432.Annual Report Nigeria 1951, p 124.
- 433.According to Aaron Tsado and Samuel G.Enugu the organisations that were consulted (later) were ‘ethnic socio-political organisations wearing the grab of cultural associations’ such as the Ibibio State Union, the Pan Ibo Federal Union, the NCNC, the pan Yoruba Egbe Omo Oduduwa and the Jamiar Mutanem Arewa. Aaron Tsado, Samuel G.Enugu, Federalism in Africa: Framing the National Question, Africa World Press, USA, 2002 p 75
- 434.Ezera, op.cit, p 107.
- 435.That was to be defined by the Regional House. Ibid, p 108.
- 436.ibid.
- 437.ibid
- 438.Annual Report Nigeria 1949, p 3.
- 439.Annual Report Nigeria, 1951, p 124/125.
- 440.Ezera, op.cit, p 110/111. See appendix A for full details.
- 441.Annual Report Nigeria 1949, p 4.
- 442.Hodgkin, op cit, p 773, Annual Report Nigeria, 1949, p 4
- 443.In this context, Ezera believes ‘it would be futile to expect village councils to understand the intricate implications of constitutional questions. In the East, what usually happened was that these village councils sent their representatives, two or three of their able members who could read and write English. For instance, the Obafia villages in the Bende Division sent each a school teacher or retired civil servant as its representative to the divisional meeting held at Umuahia. Ezera, op.cit, 107.
- 444.Quoted in ibid, p 112.
- 445.Annual Report Nigeria 1951, p 126. On the scope of regional autonomy, the committee declared: ‘it is unnecessary for us to state the case for increased regional autonomy since the principle has been so wholeheartedly welcomed by the regional conferences . Already under the present constitution, in accordance with which the legislative functions of Regional Legislatures are purely advisory, the need for greater regional autonomy has become increasingly apparent, and the striking fact is that in the realms of legislation, finance and initiation of policy, members of regional Houses have in practice shown themselves anxious and able to

- assume and exercise responsibilities beyond the limits of the functions with which the present constitution invests them.' Ibid, p 125/126
446. John Mackintosh, Nigerian Government and Politics, (George Allen & Unwin Ltd), London, 1967, p 24.
447. Esera, op cit, p 113.
448. These were the Civil Secretary, the Financial Secretary, the Legal Secretary and other two official members. Annual Report Nigeria 1952, p 147.
449. Annual Report Nigeria, 1951, p 128
450. Nigeria Colonial Reports 1952-1955, p 143.
451. This selected number would be mentioned later
452. In his book, Thoughts on Nigerian Constitution, Awolowo writes: 'From our study of the constitutional evolution of all the countries of the world, two things stand out quite clearly and prominently. First, in any country where there are divergences of language and of nationality-particularly of language-a unitary constitution is always a source of bitterness and hostility on the part of the linguistic or national minority groups. On the other hand, as soon as a federal constitution in which each linguistic or national group is recognised and accorded regional autonomy, any bitterness and hostility against the constitutional arrangements as such disappear. If the linguistic or national group concerned are backward, or too weak vis-à-vis the majority group or groups, their bitterness or hostility may be dormant or suppressed. But as soon as they become enlightened and politically conscious, and or courageous leadership emerges amongst them, the bitterness and hostility come into the open, and remain sustained with all possible venom and rancour, until home rule is achieved. Quoted in [http:// www.vanguard.com](http://www.vanguard.com).
453. Ibid
454. Ibid
455. Quoted in [http:// www.vanguard.com](http://www.vanguard.com)
456. Toyin Falola, (Colonialism....) op.cit, p 193.
457. Mackintosh, op.cit, p 25.
458. Ibid. The ten groups were: Hausa, Ibo, Yoruba, Fulani, Kanuri, Ibibio, Munshi or Tiv, Edo, Nupe, Ijaw.
459. Esera, op.cit, p 116
460. Quoted in Annual Report Nigeria 1951, p 127.
461. Esera, op. cit, p 117.
462. Hodgkin, op.cit, p 773.
463. Ibid.
464. Esera, op.cit, p 119.
465. Hodgkin, op.cit, p 773.
466. Ibid.
467. Esera, op.cit, p 119.
468. Ibid. The recommendation for voting in the North was as follows: only Northern Nigerian male adults of twenty-five years or more, resident in the region for three years, should be qualified for election to the Northern House of Assembly. Ibid.
469. Ibid, p 120.
470. Azikiwe for instance together with other Easterners criticised the fourth report arguing that the representation of Lagos in the Central Legislature should be direct and not via the Western House of Assembly which would choose the same Lagos representatives in the House to the Legislative Council. Coleman, op.cit, p 349. Explaining this attitude, Coleman notes that 'Azikiwe's Yoruba critics argue that he opposed the merger of Lagos with the Western region because he feared that an anti-Azikiwe Yoruba-dominated Western House of Assembly would not only freeze him out of the Central House of Representatives (for which it was the electoral college), but would also legislate for Lagos, the main centre of his political power and his business enterprises.' Ibid
471. Annual Report Nigeria 1951, p 125/127
472. Coleman, op.cit, p 371.
473. Aaron Tsado, op.cit, p 77.
474. Nigeria Colonial Reports, 1952-55, p 143.
475. CO 554/286 Despatch of the Acting Governor, Benson, to the Secretary of State on Revenue Allocation Dated October 10 1951 and Note for Minister of State on the Nigeria (Revenue Allocation) Order in Council.
476. These members were as follows: mallam Ahmadu, Sardauna of Sokoto, mallam Mohammadu Ribadu, mallam Sami Dingyadi, mallam Abubaker Tafawa Balewa, representing the North; Mr Ikodu, Dr.F.A.Ibiam, Mr.E.N.Egbuna, Mr.H.Buowari Brown, Dr.E.M.L Endely representing the East; and Mr.S.A.Awokoya, Rev.I.C.Ransome-Kuti, Mr A.E.Prest, Mr.M.A.Ajasin and Mr.M.A.Obisesan representing the West; and finally Mr.Adeleke Adedoyin representing Lagos. Ibid
477. CO 554/599 Note on Trends in the Policies of the NCNC and its Affiliated Bodies.

- 478.The remaining votes were gained by the United National Party. Ezera, op.cit, p 178.
- 479.CO 554/599 . Note on Trends in the Policies of the NCNC and its Affiliated Bodies
480. Ibid
- 481.Ibid
- 482.Ezera, op.cit, p 141.
- 483.Quoted in ibid, p 143.
- 484.CO 554/599 Note on Trends in the Policies of the NCNC and its Affiliated Bodies
- 485.Commission of Enquiry to Make Recommendations about the Recruited and Training for Senior Posts in the Civil Service, p 12. A different membership was noticed in the Annual Report Nigeria as follows: the chairman, two government officers, four non-official representatives of the three regions and the Colony, two trade union representatives and a woman. Annual Report Nigeria 1949, p 128.
486. Commission of Enquiry to Make Recommendations about the Recruitment and Training for Senior Posts in the Civil Service p 12.
- 487.Annual Report Nigeria 1949, p 128.
- 488.Ibid.
- 489.Commission of Inquiry to Make Recommendations about the Recruited and Training for Senior Posts in the Civil Service, p 17.
- 490.Ibid, p 119. The Regional Public Boards would be created in each region and the colony, and would be constituted as follows: the Civil Service Commissioner or his representative, two unofficial members to serve in rotation for a year at a time from a panel of six unofficial members appointed by the Chief Commissioner. Ibid, p 20.
- 491.Annual Report Nigeria 1949, p 129. In 1951 the number of Nigerians working in the Civil Service ranked to 3,679. Ezera, op cit, p 87.
492. Annual Report Nigeria 1952, p 5
- 493.CO 573/2100/1947 The Effect of Africanisation on the Integrity of the Public Service. Memorandum by the Nigerian Government. Lagos January 1947.
- 494.Ibid
- 495.CO 554/598. Policy Set by the Action Group.
- 496.Ibid.
- 497.Ibid.
- 498.Quoted in Coleman, op.cit, p 314.
- 499.Nigeria Colonial Reports, 1952-55, p 146.
- 500.Ibid.
- 501.In this respect, Sir Bernard Carr argued that ‘the traditional authority was such that it could develop within the framework of Native Administrations’. Sir Bernard Carr, ‘the End of Native Administrations’ in West Africa, October 1950, p 967.
- 502.CO 554/598. Local Government by Obafemi Awolowo, p 15.
- 503.Nigeria Colonial Report, 1952-55, p 145.
- 504.These were the Allake of Abeokuta, the Oba of Benin, the Oni of Ife, the Alafin of Oyo and the Awijale of Ijebu-Ode.Ibid.
- 505.Ibid.
- 506.Ezera, op.cit, p 86.
- 507.CO554/235. Reform of Local Government in the Northern Provinces. Minutes of a Meeting Held in Mr Cohen’s Room on November 5 1951 to Discuss Local Government Reform in the North, p 2
- 508.Ibid.
- 509.CO 5547235 Reform of Local government in Northern Provinces of Nigeria. Report on Local Government by K.P.Maddocks and D.A.Pott December 14 1950, p 5/35.
- 510.Annual Report Nigeria 1952, p 6.
- 511.Ibid.
- 512.Ibid, p 31
- 513.Annual Report Nigeria 1953, p 19.
- 514.Annual Report Nigeria 1952, p 7.
- 515.Annual Report Nigeria 1953, p 19.
- 516.Nigeria Annual Report on the General Progress of Development and Welfare Schemes 1950-51
- 517.Annual Report Nigeria 1952, p 4
518. http://en.wikipedia.org/wiki/World_War_II
- 519.Colonial Office List 1950, p 260 and Annual Report Nigeria 1953, p 65.
- 520.Ibid
- 521.Annual Report Nigeria 1952, p 65.

522. Annual Report Nigeria 1953 p 66.
523. Nigeria Annual Report on the General Progress of Development and Welfare Schemes 1950-51, p 33.
524. Annual Report Nigeria 1953, p 66
525. Colonial Office List 1950, p 260.
526. Annual Report Nigeria 1949, p 123
527. Colonial Office List 1950, p 260.
528. Annual Report Nigeria 1952, p 61
529. Ibid.
530. Ibid, p 60.
531. This sum was to be spent on five years for establishing primary, secondary and training centres.
532. The concern of this grant was not only for education but for development schemes in general.
533. Sklar, op.cit., p 88.
534. Coleman, op.cit, p 355.
535. Ibid, p 357.
536. Hodgkin, 'Background to Nigerian Nationalism: Why is the North Different?' in West Africa, August 1951, p 821. In regard to the Middle Belt area, Coleman precised that one part was inhabited by peoples who were subjects in the Fulani empire and who had been assimilated to the culture of the Muslim North, while the other part which had escaped the Fulani conquest, and had been to some extent influenced by Christian missionaries and western education were partially integrated.
537. Sklar, op.cit, p 90.
538. This will be viewed later.
539. During that meeting pro-term officers were elected as follows: -Mallam D.A.Rabih, first vice-president (Muslim, Fulani, Sokoto railways), Malam Yusufu Maibama Sule, second vice-president (Muslim, Hausa, Kano, teacher), Malam Umaru Agaie, Secretary (Muslim, Nupe, Bida, Gaskiya Corp), Malam Isa S.Wali, Assistant Secretary (Muslim, Fulani, Kano, government secretariat), Malam Isa Koto, Financial Secretary (Muslim; teacher), Alhaji Abubakar Imam, Treasurer (Muslim, Hausa, Zaria, Gaskiya), Malam Julde, Joint Auditor (Christian, Fulani, French Cameroons, Medical Department), Malam Aminu Kano, Joint Auditor (Muslim, Fulani, Kano, Gaskiya), Malam Sa'adu Zungur, Adviser on Muslim Law (Muslim, Habe, Bauchi, dispensary teacher). Sklar, op.cit, p 92.
540. Ibid
541. Quoted in Coleman, op.cit, p 358.
542. Out of 135 registered names for Zaria and Kaduna 56 % were employed by the government, 30 % by various Native Administration departments and 17 % were teachers or educational officers. Sklar, op.cit, p 92.
543. CO 554/598 Manifestos of Nigerian Political Parties.
544. Hodgkin, op.cit, 'Why is the North Different.....', p 82.
545. C.S. Whitaker, the Politics of Tradition Continuity and Change in Northern Nigeria 1946-1960 , Princeton University Press, 1970, p 57. One Emir condemned it as 'the speech of disgruntled man and designed to stir up trouble'. Ibid.
546. P.C.Lloyd here adds that given the fact that the NPC represented the ruling elite, it sought to continue its policy and accept only such modernisation of the economy and of the administrative system as will not threaten its power and status. P.C.Lloyd, Africa in Social Change, Penguin Books, 1972 p 221.
547. Here Obahiagbon argues 'its fears are not unjustifiable when the other regions, at the General Conference, haggled selfishly over proportionate revenue allocation instead of offering by special ten or twenty-year development plans to make up for the policy evolved in 50 years of collaboration between the Emirs and the British government of perpetuating a slave-mentality in the North. E.E Obahiagbon, 'The New Party in West Nigeria', West Africa, May 19, 1951 , p 725.
548. Whitaker, op.cit, p 61.
549. The eight founders of the NEPU were as follows: M.Abba Maikwaru (Kano, Hausa), president, Mr Bello Ijumu (Kabba, Yoruba), General Secretary, Mr Maitama Sule (Kano, Hausa), teacher, Mr.Sani Darma (Kano, Hausa), Native Authority clerk, Mr.Abdulkadir Danjaji (Kano, Hausa) trader, M.Ahmadu Bida (an elderly man), Mr.Mogaji Danbatta (Kano, Hausa), Mr.(later Alhaji) Abba Kashiya (Kano, Hausa), Native Authority cashier. Sklar, op.cit, p 94
550. It had another Hausa name: Jami'yyar Cigaban Arewa. Ibid
551. Coleman, op.cit, p 365.
552. Ibid.
553. Whitaker, op.cit, p 61. A vivid example related to the system of election could be stated here. Yusuff Maitama Sule (then an elementary school teacher in Kano Native Authority) argued in the Comet : '...the system of election was followed by the ancient followers of Islam whose government we should try to copy as it agrees entirely with the principles of democracy. It is religiously hereditary and we failed to inherit it

because of imperialism. The ordinary man “the talakawa” whose views and opinions should be respected and listened to and who should have a say in the government of his country if at all we are being governed democratically-has been neglected...Having got an elected council in the centre and another in the ward, Northerners should next look for an elected Emir. The Emir should be amenable to those he rules...If an Emir is really elected by his people he will be more respected by them...and he will respect them as his loyal subjects.’ Ibid.

554.Coleman, op.cit, p 365.

555.A.Howeidy ‘Northern Nigeria’s Parties’ in West Africa, January 5 1952, p 1225. During the elections of 1952 the NEPU secured 17 out of 26 seats in Kano. Ibid.

556.These promises were related to scholarships to American universities. Ibid.

557.Sklar, op.cit, p 101.

558.The term Egbe Ome Oduduwa” meant in Yoruba “society of the descendants of Oduduwa”, Hodgkin, ‘The Egbe and East-West Relations’ in West Africa, December 1 1951, p 797.

559.S.O.Arifalo, ‘The Intensification of Ethnic Political Consciousness in Nigeria: the Rise of the Egbe Omo Oduduwa 1947-1951” Genève-Afrique ,V 24, N 1, 1986 p 12. These included fifty Oba and six hundred and fifty other delegates.

560.Hodgkin ‘the Egbe.....’, op.cit, p 797.

561.S.O.Arifalo, op.cit, p 12.

562.According to Obahiagbon, the Egbe was created to check Azikiwe’s influence, at least, in the West. E.Obahiagbon, op.cit, p 441.

563Ibid

564.Hodgkin, ‘the Egbe and East.....’, op.cit, p 798.

565.Ibid

566.S.O.Arifalo, op.cit, p 17.

567.Ibid.

568.This will be examined later.

569.Sklar,op cit, p 102.

570.Awolowo, op.cit, p 217.

571.About nine meetings were convened during that period with very slender presence even if Awolowo had previously invited from 60 to 100 persons. During the third meeting, Awolowo was so disillusioned that he thought his people were not interested and that he should wind up the Action Group, but some attendees persuaded him of the contrary on the ground that the creation of a large movement did not require a large number of people to start and that the fewer men the better for the early smooth functioning of such a movement. Sklar, op.cit, p 221/222.

572.These represented both the Yoruba and the Mid-Western zones (Benin-Warri).Ibid, p 106.

573.Awolowo, op.cit, p 223.

574.Ibid, p 224.

575.Hodgkin ‘How Do the Nationalists Stand Now’, in West Africa, December, 1951, p 943. The other points set in the programme were: 1) reform of the Civil Service, 2) police reform, 3) social and welfare services, 4) water supply, 5) agriculture, 6) labour, 7) elimination of chieftaincy disputes and regulation of succession to chieftaincies, 8) abolition of native courts (this was later reversed and substituted by native court reform, 9) reform of land tenure, 10) local government reform, 11) North-West boundary, 12) industrialisation, 13) review of the ten-year development programme, 14) transport, 15) town planning, 16) communications, 17) minorities, 18) self-government for Nigeria, Awolowo, op.cit, p 219.

576.Sklar, op.cit, p 108/109/110.

577.P.C.Lloyd argues here: ‘...in the nineteenth century the Oba expressed his wealth in numerous wives, horses and general entertainment; in the twentieth century he is expected to live in a large house, own a car and send a son to England’. Quoted in *ibid* , p 107.

578.Awolowo, op.cit, p 213.

579.CO 554/599 Note on Trends in the Policies of the NCNC and its affiliated bodies.

580.Review of the year 1950, p 133.

581.Report of the Fitzgerald Commission of Inquiry into the Disorders in the Eastern Provinces of Nigeria, November 1949 , Colonial N° 256 of 1950, p 2

582.Review of the Year 1950, p 135.

583.Ibid

584.Ezera, op.cit, p 157.

585.CO 554/599 Note on Trends in the Policies of the NCNC and its affiliated bodies, p 8

586.Ibid

587.Ibid, p 9

588.Ibid

589.Letters of withdrawal of resignation were submitted six hours after the first letters.

590.The ministers were labelled sit-tight ministers given their refusal to resign.

591.Ezera, op.cit, p 160.

592.Nigeria Annual Report 1953, p 10

593.The reasons behind this action were:

'a-His Excellency had been using constitutional issues as a means for prolonging the attainment of Nigerian unity and regional co-operation.

b-the promotion of two senior officers who had previously been styled in the Action Group backed Tribune newspaper as "Enemies of Nigerian Freedom".

c-the "reluctance" of His Excellency to "give the consent" to the Local Government Bill.

d-Awolowo's desire to emulate some of the policy of non-violence and non-cooperation as adopted by Ghandi.' CO 554/597 The Activities of the Action Group.

594.Grove Hainef, op.cit, p 992.

595.Awolowo, op.cit, p 239. According to Whitaker, Macpherson's allegedly retrograde attitude toward setting an early date for Nigerian independence marked his desire for an interval of time in which he might awaken traditional rulers to the potential benefits and requirements of material progress on the one hand, and the need to organise the North politically against the prospects of Southern domination and Northern revolutionary upheaval. Whitaker, op.cit, p 59-60.

596.Quoted in Awolowo, op.cit, p 242.

597.Ibid.

598.The initial AG-NCNC agreement was signed at a joint meeting of the parliamentary committee of both parties. Three stipulations were announced as follows: 1) motion for self-government in 1956 would be relisted at the next meeting of the House; 2) efforts would be made to ensure that the House would be convened for that purpose as soon as possible; 3) the central ministers would be free to speak and vote on the motion when it was made. Sklar, op.cit, p 129.

599.Crowder, op.cit, p 233.

600.Ezera, op.cit, p 169.

601.Ibid. Crowder gives another figure for the persons who were wounded: 277. Crowder, op.cit, p 234.

602.Sklar, op.cit, p 131.

603.Ibid, p 231. The other points were as follows: '1) the composition and responsibility of the central agency shall be defined by the Order-in-Council establishing the constitutional arrangement ; 2) the services of the railway, air services, posts and telegraphs, electricity and coal mining should be administered by public corporations. These corporations should be independent bodies covered by the statute under which they were created. The Board of the coal corporation should be composed of experts with a minority representation of the Regional Governments; 3) all revenue should be levied and collected by the Regional Governments except customs revenue at the port of discharge by the central agency and paid to its treasury; 4) each region should have a separate public service. Ibid.

604.Crowder, op.cit, p 234.

Chapter IV: Path Towards Independence 1953-1960

The breakdown of the central machinery of the government together with the Northern threat of secession impelled an urgent constitutional review that would allay fears and redress the situation. This unleashed a new constitution, known as the Lyttelton Constitution that was worked out throughout a series of constitutional meetings in 1953 and 1954. The new constitution went deep further than the unitarian Macpherson Constitution by instituting a loose federation that accorded a greater autonomy to the regions. There followed later a series of constitutional conferences in 1957 and 1958. Finally, Nigeria obtained its independence in October 1960. The purpose of this chapter is to outline those different steps, and evaluate altogether the role of the British and that of the Nigerians in that process.

1.The Lyttelton Constitution

The Lyttelton Constitution was worked out through a series of constitutional conferences where the Secretary of State for the colonies, Mr. Oliver Lyttelton (1951-1954), played a crucial arbitrating role. These were notably: the London constitutional conference of 1953, and the Lagos constitutional conference of 1954.

1.1 1953 Constitutional Conference

On July 30 1953 ⁽⁶⁰⁵⁾a constitutional conference was convened in London under the chairmanship of Oliver Lyttelton. ⁽⁶⁰⁶⁾ The Conference resumed again on August 22 1953, making thus a range of twenty nine meetings.⁽⁶⁰⁷⁾ It was important to consider all shades of political opinion. This is why the six main political parties were invited to attend, notably the NCNC, the NPC, the AG, the NIP, the NEPU and the KNC (Kamerun National Congress). They were respectively led by Nnamdi Azikiwe, Alhaji Ahmadu, Obafemi Awolowo, Eyo Ita, Mallam Aminu Kano and Endeley.

The Conference was to make a careful diagnosis of Nigeria's troubles and find a way of alleviating tensions as put by Awolowo in the opening speech:

'We have all come here, like surgeons, to perform a major operation on the ailing corpus of the Macpherson constitution. An absolutely correct diagnosis is a pre-requisite to the application of the knife and the scalpel. Otherwise we might split open the wrong part of the body with disastrous consequences, not only to the patient but also to our own professional reputation.'⁽⁶⁰⁸⁾

The basic issues tackled centered around: a) self-government for Nigeria in 1956, b) the national government vis-à-vis the regions (more states, residual powers), c) the position of Lagos, d) uniform electoral law, e) basic human rights, f) police and judiciary g), and revenue allocation.⁽⁶⁰⁹⁾

It was indeed difficult to achieve an agreement over those questions given the disparity of interests. In this juncture, the NPC insisted that no agreement could be reached between the delegates unless there were a loose non-politicised union.⁽⁶¹⁰⁾ The AG and the NCNC were intransigent on the demand of self-rule and firmly stated that if their claim was not acquiesced they would call for a southern federation that would attain self-government by 1956. The idea of secession was later abandoned by these parties and the point at issue fluctuated between unity by centralisation or federation. In this scope the NCNC supported a strong central government under which the three regional governments were subordinate. The AG favoured a loose federation and the division of Nigeria into nine states. The NPC advocated the merit of a Nigerian federation of three regions. The NIP on its part favoured a strong legislature and the re-division of Nigeria into more states. The KNC supported the creation of a separate region in the Southern Cameroons.⁽⁶¹¹⁾ The independence of Lagos was accorded by all parties except the AG. The adoption of a uniform electoral law and the incorporation of fundamental human rights were also consented on by all parties but the NPC. The issue of vesting control of police and judiciary to the centre was approved by all except the NPC and AG. Finally, the question of revenue allocation deviated between population and derivation principles (that is either a division of revenue in equivalence with the rate of population within each region, or in accordance with the products made in each region).

In front of this uncompromising situation and conflicting views a prominent question is to find out how far the delegates could reach an agreement. It is evident from here that the sole outlet for such difference of opinion would be a large-scale commitment to consensus and compromise. With Lyttelton⁽⁶¹²⁾ as arbiter, the conferees were relatively able to come to terms with their clashes and adopted a set of resolutions that are stated below.

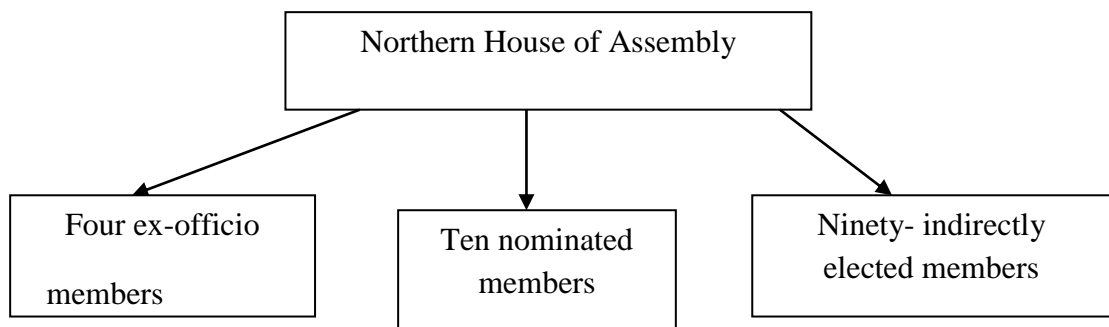
Taking cognisance of the wide differences between the regions, the constitutional conference granted increased functions to the regional governments which would be more independent of the central government. Under this arrangement, each region would be free to progress at its own pace subject to the provision that it would not hamper the integration of the Federation.⁽⁶¹³⁾ This implied there would be three lists of powers: one to be consecrated essentially for the central government known as the exclusive list; the other to be confined specifically for the regions known as the residual powers' list; and the last a concurrent list of matters over which both federal and regional governments could legislate, but in case of conflict the former's law would prevail. The first would deal with defence, external affairs, banking, aviation, census, customs, maritime shipping, mines and minerals, posts and telegraphs, trunk roads and railways, water control, and central control of justice.⁽⁶¹⁴⁾ The second would include all matters properly regional such as primary and secondary education, health, agriculture and local government. The third would relate, for instance, to higher education, industrial development and power insurance.

In the centre there would be a Federal House of Representatives including ninety-two elected members from the Northern Region, forty-two elected members each from the Western and Eastern Regions, six elected members from the Southern Cameroons, two elected members from Lagos.⁽⁶¹⁵⁾ The Federal Council of Ministers was to include three ex-officio members (the Chief Secretary, the Financial Secretary and the Attorney General) and ten African ministers, three from each region and one from the Southern Cameroons. Ministers were to be made responsible for governments as well as accountable to the electorate through the legislature. The Council was to be presided by the Governor-General. As far as elections to the Federal House of Representatives, members had to be elected directly from the federal constituencies that corresponded with the administrative division of the country as follows: by direct secret ballot for the Western and Eastern Regions and Lagos and by an electoral college system in the Northern Region and the

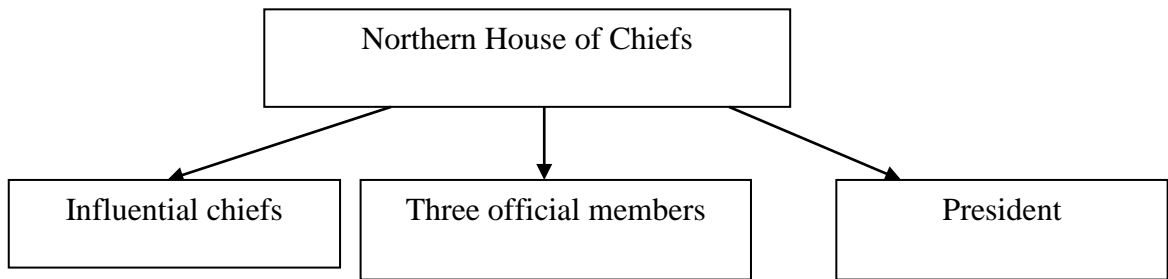
Southern Cameroons.⁽⁶¹⁶⁾ Elections to the Federal House were to be made separate from those of the Regional Houses. As to the federal ministers, they would be appointed by the leader of the majority in each region, or by the party securing an overwhelming majority in the House of Representatives. There was no provision for a second chamber in the centre.

Premiers were to be appointed in the three regions by Governors. Each Premier would be the leader of the majority party and would preside over regional governments. But Governors would retain vetoes in cases of inconvenient bills. In addition, the constitution provided for the appointment of Speakers, Deputy-Speakers, and Permanent Secretaries. The Regional Houses of Assembly were to have each an increased membership as follows: the Northern House of Assembly was to be constituted of four ex-officio, ten nominated members, ninety indirectly elected members and a president nominated by the Governor. The Northern House of Chiefs was to include the influential chiefs, three official members and the Governor as president. (See diagram 9) The Western House of Assembly was to comprise a Speaker, a Deputy Speaker and eighty-directly elected members. The Western House of Chiefs would consist of important chiefs and a president elected from the members of the House. (See diagram 10) The Eastern House of Assembly would comprise a speaker and eighty -four directly elected members. (See diagram 11) The speaker in each House would be appointed from among the members of the House or from outside by the Governor after consultation with the majority and opposition parties. The Regional Houses of Assembly would no longer receive directions from the Central Legislature.

Diagram 9: Northern Bicameral legislature



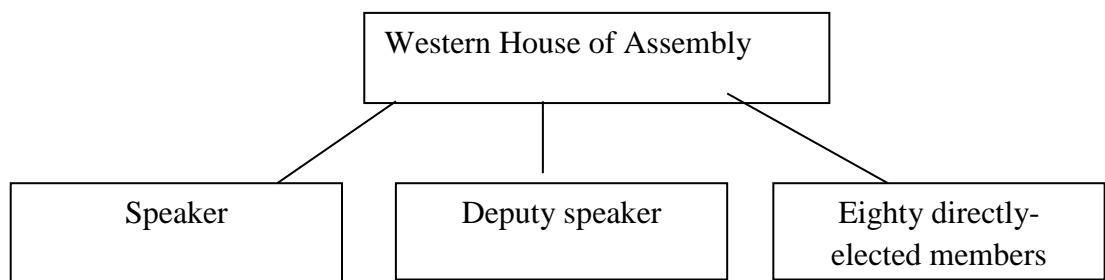
Source: Changes in Nigeria new Constitution Next Month' in the Times, September 4 1954



Changes in Nigeria new Constitution Next Month' in the Times, September 4 1954

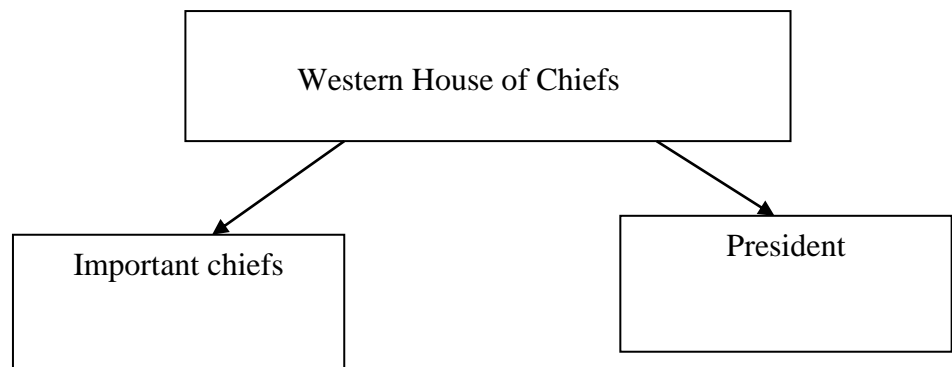
Diagram 10: Western Bicameral Legislature

1. Western House of Assembly



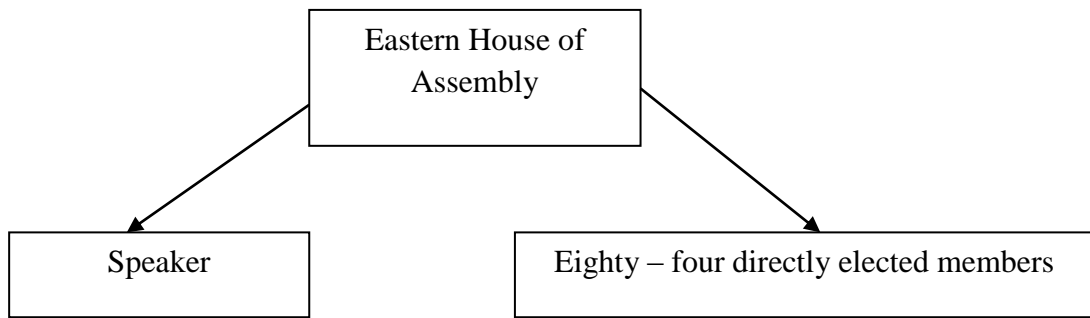
Changes in Nigeria new Constitution Next Month' in the Times, September 4 1954

2. Western House of Chiefs



Changes in Nigeria new Constitution Next Month' in the Times, September 4 1954

Diagram 11: Eastern Unicameral Legislature

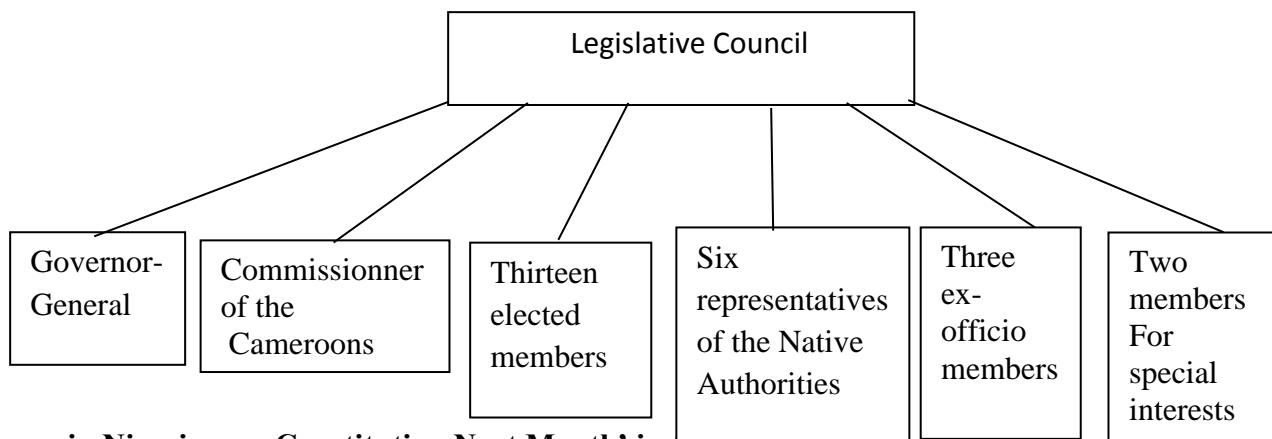


Changes in Nigeria new Constitution Next Month' in the Times, September 4 1954

The conferees also agreed on the detachment of the Southern Cameroons from the Eastern Region, which meant it would become a quasi-federal territory under the Governor-General, enjoying a separate status from the Eastern Region with its own Executive and Legislative Councils. This also implied that it would be separately represented both in the Federal Legislature and the Council of Ministers. As to its Legislative Council, it would consist of the Governor-General who would assent to bills, the Commissioner of the Cameroons as President, thirteen elected members, six representatives of the Native Authorities, three ex-officio members and two members to represent interests or communities not adequately represented. Its Executive Council would consist of the Commissioner, three ex-officio members of the legislature and four members nominated by the Governor-General after consultation with the Commissioner. (See diagram 12). As to the Northern Cameroons, it would remain within the Northern Region.

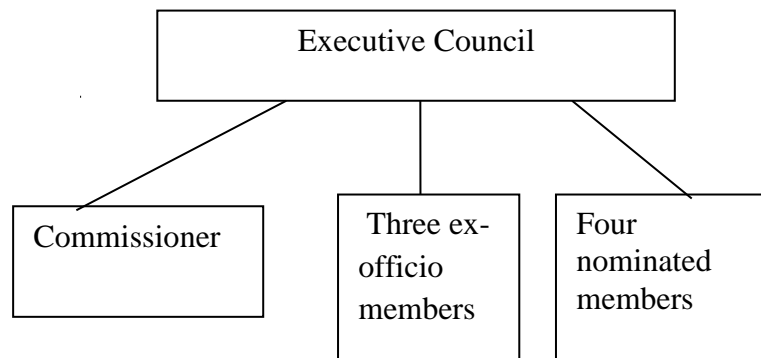
Diagram 12: Southern Cameroons Bicameral Legislature

1.Southern Cameroons Legislative Council



Changes in Nigeria new Constitution Next Month' in the Times, September 4 1954

2.Southern Cameroons Executive Council



Changes in Nigeria new Constitution Next Month' in the Times, September 4 1954

The London Conference also recommended the regionalisation of the judicial system by the establishment of separate High Courts for the North, West, East, Southern Cameroons and Lagos, and the setting up of a Federal Supreme Court to settle disputes between regions, and between any region and the federation.⁽⁶¹⁷⁾ Judges would be appointed by the Governors. In addition to that, there was to be the regionalisation of the Public Service, police and marketing boards. A Public Service Commission both at the level of the Federation and in the regions would also be created. Its members would be appointed by the Governor-General and the Governors, and its functions would be the promotion, transfer, recruitment and discipline.

The delegates' agreement, however, foundered over the thorny question of Lagos, that is the status of Lagos within the new constitutional structure. This in fact brought the break of the NCNC-AG alliance. The AG held that Lagos was a Yoruba town, and therefore it had to be kept within the Western Region. The NCNC, on the other hand, saw that Lagos should be the federal capital of Nigeria. This view was dictated by the fact that a great number of its members lived there. The NPC also encouraged the insulation of Lagos from the Western Region in view of its concession to federalism, and to the fact that Lagos was the main port to its goods. As the Nigerian leaders could not find a common ground of entente, they agreed to the arbitration of the Secretary of State. The latter decided that Lagos should become a federal territory, a measure that deeply infuriated the AG.

In regard to the fixation of a date of self-government for Nigeria as a whole, Lyttelton could not make a pronouncement on that due to the fact that the Northern Region which, by virtue of its large population equating half the population of Nigeria (seventeen million and a half),⁽⁶¹⁸⁾ could not rift from its policy of self-government as soon as practicable.⁽⁶¹⁹⁾ Nevertheless, the Conference accorded the maintaining of self-government in 1956 for those regions desiring it, in matters which fell within their competence subject to the condition that there should be safeguards to ensure that the regional governments should not act in a way 'to impede or prejudice the exercise by the Federal Government of its functions.'⁽⁶²⁰⁾ As to the reviewing of the constitution, the conferees agreed to convene a meeting in August 1956 with the same composition. In the meantime, they decided to resume the constitutional conference in Lagos in January 1954, so as to settle the fiscal arrangements. The latter had been trusted to a fiscal commission led by Sir Louis Chick with a view of re-allocating revenue between the regions.

Broadly speaking, the London Conference was a relatively significant success at least when re-calling the desperate position of the Nigerian leaders prior to the constitutional crisis. It was no doubt thanks to their tacit compromise,⁽⁶²¹⁾ and the Secretary of State's arbitrating role that the situation found a partial settlement. How far the seemingly considerable agreement could be maintained till January is a question worth enquiring into, especially as peoples' decisions were brought to change as a result of new constraints.

The four-month period before the resumed conference was, indeed, a strenuous moment of hope and stress at the same time. People were uncertain as to what the presumed meeting would unveil. Fear and loss of confidence had combined to shape the Nigerians' lives, especially those who were in a minority within the three regions. They did not, therefore, hesitate to call for the creation of new states in an attempt to protect their interests.⁽⁶²²⁾

This stressful situation added to the Nigerians' impatience in regard to the termination of Sir Louis Chick's report. The latter was delivered by December and conceived a system for revenue distribution along two criteria, namely need and derivation, i.e the needs of the region and the products derived from it. His recommendations were as follows: 1) all import, excise and export duties should be federal matters, 2) all import duties on motor

spirits and half the import duty and excise on tobacco would go to the regional governments on the basis of consumption, 3) half the net proceeds of all other import duties should be distributed to the regional governments on the basis of 40 percent to the North and 30 per cent each to the East and West, and 4) mining taxes together with income tax should be collected federally and distributed to the regions on the basis of derivation.⁽⁶²⁴⁾ Sir Louis Chick also added that the allocation of revenue should be reviewed after the revised constitution had gained some experience.⁽⁶²⁵⁾ The point to consider now is how the Lagos Conference viewed those recommendations.

1.2 Lagos Conference

A few days after Chick's Commission, Mr Lyttelton flew to Lagos on January 17 1954 in order to review the decisions taken in the London Conference. The choice of Lagos to resume the meeting stemmed from the fact that the delegates had disbursed great expenses in their sojourn in London. Again, Lyttelton's chairmanship in this Conference was strongly desired by the delegates given their great confidence in him.⁽⁶²⁶⁾ The Conference endorsed all issues including the fiscal arrangements. As to the position of Lagos, the AG preferred not to raise the issue and instead presented a memorandum on the right of regions to secede from the federation. After close discussions, the delegates agreed to reject the adoption of the AG's request in the constitution.

After the closure of the debates, the Secretary of State decided to thank the delegates and evaluate the arrangements.⁽⁶²⁷⁾ Mr Lyttelton showed his great satisfaction with the Conference which had been 'marked by statesman-like approach...and by a spirit which has been willing on many occasions to sink sectional advantage in the interests of the common good.'⁽⁶²⁸⁾ He also added that the Nigerians' sense of responsibility was a good augury for the future government of Nigeria.⁽⁶²⁹⁾ Batching on the recommendations, he said they were realistic, workable and acceptable.⁽⁶³⁰⁾ Warning the delegates against the dangers of freedom of press, he argued that it was used just for the sake of criticising the other, and that it would merely end by being the enemy of liberty.⁽⁶³¹⁾

In their turn, each of the delegates made speeches where they all praised the Secretary of State for the colonies for his genuine chairmanship, an ironical position when one recalls past bitterness of those Nigerians towards the British. The Sardauna of

Sokoto, for instance, commented that the success of the Conference was due to Lyttelton's personality, sympathy and impartiality.⁽⁶³²⁾ He emphasised the importance of tolerance, good-will and co-operation in reaching agreement. Nevertheless, he showed his Party's anxiety as to the proposed constitutional review of 1956, and for that he prescribed mutual understanding, mutual respect and confidence between the regions and the tribes as effective cures to the clashes of interest.⁽⁶³³⁾ Dr Nnamdi Azikiwe showed the important role of the British in holding Nigeria together.⁽⁶³⁴⁾ Then, he drifted to underline the unsuccessful work of the nationalists in criticising the revised constitution. He pointed out to the fact that their irresponsible mischievous work did not at all deter the Conference from performing its duties. He practically attacked the charge that the Conference had liquidated Nigeria into three principalities, arguing that this view stemmed mainly from ignorance, prejudice and immorality. Besides, answering the accusation that the Conference had regionalised the Civil Service to the detriment of its respective officers and employees, he maintained that they had rather been protected by granting the Governors discretionary and reserved powers in their favour. He closed his speech by affirming the Nigerians' intention to make the Constitution work in spite of the skeptics who doubted its success.

Mr Obafemi Awolowo, leader of the AG, first noted the difficulties behind the convening of the Conference in view of the great divergences between the political leaders. He stated that the conferees had worked out a constitutional framework which would fit till 1956. Beyond that date he was not sure whether the constitutional instruments would work. He also advanced four factors which would hasten Nigerian unity namely: 1) belief on the part of the Nigerians of reciprocal advantages to be gained by membership of the federation, 2) mutual respect, 3) understanding and confidence, 4) development of a similarity of political institutions and ideologies, and 5) absence of suspicion and fear of domination of one unit by another.⁽⁶³⁵⁾ Amino Kano referred to the important problem of minorities, believing that without feelings of safety by all the individuals and without the British government's help, all progress would be at stake.⁽⁶³⁶⁾ The leader of the NIP, Eyo Ita, was greatly apprehensive of the loose federation and of the great degree of autonomy.⁽⁶³⁷⁾ He maintained that the peculiarities of Nigeria, namely cultural diversity, uneven development and social isolation, would render protest against the complete regionalisation of the Civil Service without any safeguards and guarantees for human rights, arguing that full autonomy might lead to wasteful competition, tribal

discrimination and nepotism.⁽⁶³⁸⁾ According to him, a good expedient to achieve unity and stability would be the creation of smaller and more uniform regional units within the federation. Finally, Dr Endeley, leader of the KNC, deeply praised the Secretary of State for the opportunity the British had granted to the Southern Cameroons.⁽⁶³⁹⁾

After the end of the Lagos Conference, statements were made by the Secretary of State and the Parliamentary-Under Secretary, the Earl of Munster, both at the House of Commons and the House of Lords to inform their members about the arrangements reached out. The Conference was generally described as an ‘unqualified success’.⁽⁶⁴⁰⁾ Questioned about the reasons behind the regionalisation of the judiciary and the police, the two British statesmen answered that even the smallest of the three regions in Nigeria, with a population of 6,360,000 was bigger than any other British colonial territory in the world,⁽⁶⁴¹⁾ urging thereby the regionalisation of those services. Members of the British Parliament showed their satisfaction with Lyttelton’s work⁽⁶⁴²⁾ as well as their admiration of the Nigerian politicians who had displayed a great sense of responsibility.

General contentment and satisfaction characterised, hence, views both of the Nigerian politicians and the British MP’s. A notable question here is to find out the views of the public. A Gallup poll made by the Sunday Times on the Nigerians’ evaluation of the new Constitution during October 1954 revealed that out of 2285 views assessed 1560 participants expressed their preference for a centralised government, (that is about 37, 94 percent); 131 (that is 3, 18percent) approved the status quo; 430 (that is 10, 54 percent) asked for the creation of more states; while 1990 (that is 48,40 percent) asked for a new constitutional change.⁽⁶⁴³⁾(see table 8)

Table 8: Assessment of Public View as to the New Constitutional Arrangements

Number of participants	Demand for a centralised government	Maintaining of the status quo	Demand for more states	Demand for a new change
4111	1560(37, 94%)	131 (3, 18%)	430 (10, 54%)	1990 (48,40%)

Source CO554/840. Despatch by T.B.Williamson to the Governor-General of the Federation of Nigeria dated July 14 1955.

It is true that the community assessed represented but a small fraction of the Nigerian population which numbered 32 million, ⁽⁶⁴⁴⁾ nevertheless; it stands as a sample representation of peoples' views as to the new constitution. The participants came from different groups and associations like the Nigerian Bar Association, the Ibo State Union, the KNC, the Zikist Movement, the National Vanguard, the NEPU, and almost all the minority parties and Nigerian students in Britain. ⁽⁶⁴⁵⁾ On the other hand, about 360 students of Ibadan University, who had attended a lecture by a visiting British official entitled from 'Colony to Nation', showed their great skepticism by stating that the British were always twisters and that Britain did not intend self-government for Nigeria. ⁽⁶⁴⁶⁾

In sum, those views reflected a certain public uneasiness with the new constitutional change, but it represented only a small fringe of the Nigerian society. Meanwhile, the constitutional framework was being drafted for the Queen for final approval, an operation that took almost six months. Before dwelling on the new Constitution into work, it is of interest to highlight the distinctive features of the 1954 Constitution as compared with the 1951 Constitution.

The 1954 Constitution was noteworthy in terms both of its participants and the nature of the decisions reached. Commenting on the Nigerian participation, Dr K.O.Mbadiwe, one of the delegates stated that the 1953 Conference 'marked the first time in our history when Nigerian political parties, acting through their various leaders, decided on the type of the constitution under which they should be ruled.'⁽⁶⁴⁷⁾ In relation to the new constitutional instruments they were, indeed, far more momentous than the 1951 constitution because they provided for a truly federal state than the 1951 unitary state where Nigerian ministers would be endowed with effective powers to control both the personnel and affairs of their respective departments under the leadership of a Nigerian Premier. ⁽⁶⁴⁸⁾ A list of the changes distinguishing the 1954 Constitution from those of 1951 are set forth in table 9.

Such were then the peculiar features of the 1954 Constitution which came into effect on October 1 1954, under the label of the Lyttelton Constitution. The analysis of the extent of its implementation and the obstacles that encountered it are worth highlighting.

1.3 Constitution into Work

On the date of the promulgation of the Constitution, Sir John Macpherson was appointed Governor-General of the Federation of Nigeria together with three Governors for the Northern, Western and Eastern Regions, and the followings as their respective Premiers: the Sardauna of Sokoto, Obafemi Awolowo and Nnamdi Azikiwe. Dr.E.M.L.Endeley assumed the leadership of Government Business in the Southern Cameroons.⁽⁶⁴⁹⁾This was followed by the holding of federal elections.

The new federal elections were completed by November and unleashed unforeseen results. The NPC won an overwhelming majority of eighty seats out of ninety-two; the other twelve seats were won by miscellaneous members. In the West, the AG in alliance with the NIP (later UNIP) obtained eighteen seats, whereas the rest, that is the twenty-three seats were won by the NCNC and one by the KNC. In the East, the NCNC won thirty-four seats to seven for the AG and one for the KNC. (See table 10).

Table 10: Results of 1954 Elections

Party	North	West	East	Southern Cameroons	Lagos	Total
NPC	80	-	-	-	-	80
NCNC	-	23	34	-	1	58
AG-UNIP alliance	1	18	7	-	1	27
KNC	-	-	-	6	-	6
Miscellaneous	11	1	1	-	-	13
	92	42	42	6	2	184

* Of the 13 miscellaneous members six were expected to support the NCNC and the remainder the NPC.

Source: CO 554/840 Memorandum on the 1954 Constitution February 1955, p 2

The unexpected event was the victory of the NCNC in both Western and Eastern Regions, a success due primarily to the Yoruba opposition to the AG's taxation policy.⁽⁶⁵⁰⁾Those results unleashed a certain ambiguity because while the NPC had a significantly larger number of seats in the Federal House of Representatives than any other party, it could designate only three ministers, a frustrating situation when it was hoping for going it alone. The NCNC, on the other hand, was entitled to designate six ministers

Table 9 : Principal Changes in the Constitution of Nigeria 1951-54

Subject	1951 Constitution	1954 Constitution
Territorial distribution of powers	Devolution to regional governments of legislative and financial powers on specified subjects.	Allocation of specified subjects to federal government; specified list of concurrent subjects; residual powers to regional governments.
Central legislature	Unicameral: 148 members(North and South each 50 per cent) elected by and responsible to regional legislatures.	Unicameral: 184 members (North and South each 50 per cent) elected separately from and not responsible to Regional Houses.
Central executive	18 members (6 ex-officio, 4 nominated by each regional House), all regional ministers equal; initially no direct individual ministerial responsibility.	13 members (3 ex-officio, 3 from each region and 1 from Cameroons recommended by majority party leaders) and ministerial responsibility.
Nigerian heads of government	All ministers equal; no Premiers or Prime Minister.	Three regional Premiers.
British heads of government	Governor of Nigeria; regional Lieutenant-Governors	Governor-General of federation; Governors of regions.
Public services, judiciary, marketing boards	Unitary Public Service under control of Governor, centrally controlled judiciary and marketing boards	Regional Public Services; regional judiciaries and marketing boards established alongside similar federal bodies.
Status of Cameroons	Northern Cameroons integral part of Northern Nigeria; Southern Cameroons part of Southern Nigeria.	Northern Cameroons same; Southern Cameroons a quasi-federal territory.
Status of Lagos	Integral part of Western Nigeria	Excised from Western Region; created federal capital under federal government
Self-government	Ultimate self-government implied only, timetable unspecified	Full self-government in 1956 for regions requesting it, independence for all Nigeria undecided.
Future constitutional review	Unspecified	Review conference to be held before August 1956.

Source: James.S. Coleman, Nigeria: Background to Nationalism, (University of California Press), 1971, p 372

according to the new constitutional instruments (three from the East and three from the West). The new Council of Ministers became, thus, formed as follows: three ex-officio members, and 10 African ministers (the Minister of Transport and Works, the Minister of Trade and Industry, the Minister of Natural Resources and Social Services, the Minister of Land, Mines and Power, the Minister of Labour and Welfare, and four ministers without portfolio).⁽⁶⁵¹⁾ Five of the ministers were members of the previous Council. The success, of the new Council required close co-operation between the ministers. Thus, the NPC and the NCNC agreed to form a coalition government in order to run smoothly the affairs of the Federation. This, as commented by Crowder, represented, indeed, the most momentous event in post-war Nigerian politics as it was an active commitment on both parts to work together for national unity.⁽⁶⁵²⁾

The move towards regional autonomy was the most critical issue in the Lyttelton Constitution, above all with the regionalisation of the Civil Service. The ultimate by-product of that was the movement of people from different parts of the territory to join their original services. Hence, all regional governments were in a perpetual race to achieve the process hastily. Thus, sound training programmes were launched; both the AG and the NCNC tried to implement schemes for universal primary education, and each prepared a plan for a regional university. In the North, there was the institution of a Northernisation policy according to which preference for recruitment was made for British expatriates instead of Southerners whenever there was a shortage of a Northerner. A more vexing point, however, was that it was extremely difficult to retain the existing expatriate officers or to recruit others owing to their great feelings of uncertainty as to their future, and the arrogance of some Nigerians towards them. ⁽⁶⁵³⁾ The tempo of regionalisation was much more rapid in the Western and Eastern Civil Services than in the Federal and Northern Services.

Furthermore, the re-allocation of revenue, constituted another negative aspect in the regionalisation scheme, for it tended to benefit one region at the expense of the other. This was the case notably of the West which, thanks to the revenue derived from cocoa, was better off than the North and East. The Eastern Region was the one to suffer the most. In his assessment of the financial effects of regionalisation, Arthur Hazlewood, an economist, commented: 'where regionalisation has brought to the West a financial 'gain' of £3.8 m and the North one of £1.2 m, to the East it has brought a 'loss' of between £0.1m

and £0.2 m'.⁽⁶⁵⁴⁾ Besides, the regionalisation of the marketing boards resulted in the distribution of their combined fund of £74 million as follows: £34 million to the West, £24 million to the North, and £15 million to the East.⁽⁶⁵⁵⁾ In this way the re-allocation of revenue and the marketing boards' settlement hampered intensely national unity⁽²⁾ by hastening the gap of the uneven economic development.

These were broadly the side effects of regionalisation. In the meantime, regional governments were absorbed in the edifice both of their economies and the foundation of the pillars of self-government. Hence, it should be noted here that certain changes required a long transitional period which would only be completed by August 1956 such as the establishment of full-fledged federal and regional civil services, and the replacement of the Nigerian Supreme Court by a Federal Supreme Court and five High Courts.

In the midst of this regionalisation of governments the Nigerian politicians became less consumed in attacks against the British as those under the Macpherson Constitution. This was clearly expounded by the Western Premier who, in a speech in February 1955 declared: 'less is heard of attacks on 'British imperialism' in Nigeria today than of intelligent discussion on economic problems now of practical and urgent importance'.⁽⁶⁵⁶⁾

In 1955 Sir John Macpherson retired leaving after him a tumultuous story of constitutional upheaval. He was succeeded by Sir James Robertson who was acknowledged as the most suitable man to lead Nigeria into its last phase of self-rule. This inaugurated a new era in the Nigerian-British nexus, conspicuously, displayed by the Governor-General himself when he declared: 'it will be my duty not so much to decide policy directly myself, or through my officials, as to look to my Nigerian Ministers, themselves responsible to a freely elected legislature, to formulate and decide major policies.'⁽⁶⁵⁷⁾ This stands to be a magnificent change in the British attitude towards the Nigerian leaders.

This new mood in the Anglo-Nigerian relations was signified by the royal tour of Queen Elizabeth and the Duke of Edinburgh in 1956. This event was truly magnanimous because it contributed substantially to the creation of a sense of unity between Nigerians. Political

leaders in their turn called for a truce. Mbadiwe, an NCNC prominent member and strong critic of the British, commented 'bonds between Britain and Nigeria grew stronger each year'; Chief S.L.Akintola, an AG partisan, believed that Nigeria was 'undivided and indivisible' in its welcome of the Queen; while Alhaji Abubaker Tafawa Balewa affirmed that the Commonwealth was 'the only effective league of Nations.'⁽⁶⁵⁸⁾

Within that atmosphere, Nigerian politicians intensified meetings and debates with a view to preparing the new constitutional review. It could be concluded here that the new constitution was the most significant constitutional change, but it had certain defects such as the non-uniform electoral law, the non-provision for a Senate and the office of Prime Minister, the retaining of ex-officio in the Central Council of Ministers and the Northern House of Assembly, and most importantly the fact that the Governor-General and the regional Governors still maintained veto powers. These hindrances were to be debated in the 1956 constitutional conference, but a crisis in the East delayed it till 1957.

2.1957 Constitutional Conference

The convening of the next constitutional conference proved a quite cumbersome task owing to a certain number of difficulties, namely the disparate views as to the venue of the conference (some favouring London and others Lagos), the intricate question of representation, the framing of a sound constitutional agenda, and the all-embarrassing issue of states fragmentation. It is interesting at this point to see how these problems were cleared out.

2.1 Issue of Venue and Representation

Though the venue of the conference had been decided during the 1953-54 Conference to take place in Nigeria, views in Nigeria, and to a lesser extent in London, rose against this undertaking favouring instead London as the ideal place for the constitutional proceedings. The most protagonist Nigerian of the UK venue was Obafemi Awolowo whose arguments were leakages to the press, and the impossibility of secrecy and frank speaking.⁽⁶⁵⁹⁾ Consequently, a meeting was held in Lagos on January 5 1956 to discuss the venue of the conference and representation. It was attended by representatives of the federal government, the Northern Region, the Western Region, the Eastern Region, the

Southern Cameroons in addition to the Governor-General and the Governors of the regions. Abubakar Tafawa Balewa supported the holding of the conference in London stating that this had many advantages and only one negative point that is the question of cost.⁽⁶⁶⁰⁾The Sardauna of Sokoto shared his view emphasising the danger of local pressure, but during his visit to London he affirmed that while he would have no objection to the conference being held in the UK he would be quite content with Lagos provided security arrangements were satisfactory.⁽⁶⁶¹⁾Endely and Okpara acquiesced to the London venue to evade public opinion. Azikiwe's position fluctuated between the two places. Chief Ubani, General Secretary of the UNIP, called for the conference to be convened in Nigeria and not overseas.

It seems certain that the majority of the Nigerian leaders favoured London to Lagos in order to confer in a detached atmosphere and have easy access to expert advice.⁽⁶⁶³⁾The Nigerian press, however, opposed this view. In this context, the Daily Times expressed: 'But we cannot be persuaded to believe that the conference cannot be held in Lagos with equal if not better chances of success.'⁽⁶⁶⁴⁾

The fact that there was not an unanimous agreement⁽⁶⁶⁵⁾on the London venue made the Governor-General address the issue to the Secretary of State for the Colonies. Officers in the Colonial Office were quite bewildered between the two alternatives given the advantages of each. With regard to London, there was the benefit of the availability both of expert advice on specialised constitutional matters and reference books, and evasion of local pressure groups which might obstruct the conference. As to Lagos, the arguments voiced were that the Secretary of State would be less preoccupied with other matters, and would hence be free to give all his attention to the conference. Furthermore, there was the all important convenience of the travelling of a small delegation (evidently British) than a whole regiment of Nigerian delegates and advisers.⁽⁶⁶⁶⁾By the end, the Secretary of State showed his preference for London, especially as the AG had clearly affirmed its decision not to participate if the conference took place in Nigeria.⁽⁶⁶⁷⁾

The question of representation was much more complicated. Initially, the 1953-54 Conference had recommended that each regional government should select its own delegates in such a way as to guarantee appropriate representation of all shades of political opinion in the federation, and that the persons chosen should have had a direct experience

of the working of the federal government.⁽⁶⁶⁸⁾ It was, however, difficult to work on those arrangements given new developments. First of all, there were to be delegates not only from the regions, but also from the Southern Cameroons given its quasi-federal status, and that of the federal territory of Lagos. In relation to the Southern Cameroons, where there were two principal parties, there was the possibility of the minority party claiming for at least one representative; while the majority party, boosted by its position, would ask for more than one representative, ensuring thereby an increase in the number of delegates.⁽⁶⁶⁹⁾ With regard to the territory of Lagos, the fact that it had two representatives in the Federal House of Representatives, drawn from the NCNC and the AG, might prompt the NPC to ask for greater representation.

Second, there was to be representation of the federal government because it was reckoned that the government's delegation at the last constitutional conference was purely official and expatriate⁽⁶⁷⁰⁾ (the Governor and the three ex-officio members). On the other hand, there were claims from the NPC and the AG that federal delegates should include equal representatives from all parties, a point strongly rejected by the NCNC who, in virtue of their victory in the 1954 elections, requested their right to represent the West.⁽⁶⁷¹⁾ Third, another difficulty to the issue of representation was made by the various movements propounding the creation of separate states such as the advocates of the Calabar Ogoja State, the Rivers State, and the Mid-West State.⁽⁶⁷²⁾ Finally, there was the demand by the All-Nigeria Trade Union Federation (ANTUF) to have a seat in the Conference owing to its wide membership, about 2 00,000 members. This demand was severely attacked by the Nigerian press. The Nigerian Tribune, for instance, held that the admission of the ANTUF would mean double representation at the conference since most of its members were already partisans either of the NCNC or the AG.⁽⁶⁷³⁾ Besides, this could influence some cultural societies and social parties to put in their claims. Further, the newspaper discredited the ANTUF and claimed that it was 'too occupied with satisfying the political ambitions of the union's hierarchy to bend itself to the less glamorous task of really serving the workers.'⁽⁶⁷⁴⁾

In view of this new system, it was evident that the Nigerians would use thoroughly the principle of "all shades of political opinion" as long as it was a safe means of preserving their interests.⁽⁶⁷⁵⁾ The British stand towards this matter was almost similar. In relation to the question of federal government representation, they believed that the

Nigerian federal delegates would not genuinely represent the federation, but would simply promote the ranks of their regional parties.⁽⁶⁷⁶⁾ But in spite of that, they had to support it so as not to be criticised by the British Parliament. In connection with the issue of states, the Governor-General believed that as government had been evolved along party lines, it should be therefore accepted that the major political parties had embraced all shades of political opinion. But at the same time he refuted this idea since it could not be true for the subject of state fragmentation which had not been mentioned in the parties' policies.⁽⁶⁷⁷⁾ To find an outlet for this controversial situation, the British admitted that all those requesting representation should be given a hearing but not admitted as delegates to the Conference.

The British could not, of course, force their hand on the Nigerians especially in the matter of representation. The issue was henceforth to be decided between the Governor-General and the regional governments in the meeting of January. Azikiwe proposed representation on the basis of the success of elections in the past fifteen months, but the AG outmaneuvered him when stating that the West, North, and the Southern Cameroons had agreed first to general elections to the Regional Houses before delegations were formed.⁽⁶⁷⁸⁾ Caught by this sudden position, Azikiwe felt urged to accept, but conditioned that with adult universal suffrage to which the Sardauna of Sokoto objected. Azikiwe, then, corrected his position by stating that his phrase did not extend to giving Muslim women the vote.⁽⁶⁷⁹⁾ Finally, the meeting reached unanimous agreement on the issue of representation as follows: delegates of regional governments, those of the federal territory of Lagos and the Southern Cameroons, and finally delegates of the federal government. It was decided that those representatives should have an experience of the working of the federal government during the operation of the 1954 Constitution. The federal delegates should include the Governor-General, the regional Governors, the Commissioner of the Cameroons and a given number of selected advisers. Each regional government should be represented by ten delegates, the Southern Cameroons by five and Lagos by two persons to be appointed by the federal government on the basis of recommendations of the two leading parties there, i.e the NCNC and the AG.⁽⁶⁸⁰⁾ It was also agreed that regional governments should be entitled to send advisers not exceeding five and the Southern Cameroons to three. As to the date of the conference, no decision was reached out. In a letter from Mr. Eastwood to Mr. J.B. Williams, he stated that the exact date for starting the conference could not be settled until one or two months before the conference.

Once these sensible matters had been settled the regional governments had to embark on elections with a view to forming the delegations. Results of those elections are displayed in tables 11, 12, and 13. Results of elections of the Southern Cameroons are not available, but it could be assumed on the light of the elections of 1954 that the K.N.C obtained three while the Kameroons Peoples' Party got two. Once the venue of the conference and the delegations were delimited, the British set the conference for September 1956 subject first to a preliminary settlement of the agenda of the London Conference.

Table 11: Eastern Regional Representatives

Parties	Delegates
Government Party (NCNC)	6 delegates
Opposition Party (AG)	2 delegates
Rivers Province	1 delegate
Chiefs	1 delegate

Source: CO 554/ 902 103/27/03 Extract from Nigeria Intelligence Notes N° 67 April 15-16.

Table 12: Western Regional Representatives

Parties	Delegates
Government Party (AG)	5 delegate
Opposition Party (NCNC)	1 delegate
Western House of Chiefs	2 delegates
Benin Delta Peoples Party	1 delegate
Women's Community	1 delegate

*Initially the Western Region declared its delegation to be formed of 6 AG , 2 chiefs, and 2 NCNC but this was criticised by the British on the ground that it was not fair as the AG had polled 48.3 % while the NCNC had obtained 45.3 %. The Western ministers explained that by the fact that being the party in power, they were entitled to an overall majority over the representatives of other shades of political opinion.

Source: CO 554/ 902 103/27/03 Extract from Nigeria Intelligence Notes N° 67 April 15-16

Table 13: Northern Regional Representatives

Parties	Delegates
Government Party (NPC)	6 delegates
Opposition Party (NEPU)	1 delegate
Middle Belt Congress	1 delegate
Chiefs	2 delegates

source:<http://www.nigerianmuse.com/projects/SNCProject/?u=Ojiako-historical-notes.htm>.

2.2 Agenda for the Constitutional Conference

The agenda for the London Conference had to be worked out both by the Nigerians and the British as well. In this respect, it is greatly significant to examine both plans. Each regional government had to form a steering committee whose purpose was the framing of recommendations to be submitted to the Regional House. The major points were set as follows: the federation, self-government, powers between regions, regional boundaries, finance, franchise, status of Lagos, the executive, the police, and the judiciary.

The NPC published its report on May 30 1956. It recommended a set of proposals which are summarised below: 1) a bicameral legislature consisting of a Senate with an equal number of members from each region, and a House of Representatives on the basis of population; 2) determination of the Northern Region to achieve self-government in 1959 for which sake a committee was formed to work out the details; 3) expansion of the House of Chiefs with the inclusion of more minor chiefs and enlargement of the House of Assembly to 131 elected members and nine others; 4) granting of controlling powers to the regions over some of their sources of revenue, the raising of external loans concurrently by the federal government and the regions and the non alteration in the residual powers of the regions; 5) opposition to the breaking up of any region; 6) allocation of revenue on the basis of derivation subject to the condition that exact figures as to the contribution of each region should be determined and statistics of the Lagos area should be made separate from those of the Western Region ; 7) preparation of new electoral regulations; 8) retaining of Lagos as a federal territory; 9) official members in the Executive Council should be

confined only to the Attorney-General and the creation of the office of Deputy Governor; and 10) regionalisation of the police and the judiciary.⁽⁶⁸¹⁾

The AG's constitutional agenda provided for a number of proposals. The federal legislature should be bi-cameral with the upper House, the Senate, comprising ten members elected by each Regional House of Assembly and holding office for ten years without rotation.⁽⁶⁸²⁾ The Senate should be presided by members from either one of the senators or from outside the House. It should deal with all bills except money bills. The demand for self-government should be made not only for the Western Region but for Nigeria as a whole; but in case the independence of the federation would be rejected, then there should be insistence on Western self-government in 1956. As to the issue of powers, the AG suggested that residual powers should be vested within the regions and emphasised the fact that a strong federal government would not be brought by a constitutional change but by the men of the right calibre.⁽⁶⁸³⁾ On the question of states 'creation, the Party urged the creation of more states. Its resolution in this context read:

'in order to promote the success of a Federal Constitution it is desirable to have more states provided that no region would be split into states unless there is a majority of the people wanting the separate state in the area concerned; there are sufficient resources in the area to support such a state; and there shall be no fragmentation of existing ethnic units and accordingly we support the creation of a Mid West State and of a Rivers-Ogoja-Calabar State.'⁽⁶⁸⁴⁾

In relation to the Yoruba minorities in the North, the AG proposed the creation of a Regional Boundaries Commission. The allocation of revenue should proceed along derivation. With regard to the system of elections, the AG insisted on universal adult suffrage all over Nigeria. The actual status of Lagos was rejected, and instead there was the proposal to integrate Lagos with the Western Region. With respect to the Council of Ministers, the AG recommended the removal of the Financial Secretary, and suggested the provision for a post of Federal Prime Minister who would be the leader of the party which held the majority; and would be appointed by the Governor-General. Finally, on the point of the police and the judiciary, the AG maintained that they should be regionalised.

The recommendations of the NCNC as to the agenda of the constitutional conference are mentioned herewith: 1) the setting up of a second house, the Senate, which should be made effective with the attainment of self-rule; 2) achievement of self-government for the whole of Nigeria in 1956,⁽⁶⁸⁵⁾ and in case the North insisted on self-government in 1959, then there should be a transitional period of three years during which the federal government should attain self-government with external defence and external affairs vested in the British Government; while internal security should be managed on behalf both of the British and Nigerian Governments by a Security Council⁽⁶⁸⁶⁾ chaired by a High Commissioner; 3) a strong central government with residual powers vested in the centre; 4) insertion of human rights in the constitution; 5) the question of states should be given consideration by an expert commission, and the cardinal principles should be: self-determination, ethnic relationship, geographical proximity and viability; 6) the allocation of revenue should be made on the basis of national interests, needs, even development and derivation; (7) election to the central legislature should be made through universal adult suffrage⁽⁶⁸⁷⁾ with exemption of the Northern married women; (8) the remaining of Lagos as a federal territory with its expansion to allow for commercial, industrial, and other developments; (9) removal of official members from the Council of Ministers, and appointment of a Federal Prime Minister from among the ministers and a cabinet system of government modeled on the British parliamentary system;⁽⁶⁸⁸⁾ (10) central control of police, judiciary and education, and creation both of a Public Service Commission (to hold office for ten years) and a Judiciary Service Commission (to include the Chief Justice of the Federal Supreme Court, the Chief Justice of the High Court of Lagos and any other judges. Finally, the views of the KNC are summarised in the demands below: (1) the creation of an upper house with equal representation from all regions; (2) union of the British and French Cameroons to form one independent state when Nigeria got her independence; (3) allocation of revenue on the basis of need and uniform national development; (4) universal adult suffrage though this system could not be applied in some remote areas of the Cameroons; and (5) regionalisation of the police.

The foregoing notes reveal the agenda for the forthcoming constitutional review of the three main parties (NPC, AG, NCNC), in addition to the KNC. Their demands show a number of similarities and differences that could be clearly depicted by dint of table 14. All the parties shared the same claim for a second legislative chamber, a Senate, and the removal of ex-officio members. The NPC and AG had a similar agenda in relation with

residual powers, allocation of revenue, and status of police and judiciary; while the AG and NCNC made the same demands for regional self-government, regional boundaries and the system of election. The NPC and NCNC had only one point in common, namely the status of Lagos. These were clear signs of possible party co-operation either between the NPC and AG or the NCNC and the AG. As regards the demands of the opposition parties: UNIP, NEPU, KPP (Kamerun Peoples Party), or the parties that arose in anticipation of the London constitutional conference like the United Middle Belt Congress (UMBC), their demands are set in table 15.

One could assume from the above analysis that all of the government regional parties, opposition parties and minority parties were, each, determined to defend their interests. A question worth examining now is how the British viewed these preparations and how on their light they set their own platform.

As commented on earlier, the Nigerians were not the sole group to express their view as to the agenda of the constitutional conference. The British had adamantly equal interest in delimiting their position and foreseeing any problems they might encounter.⁽⁶⁸⁹⁾ This is why a series of dispatches and correspondence letters were undertaken between, on one hand, the Secretary of State and his officers, and on the other hand, the Governor-General, the three Governors and their respective advisers.

The issues to be addressed at the Conference were, evidently, the same as those debated by the Nigerians. On the light of their long discussions, the British came to agree unanimously on a line of conduct to adopt during the London Conference. First of all, in relation to the question of independence of Nigeria, the British would strongly oppose it for a number of reasons, namely: (i) non readiness of Nigeria to run its own machine of government, even on a smaller scale, in view of its dependence on outside resources of manpower,⁽⁶⁹⁰⁾ (ii) the actual political situation whereby the Nigerians were not thoroughly confident,⁽⁶⁹¹⁾ and the absence of the ingredients for a federation: unity, harmony and co-operation, and (iii) necessity of more time to develop self-governing institutions.⁽⁶⁹²⁾ The British knew that both Azikiwe and Awolowo would press for immediate self-government but that the Northerners would reject it, and that even after their attainment of self-rule in 1959 they would still insist on the dependence of the federal government till they achieved satisfying educational progress to protect them from Southern domination.⁽⁶⁹³⁾

Besides, if this condition was not fulfilled the Northerners would seek their own way and secede. In view of these arguments the British had to delay independence for which they prescribed two constitutional stages. In the first, the ex-officio members of the Council of Ministers would be removed leaving the Governor-General in charge of external affairs and defence; in the second the powers of the Governor-General would be surrendered to grant Nigeria its independence. However, if the Nigerians pressed for an all-African Council during the conference, this would mean there would be only one stage left.

Considering now the grant of regional self-government which had been convened on during the 1954 Conference, the British were ready to accept that demand, but on the basis of existing arrangements. This implied there would be no revenue changes, no fragmentation, and no alteration in the exclusive or concurrent lists. The latter would be modified after a revenue review. There would, further, be provision against corruption and mal administration by Nigerian ministers through written guarantees to protect the Civil Service, the judiciary, the Audit, and the Attorneys-General against political interference. In anticipation of Northern and Western demand for the regionalisation of police, a categorical refusal would be made so as to avoid the departure of the British police officers. Moreover, if the police was put under regional control, there was doubt as to their efficiency in case of trouble.

The issue of the structure of the federal government was of the most tractable questions the British had to deal with, in view of the Nigerians' sound claims for the creation of the office of Prime Minister, the removal of the ex-officio members from the Council of Ministers, and the setting up of a second chamber, the Senate. The British considered that the absence of a truly national party made the situation quite controversial because a Prime Minister had to be given great latitude in the choice of his colleagues, but in the actual circumstances this could not be conceded. Therefore, they agreed that they would consent to the creation of the post of Federal Prime Minister, but some constitutional restrictions would be placed upon his power to select his colleagues; in addition to the retaining of the three ex-officio members.⁽⁶⁹⁴⁾ A solid argument was advanced as to the maintaining of the latter, namely the fact that the Council needed, at that stage, advice on federal finances from a member who had no party allegiance or regional ties.⁽⁶⁹⁵⁾ Further, they had to clinch during the conference that they would still continue to be the cement in the structure, and that their removal would simply hasten the process of destruction.⁽⁶⁹⁶⁾ The request for the

Table 14: Constitutional Demands of the Main Nigerian Parties and the KNC

Issue	NPC	AG	NCNC	KNC
Federation	Bicameral legislature	Bicameral legislature	Bicameral legislature	Bicameral with equal members from regions
Self-government	Regional self-government in 1959	Self-government for Nigeria as a whole	Self-government for Nigeria in 1956. If the North refused interim period of 3 years	Union of British and French Cameroons
Residual powers	Vested in regions	Vested in regions	Vested in centre and creation of a House of Chiefs	No proposal
Regional boundaries	Opposition to fragmentation	Creation of a Mid-West State and a Rivers-Ogoja-Calabar State	Appointment of an expert-commission	No proposal
Allocation of revenue	Along derivation	Along derivation	Along need	On the basis of need and uniform national development
System of election	New electoral regulations	Universal adult suffrage	Universal adult suffrage	Universal adult suffrage
Status of Lagos	Federal territory	Integration with Western Region	Federal territory	No proposal
Executive Council	Removal of ex-officio members	Removal of ex-officio members	Removal of ex-officio members	No proposal
Police and judiciary	Regionalisation of police and judiciary	Regionalisation of police and judiciary	Central control of police and judiciary and education	Regionalisation of police

Table 15: Constitutional Demands of the Opposition Parties

Issues	UNIP	NEPU	KPP	UMBC
Federation	No proposal	Bicameral with Senate including 3 members from each province and a House of Representatives including 240 members	No proposal	No proposal
Self-government	Self-government for the whole of Nigeria in 1956	Self-government in 1956 for all regions and fixation of a date of independence for Nigeria	Self-government for regions desiring it in 1956 and full autonomy of Southern Cameroons	No dates mentioned necessity to press for self-government for Nigeria
Residual powers	Vested in the centre	Vested in centre with declaration of human rights	No proposal	Vested in centre
Regional boundaries	Division of the 3 regions into states correspondent to linguistic and cultural groupings	Creation of smaller states	Division of regions into smaller states	Fragmentation on the basis of plebiscite and economic viability
Allocation of revenue	Direct assistance of federal government to local governments	No proposal	No proposal	No proposal
System of election	Universal adult suffrage	Creation of a neutral Electoral Commission	Universal adult suffrage	Universal adult suffrage
Status of Lagos	Federal territory	No proposal	Federal territory	Federal territory
Executive Council	No proposal	No proposal	No proposal	No proposal
Police and judiciary	No proposal	Under central control	No proposal	No proposal

creation of a Senate on the basis of equality would also be conceded, but given the possibility that the North would ask for greater representation in the House of Representatives, which in any case would not be accepted by the British, the alternative could be the grant of additional seats to the North in the upper House. The Senate would be elected for four years with half its members retiring every two years.

As to the claim for fragmentation, the general line of work of the British would be to emphasise its drawbacks and insist that any new state should be viable and workable.⁽⁶⁹⁷⁾ Finally, the last issue to be cleared out was the revenue allocation. The British felt they would encounter a great difficulty in distributing Nigerian funds over the regions in a way which would satisfy each. There was always the danger of one region threatening to secede if its wishes were not honoured. Hence, there was agreement to delay the revenue till the middle of 1957 so as to ensure a detailed analysis of the quantity of imports reaching the regions up to the year 1956-57. It was, further, suggested that the revenue commission would use broader terms than the preceding commission, and that its report could not be considered until after 12 months.⁽⁶⁹⁸⁾

These were clear signs of difference between the British and Nigerian preliminary plans for constitutional review, and these were most noticeably related to the question of independence of Nigeria, the arrangements for regional self-government, and the structure of the federal government. This implied that if the presumed conference was to succeed, there was need for a great degree of compromise. In this context, the British believed the Nigerians had to trust them and acquiesce to their suggestions as they were deeply imbued with the idea that the federation should continue.⁽⁶⁹⁹⁾

The Conference, however, did not meet on the due date owing to the bank crisis in the Eastern Region. On September 28, Mr. Alan Lennox Boyd made a declaration to the Nigerian Government explaining the reasons behind the delay, and proposed that the Conference could be programmed for the end of January 1957. To that, the Western Government expressed its great frustration for the non fulfillment of the recommendations of the 1953-1954 Conference pending to the attainment of self-government in 1956. The reasons behind this crisis and how it was solved are worth considering.

2.3. The Bank Crisis in the East

On April 30 1956 a motion was presented to the Eastern House of Assembly by Mr.E.O.Eyo, the Chief Whip of the NCNC and the Deputy-Speaker of the House, whereby he accused Nnamdi Azikiwe of investing £ 1 million of public money in the African Continental Bank, in which he and his associates held considerable interests.⁽⁷⁰⁰⁾ It was an agreed fact that the code of conduct for a minister prior to his assuming of office forbade him from engaging in any form of private business, but this was not the case in Nigeria. According to West Africa:

‘the idea that a man who, like Dr. Azikiwe, has built up a bank and a group of companies, however shaky their finances, should relinquish all control of them when he becomes a minister, is not universally accepted in Nigeria, where the joint stock company finds unfertile soil.’⁽⁷⁰¹⁾

The speaker of the House refused that the motion be deliberated because of a libel action. The Governor, Sir Clement Pleass (1954-1956), proposed that the case be brought in an independent tribunal, but the Premier refused. Thereafter, the Secretary of State for the Colonies appointed a commission of enquiry under the Federal Chief Justice, Sir Stafford-Foster-Sutton.⁽⁷⁰²⁾ The latter reported that Azikiwe’s main motive was to foster an indigenous bank which would liberate credit for the people, but affirmed that ‘he was attracted by the financial powers his interest in the bank gave him.’⁽⁷⁰³⁾ In view of that, the Commission found that his conduct was mischievous, and that his undertaking ‘had fallen short of the expectations of honest reasonable people.’⁽⁷⁰⁴⁾ It did also regularise the affairs of the bank. The Premiers of the North and the West seized this opportunity to discredit Zik. The supporters of the latter could not believe in the tale of corruption of their leader who had merely acted in good sense to prevent the bank from collapse, and break the British monopoly. They also held that the Commission was an “imperialist plot” geared intentionally to dethrone Azikiwe and undermine the nationalist movement.⁽⁷⁰⁵⁾

Following this event, Azikiwe was obliged to dissolve the legislature and call for new elections in order not to resign and thereby reaffirm his strength.⁽⁷⁰⁶⁾ He achieved a sweeping victory by securing sixty seats out of eighty.⁽⁷⁰⁷⁾ The other twenty seats went to the AG (13), the UNIP (5), and independents (2). Hence, Azikiwe proved his strength in

being the chief leader of the NCNC, and the latter's notoriety to represent the Eastern Region at the London Conference due to take place in May 1957. A question worth discussion is how the conference was to resolve the controversies existing not only between the Nigerians, but between the latter and the British.

2.4 Resolutions of the 1957 Conference

The London Conference opened on May 23 1957 and resumed work again on June 26 1957 with the attendance of delegates from the three regions and the Southern Cameroons together with their advisers. The federal government was represented by the Governor-General, the three regional Governors, the Commissioner of the Cameroons, two federal ministers, the leaders of the opposition in the House of representatives, and seven advisers. The UK was represented by ten delegates including the Secretary of State for the Colonies as chairman, six experts, three legal advisers and a secretariat comprised of five members.⁽⁷⁰⁸⁾

The first issue pressed at the Conference was the question of independence for Nigeria. The three regional Premiers and the Leader of the Government Business in the Southern Cameroons presented a joint memorandum asking the British Government to grant the country its independence in 1959. The Secretary of State refused to set a date in advance arguing that this would be conditioned by the way the Western and Eastern Regions on the way to attain self-government 'had faced up the problem of minorities on which a commission would already have reported.'⁽⁷⁰⁹⁾The Nigerian leaders, bitterly disappointed, replied in the following terms:

'We feel bound to express our disappointment that it has not been possible for H.M. Government to give an undertaking to grant independence to Nigeria on a date to be aimed in 1960 by the new Nigerian Parliament. The year 1959 has been unanimously proposed by the people of Nigeria, and we have given consideration to a date in 1960 only because we appreciate that the solution to the various problems that must be disposed of before independence will take longer than we had thought. Having gone thus on the path of reason and realism, we had thought that the Secretary of State would accede to our united wishes. In the circumstances, we can do no more than take note

of the Secretary of State's statement, while reserving to ourselves the right to pursue the issue further with a view to impress upon H. M. Government the necessity for granting independence to the Federation of Nigeria not later than April 2 1960.'⁽⁷¹⁰⁾

It is blatantly obvious that the British kept to their earlier position of no concession on the independence of Nigeria. Nevertheless, they could not evade the question of regional self-government. They had to honour it otherwise the Nigerians would suspect their real commitment. In consonance with that, the Conference agreed to grant both Eastern and Western Regions self-government with safeguards not to prejudice the functioning of the federal government. The major implication of that was that Governors were to cease having reserved and discretionary powers. They were to act on the advice of their ministers to give assent to a bill or withhold it, save in three situations: (i) a bill inconsistent with the treaty obligations of the UK, (ii) a bill hampering the right of property of subjects not residing in Nigeria, or the trade and communications of any part of Britain's dominions, and (iii) a bill hampering or endangering the continuance of the federal government.⁽⁷¹¹⁾ Governors would have no powers over the dissolution of a Legislative House unless there was a vote of no confidence in the Premier, or in the case of an expiration of the life of the House. They could also oppose the dissolution if that proved to impede the progress of government.

To reduce any instance of power abuse, the Secretary of State divided the ex-powers of Governors among a number of independent bodies such as the Public and Judicial Service Commissions, and recommended the inclusion, within the regional constitutions, of safeguards for the integrity of certain organs of government. Furthermore, there were instructions for the Governor-General to issue directions to a region for the purpose of ensuring that the executive authority of the region would not be exercised in such a way as to prejudice the performance by the federal government of any of its functions.⁽⁷¹²⁾

As to regional legislatures, it was decided that the Eastern Region should have a House of Chiefs including sixty members in addition to five special members with special qualifications of benefit to the House. Regional executives should operate with only an African membership; this meant a removal of the official members.

With regard to the Northern Region, its delegates declared their wish to be self-governing by 1959,⁽⁷¹³⁾ and in view of that the same arrangement used in the East and West would be followed. However, owing to the backwardness of the area Mr. Alan Lennox Boyd recommended the retaining of greater powers for the Northern Governor than those of the East and West. In the meantime, the region would continue with the existing arrangements with an enlargement of the membership of its legislative houses. The Northern House of Chiefs would consist of all first-class chiefs and forty seven other chiefs; while the Northern House of Assembly would encompass 170 elected members and five special members appointed by the Governor. A Council of Chiefs would be created to acquiesce to appointments and removals.

As to the quasi-federal territory of the Cameroons, it would be referred to as the Southern Cameroons instead of the label “quasi federal territory”, with the Leader of the Government Business being designated as Premier and the Governor-General as High Commissioner. The Executive Council would comprise nine members: the Commissioner as president, three ex-officio members, and five ministers among whom the Premier should be designed.⁽⁷¹⁴⁾ The House of Assembly should be extended to twenty-six elected members. Provision would be made for the setting up of a House of Chiefs with deliberative powers, consisting of twenty members. The Conference also debated the future of the Southern Cameroons. Before the independence of Nigeria, the United Nations Mission would undertake a plebiscite both in the North and South of the territory to determine whether the people would prefer to remain within independent Nigeria as a separate region, or whether they would continue under trusteeship tutelage with a view of joining up the French Cameroons.⁽⁷¹⁵⁾

With regard to the territory of Lagos, the conferees agreed that it should remain a federal territory, that a ministry for Lagos affairs be created, and that it should enjoy proportional representation in the House of Representatives. Moreover, there was a recommendation to grant scholarships to the children of Lagos residents.

The Conference provided also for arrangements as to the federal structure of the government. There was to be the creation of the office of Federal Prime Minister and an all-Nigerian Federal Council of Ministers with the Governor-General as President and not less than ten members. Interests of the UK were to be embodied in the Governor-General

who would retain his reserved powers in acting without the consent of the ministers, and who would, further, be responsible for external affairs and defence and control of police and the Federal Public Service. There was also recommendation for the creation of a Deputy Governor-General and a second chamber, known as the Senate, whose composition would be as follows: twelve members selected from each region on a provincial basis, the Oba of Lagos, another chief, two members from the Lagos Town Council, four special members appointed by the Governor-General, non-voting members from the Council of Ministers and a Deputy President. The Senate would initiate all bills except money bills. The Federal House of Representatives would be enlarged to 320 members elected directly on the basis of universal adult suffrage in the East, West, Lagos and the Southern Cameroons and by adult male suffrage in the North. Members were to be the representatives of constituencies of a population of 100,000.

In relation to the division of powers between the federal and regional governments, it was agreed that naturalisation of aliens, banking and allied matters should be federal subjects. As to the sensible question of police, it was decided it should remain under federal control to insulate it from politicians' misuse. It was also recommended that regions could own or participate in commercial banks but with exclusive federal responsibility over supervision of banks and banking. The concurrent list included the administration of estates, dangerous drugs, electricity, gas, industrial development, insurance, and sanctioning films and trustees. In case of conflict between the federal and regional laws, federal law would, of course, be paramount.

The judiciary was another service to be protected from politics. In this respect, the Conference stressed that any appointment of a regional Chief Justice should be made by the Governor in consultation with the Chief Justice of the Federal Supreme Court. Furthermore, there would be the protection of High Court Judges, and the setting up of a Judicial Service Commission which would recommend to the Governor all matters related with appointments, dismissals and promotion of magistrates.

Another landslide matter debated by the Conference was the future of the armed forces. There was to be a transfer of power in the administration of defence forces starting from April 1 1958. The UK made a pledge to provide assistance and training facilities. Another decision was that the Governor-General would be empowered to create a Defence

Committee consisting of the Deputy Governor as Chairman, the Prime Minister, two other ministers, the General Officer commanding the military forces, the regional Premiers and their representatives. Constitutional regulations were also to be provided for the Public Service with recommendations for lump-sum compensations to be paid by governments. This compensation was to be calculated according to age, length of service and pension.⁽⁷¹⁶⁾ Besides, the Conference called for the protection of the Public Service Commission from political interference and the subjection of appointments to the Commission's recommendations.

Finally, the issues which required expert advice were deferred for ultimate examination by a further constitutional conference in 1958. But before, they were to be considered by special commissions, namely a commission to allay the fears of minorities, a delimitation commission to divide Nigeria into 320 equal electoral constituencies, and a permanent electoral commission to control the preparation of the federal electoral register. A fiscal commission was also appointed to delimit the powers to raise revenue, and settle the problem arising from the dissatisfaction with Sir Louis Chick's division of revenue between the federal and regional governments.

After such detailed arrangements, the Conference closed with recommendation to resume work again the following year. The Premiers of the North and the West showed their satisfaction with the decisions achieved. However, Azikiwe voiced his "painful disappointment"⁽⁷¹⁷⁾ which impacted the celebration of regional self-government in the East. This begs the question of how the new arrangements were brought into effect.

2.5 Implementation of the New Constitutional Instructions

The overall majority of changes recommended by the 1957 Conference were implemented in August 1957. First, there was the designation by the Governor-General of Alhaji Abubakar Tafawa Balewa, the Deputy President of the NPC, and the Federal Minister of Transport, as Nigeria's first federal Prime Minister. His appointment was quintessentially due to his great debating ability, and to the fact that he came from a small ethnic group (the Hausa).⁽⁷¹⁸⁾ Furthermore, he was preferable to the British in view of his moderation. The view of the Secretary of State here is more explicit:

‘He is sagacious and able and relations between him and the Governor-General are frank and cordial. He is openly anti-Communist, he is under no illusions about the difficulties of the task facing both himself and the country, and his policy is likely to be as pro-Western as the narrow Muslim outlook of his principal Northern supporters will allow.’⁽⁷¹⁹⁾

His first undertaking was the formation of a national government, including four ministers from his own Party, six ministers from the NCNC, two ministers from the AG, and one minister from the KNC. Explaining the urgency behind the constitution of such government he said:

‘If Nigeria is to achieve independence on April 2 1960 it is most essential that the three major political parties should work together in close co-operation on all matters of policy and planning.’⁽⁷²⁰⁾

Besides, Balewa believed that co-operation and unity were landslide expedients to achieve independence. Therefore, they had to be the concern of every Nigerian, and in particular the leaders of the parties had to control those extremist elements within their political organisations. His government, however, was not a total success owing to the major difficulty of federal ministers’ greater allegiance to their regional parties instead of developing a national outlook. In the scope of regional government, things were not better, especially in the East. In fact, Azikiwe’s authoritarian character had often caused clashes between him and members of the Party. This had its impress on the Regional Executive Council which included only nonentities, and affected, to some extent, his reputation.⁽⁷²¹⁾ The Western regional government was better because of Awolowo’s organisational ability and that of his Party members. There was yet an important hindrance in both regions exemplified by the exodus of overseas officers. The Western Government believed they could come to terms with this problem by progress in the educational system. Financially, both the East and West continued work with the existing arrangements pending the report of the financial committee.

From all the above, it is evident that the 1957 Conference had trodden more momentous steps than its predecessor in the march towards self-government. This process was, indisputably, marked by Britain’s leading role in making concessions that, partially, satisfied the Nigerians, and obviously safeguarded the interests of the British. The last

phase of constitutional development was to be an extremely difficult arena for both as more changes, compatible with the exigencies of each, were expected. At this level it would be pertinent to examine what this period unveiled.

3.1958 Constitutional Conference

The resumed constitutional conference met in Lancaster House, London on September 29 and October 27 1958. The meeting was presided by Mr. Lennox Boyd, with the attendance of the four Governors and the Commissioner of the Southern Cameroons, and thirty-nine Nigerian delegates representing the North, West and East and the minority groups.⁽⁷²²⁾ The important issue of the Conference was the examination of the minorities report. Other landslide matters were the Nigerian request for independence in 1960, the consideration of the reports respectively of the revenue allocation and the Electoral Commission, the question of police and finally Anglo-Nigerian agreements. Before hinging on the resolutions of the Conference it is deemed highly important to consider the intricate question of minorities apart.

3.1 The Minorities Issue

Minority groups had always existed in Nigeria given the huge ethnic fabric of the country (more than 434 ethnic groups and over 395 mutually unintelligible languages.⁽⁷²³⁾ However, their echoes had never become so audible and glaringly manifested as the period of Macpherson when the rapid regionalisation of governments, and the solid grip of one dominant ethnic-based political party over the Regional Government (the Fulani NPC in the North, the Ibo NCNC in the East and the Yoruba AG in the West) made the minority groups feel fears as to their political representation, and socio-economic advancement. Hence, various movements sprang up to fight for the cause of those groups and materialise their grievances in concrete government decisions. (See map 5)

In the North, where the Hausa-Fulani constituted an overwhelming majority of 8,511,000, the non Hausa, non-Muslims of the Middle Belt Area⁽⁷²⁴⁾ (including the provinces of Adamawa, Benue, Plateau, Kabba, Ilorin, and Niger) formed the minority groups. (See table 16). They formed, henceforth, the United Middle Belt Congress because

the system of government was said to be tyrannical vis-à-vis the non-Muslims. There was also another movement calling for the merger of Ilorin and Kabba Divisions within the Western Region. The NPC was evidently opposed to these movements as the creation of a separate state in the North would undermine its majority in the Federal House of Representatives⁽⁷²⁵⁾. Conversely, the NEPU favoured these Movements.

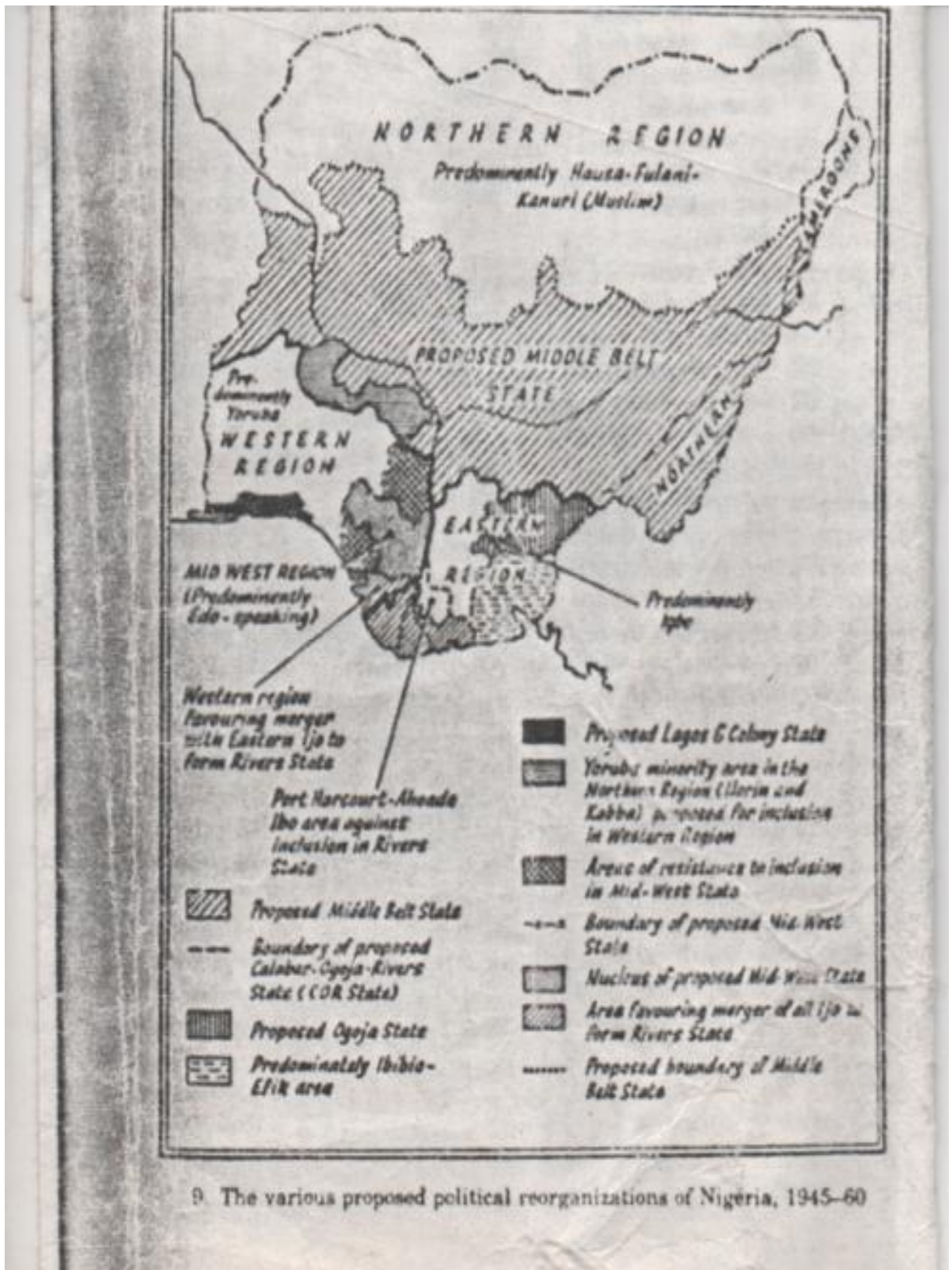
Table 16: Ethnic Majority -Minority Distribution in the Northern Region

Total population	16,840,000
Hausa	5,488,000
Fulani	3,023,000
Minorities	8,329,000

Source: colonial Office List 1960, P125

In the West, the non-Yoruba ethnic groups of the Middle Belt area, numbering about 1,588,000 stood in a minority in contrast with 4,508,000 Yoruba⁽⁷²⁶⁾ (See table 17). There were complaints about abuse of power, political discrimination, and socio-economic neglect of the area. Thus, haunted by the same fear of ethnic domination they formed the Middle the Middle West Party in 1950 under the leadership of D.C.Odadebay, the National Legal Adviser of the NCNC. Three years later, the Oba of Benin founded the Benin Delta People's Party to spearhead the creation of a Benin-Delta State. The AG supported this movement owing to two reasons: its declared policy of encouraging the formation of more states, and the threat of the NCNC who had achieved a sweeping victory in the Mid-West constituencies.

Map 5



9. The various proposed political reorganizations of Nigeria, 1945-60

Table 17: Ethnic Majority – Minority Distribution in the Western Region

Total Population	6,088,000
Yoruba	4,508,000
Minority	1,588,000

Source: colonial Office List p 125

In the East the Ibo represented the regional nucleus with 4,944,000, while the minority groups inhabiting the provinces of Calabar, Ogoja, and Rivers were barely 2,274,000.⁽⁷²⁷⁾ (See table 18). In December 1953 a conference of chiefs of the three provinces called for the creation of a Calabar Ogoja Rivers State (COR). This movement was sponsored by the UNIP who subsequently allied themselves with the AG. However, two subsidiary movements claimed the carving out of other states: an Ogoja State and a Rivers State (comprising the Ijo from both Western and Eastern Regions) . The NCNC opposed the creation of a COR State , and welcomed instead the setting up of smaller states such as a Calabar State, an Ogoja State, and a Rivers State. In this respect, Dr Azikiwe argued:

‘The right of the people of former Calabar, Ogoja, and Rivers Provinces to determine their political future is conceded. It is for them to decide whether they should be merged with other states; but we frown upon any idea which will lump them together so as to create minority problems where they have not previously existed. For this reason we hold that if the people of former Calabar Province desire to form a separate state we shall support them, and if the people of former Ogoja Province will prefer a separate state we shall support them also. The same holds good in respect of the people of former River Province.’⁽⁷²⁸⁾

Table 18: Ethnic Majority –Minority Distribution in the Eastern Region

Total Population	7,218,000
Ibo	4,944,000
Minorities	2,274,000

Source: Colonial Office List p 125

Admittedly, these separate movements were epitomised by the rapid political changes, above all the regionalisation of the government. The two Southern parties (the AG and the NCNC) rallied with the cause of these movements through their wings (the UNIP for the AG and the NEPU for the NCNC). The NPC, by contrast, could not follow suit for the reasons mentioned earlier. At this level, it is convenient to enquire into the real motives behind the parties' drive for the fragmentation of Nigeria. As stipulated in the previous chapter, the AG believed that the creation of more states would be the sole outlet for a balanced federal structure. Similarly, the NCNC, who in 1957 had advocated, during its election campaign, the subdivision of Nigeria into 14 states, firmly held that only a homogeneous federal framework would withstand the problem of disunity.

This was broadly the background against which the Minority Commission was set. It was appointed on December 26, 1957 under the chairmanship of Sir Henry Willink, Master of Magdalene College, Cambridge with the following members: Sir Gordon Hadow, former Deputy Governor of Ghana, Philip Mason, Director of the Institute of Race Relations, London, and J.B.Shearer, Manager for Greece of the Ionian Bank Ltd. The commissioners set foot in Lagos on November 23 1957, and stayed in Nigeria till April 12 1958. During this long period they examined, exhaustively, an array of proposals for the establishment of new states, convened public meetings in the three regions. They published their report on July 30 1958. It may be useful now to contemplate the investigations of the Commission, that is its findings in relation to the different demands, and then examine its recommendations.

3.1.1 Findings of the Willink Commission

The findings of the Commission in regard to the demands of Ilorin and Kabba Divisions were as follows: a) the elected representatives of the Divisions favoured transfer to the West, b) the population of Ilorin was overwhelmingly Yoruba (over 90 %), with 60% of them Muslims; while that of Kabba was totally Yoruba, c) the transfer of Ilorin would undermine the system of Alkali courts for the Muslims, d) the educated people in Ilorin had better job opportunities in the North than those in the West, and e) no evidence of a definite majority pledge for fusion with the West was found.⁽⁷²⁹⁾

For the West, the Commission's results were: a) that there was no trace in the legislation of the Western Regional Government that made a political discrimination between the Yoruba and the non-Yoruba, b) there was no proof of improper use of police, c) the marginalisation of the Mid-West area was not done in purpose, and the existing sentiments of fears could best be remedied through other expedients.⁽⁷³⁰⁾

Finally for the East the Commission concluded the followings: a) if an Ogoja State was created, the existing minority would still be a minority vis-à-vis the Ibo in the province; and such state found little support among the Ibo and non-Ibo, b) if Ogoja was integrated to the proposed Calabar Ogoja Rivers State the Ifiks and the Ibibio would form the most outstanding group, c) the demand for a Rivers State was a deliberate demand by the NCNC to challenge the COR State, and not really a serious pledge, d) if a COR State was created it would include over 717,000 Ibibio, 435,000 Annang, 428,000 Ibo, 251,000 Ijaw, 156,000 Ogoni, and 75,000 Efik, with the net result of the closely-related Ibibio, Annang and Efik (i.e 1,227,000) largely outnumbering the Ibo, the Ijaw and the Ogoni (over 835,000),⁽⁷³¹⁾e) there were strong oppositions to the creation both of the Rivers and Ogoni States, for instance, the people of Ahoada Division vehemently rejected the formation of the Rivers State, and the Ogoni showed their preference for a COR State than a Rivers State, and f) the Ijaw who were the most outstanding minority next to the Ogoni did not make their claim for their own area.

On the basis of these findings the Willink Commission elaborated a series of recommendations that are worth considering.

3.1.2 Recommendations of the Willink Commission

The commissioners believed that the best solution for the minorities' fears would be by dint of unity instead of separation. Further, the Federal Government would restrict any abuse of power by a majority group over a minority group. In this context the Report read:

'The minorities who have appeared before us have thought of separation as a remedy for their troubles. But unity must have the same effect, and though unity cannot be manufactured by a Commission, machinery must be devised which aims rather at holding the state together than at dividing it. We believe that while the first object of our recommendation must be to allay fears, with this should be combined a second, to maintain the unity of Nigeria and thus enable the Federation to play a great part in world affairs; this we think can best be done by balancing power within the country so that majority may be less tempted to use power solely for its own advantage. With these objects in view we have born in mind throughout our enquiry the thought of the Federal Government as the successor to those restraining functions, the prospects of whose disappearance has been so fruitful a source of fear.'⁽⁷³²⁾

The commissioners further added that no new state would provide a remedy for the existing fears, but, on the contrary, it would lead to fresh problems, financial difficulties and the lack of trained administrative manpower being the most prominent. Nevertheless, they reckoned that the minorities' anxieties were real and proposed a set of measures to allay them, viz: (i) the police should be organised as a unitary force operating closely with the Regional Governments, but ultimately controlled by and responsible to the Federal Government; (ii) there should be a special Ijaw Area Board to stimulate development schemes in the Niger Delta; (iii) certain neglected areas should be designated Minority Areas with special arrangement for drawing attention to their needs; (v) fundamental rights should be written in the Constitution and entrenched;⁽³⁾ (vi) if there was general agreement at the Conference there should be a plebiscite in Ilorin and Kabba Divisions to decide whether they should be transferred in whole or in part to the Western Region; (vii) the application of Muslim law in the North should be modified in certain respects (non-Muslims given the possibility of being examined by non-Muslim courts).⁽⁷³³⁾

The Ijaw Special Board would comprise a chairman and a vice-chairman appointed by the Federal Government, two representatives of the Western and Eastern Regional Governments, and four representatives of the people chosen by local bodies. The chairman should be full- time; while the six representatives would be part-time. The Board should be responsible for the physical development of the area through the carrying out of surveys

for determining the needs of land improvement (drainage, land tenure, forestry, and communication). It would submit annual reports both to the Federal and Regional Governments. The capital sum required by the Board would be provided by the Federal Government with a proportion of one-third, and the two Regional Governments with the remaining proportion.⁽⁷³⁴⁾

The Minority Areas would concern the Edo-speaking area round Benin, (with the Eastern Government being the sole to decide whether to include the Aro-Ibo or the Annang), and a Calabar area comprising the Calabar and Delta Provinces, excluding Warri Division and Akoto District. Each would have a council ⁽⁷³⁵⁾ consisting of a local chairman nominated by the Regional Government, and a membership selected either through election or nomination by the local bodies. The functions of the Councils would centre on the stimulation of well-being, cultural advancement, and the socio-economic development of the Minority Areas. They would also unveil any discriminative action against the areas by reporting to the Regional Governments.

Other recommendations were related to the setting up of a commission for the conduct of elections, and a Judicial Service Commission for appointments to county and district courts; central control of prisons; retaining by Regional Governments of the power to supersede but not to the powers to pack a Native or Local Government Authority; and the rehabilitation and replanting of old rubber plantations.⁽⁷³⁶⁾

The Commission made no hint to the creation of a Middle Belt State, but it suggested that the Ilorin/Kabba dispute could be solved through a plebiscite subject to general agreement at the Conference. A majority percentage of 60 % would be required for transfer.⁽⁷³⁷⁾ A boundary commission should be set up with the object of deciding the number of neighbouring districts to be put together for an acceptable boundary.

The publication of the report yielded different reactions from the Nigerians, but led to no disturbances.⁽⁷³⁸⁾ The NPC who were terribly anxious⁽⁷³⁹⁾ about the creation of the Middle Belt State thoroughly welcomed the report, though some Northerners fulminated against the Ilorin-Kabba plebiscite. The NCNC showed a moderate welcome because though they had, theoretically, supported the creation of more states; in practice they

feared such results.⁽⁷⁴⁰⁾ Within this scope, Azikiwe described the report as “useful and constructive.” Commenting on the reaction of the NCNC leader, James Robertson joked:

‘Azikiwe is as pleased as a dog with two tails at the General course of recent events...his only reservation is on the question of new states-doubtless in order to keep in with those of his supporters who wanted a Mid-West State.’⁽⁷⁴¹⁾

The spokesmen of the Middle Belt State and the Calabar Ogoja State criticised violently the report.⁽⁷⁴²⁾ Members of the Mid West State Movement started to nurture the idea of forming a “Strategic Party” which would bring under its shade all minority groups in Nigeria.⁽⁷⁴³⁾ The most critical reaction was that of Awolowo for whom the report was bad and astonishing:

‘Save for one or two redeeming features, the Minorities Report which has been long and bitterly awaited is a bad and astonishing document. It made a number of breezy but erroneous assumptions and proffered disingenuous recommendations which are partly unconstitutional and not strictly relevant to minority fears, and which on the whole fall short of expectation and of what is clearly in the best interest of peace and concord among the citizens of independent Nigeria.’⁽⁷⁴⁴⁾

Awolowo found many appalling and unacceptable provisions within the report. First, the decision to make the police under federal control was a severe blow to the Nigerian leaders because there was the implication of their incapacity to reduce abuses of power in their respective regions. Second, there was the dangerous assumption that because Nigeria was to follow the road of liberal democracy and parliamentary government, then automatically any government that might come to power in 1959 would follow this path. Third, Awolowo pointed to the fact that the commissioners had nothing critical about the Northern electoral system, and instead merely declared that with independence contact with Muslim communities might bring change which meant that the non-Muslims would have to wait till change was operated. Fourth, Awolowo attacked the commissioners’ belief that the implementation of the principle of human rights was in itself sufficient to allay the minorities’ fears because this was totally an irrational equation. To be the champion of the minorities’ voices, and likewise gain their support, he promised them that the AG and its allies would deplore all constitutional means to prosecute the cause of the minority

elements, and more importantly strive for the creation of a Middle Belt State, a COR State, a Mid-West State, and the fusion of Ilorin and Kabba with the Western Region before April 2 1960.⁽⁷⁴⁵⁾

Having evoked the response of the Nigerian leaders and the different spokesmen of the state movements it would rather sound vague not to mention the stand of the British vis-à-vis the report. Overwhelmingly, the views of the British both in Whitehall and Nigeria were favourable to the Commission's recommendations. They emphasised the necessity of entrenching the existing structure of the government (a Federal Government and three Regional Governments) not for the simple sake of unity, but because they believed that 'to attempt, so close to independence, to establish new states would prove a severe constitutional setback to the advance towards independence.'⁽⁷⁴⁶⁾ This is why they urged the Nigerian representatives to accept the Commission's findings, and more particularly to recognise the effectiveness of the existing framework for a smooth transition to independence.⁽⁷⁴⁷⁾ There was a further preference for keeping the North undivided, even if they were certain that it was disproportionate with the other two regions. This again was due to the fact that the North symbolised law and order, and that this was likely to continue with such national leaders as Sir Abubaker Tafawa Balewa.⁽⁷⁴⁸⁾

On the whole the Commission provided a temporary solution for the issue, missing thereby a precious opportunity for the setting up of a balanced federal structure. This proved later very fatal for the stability of Nigeria. At this level, it is worth enquiring into how the Conference received the Commission's recommendations, and what amendments and concessions were made.

3.2 1958 Constitutional Conference

At the Conference, the Nigerian representatives expressed again their views. The Northerners showed a fierce opposition to the plebiscite;⁽⁷⁴⁹⁾ while Awolowo and the minority groups' spokesmen displayed their deep disappointment and frustration. The British, then, made it clear, as previously mentioned, that there was only one way to achieve independence by ratifying the report, a resolution the Nigerians finally submitted to in hope to hasten the date of independence. Given this significant concession, the British

declared that if a newly House of Representatives asked for independence in 1960, then they would grant it to them once legal formalities were completed.

Besides the agreement over the minority report, the conferees also, unanimously, accepted the proposals both of the revenue⁽⁷⁵⁰⁾ and electoral commissions. The former had been assigned the task of ensuring that ‘the maximum possible proportion of the income of Regional Governments should be within the exclusive power of those governments to levy and collect, taking into account considerations of national and inter-Regional policy.’⁽⁷⁵¹⁾ Its recommendations specified the revenue of the regions along the followings: a) reliance of regional governments on: (i) the exclusive control of income tax, (ii) all export duties on primary produce, all import duties on petrol and fuel oils (in accordance with the consumed quantity in each region), all import and excise duties on tobacco, and 50% of mineral royalties and mining rents; (b) Federal Government revenue to be based on (i) company profits and death duties as its exclusive field of taxation, (ii) all import and excise duties (other than those levied on tobacco and fuel oils) with the proviso that 30 % of such money be paid into the ‘Distributable Pool’,⁽⁷⁵²⁾ and (iii) 50 % of mineral royalties and mining rents with 30% being paid to the Distributable Pool. The latter was to be divided among the regions along the proportion of 40 % to the North, 24 % to the West, and 31 % to the East.⁽⁷⁵³⁾

The proposals of the Electoral Commission provided for the division of Nigeria into 320 single member constituencies on the basis of one constituency for each 98,622 inhabitants, with the Northern Region allocated 174 constituencies instead of 83, the Eastern Region 73 against 42, the Western Region 62 against 42, the Southern Cameroons 8 against 6, and Lagos 3 against 2.⁽⁷⁵⁴⁾

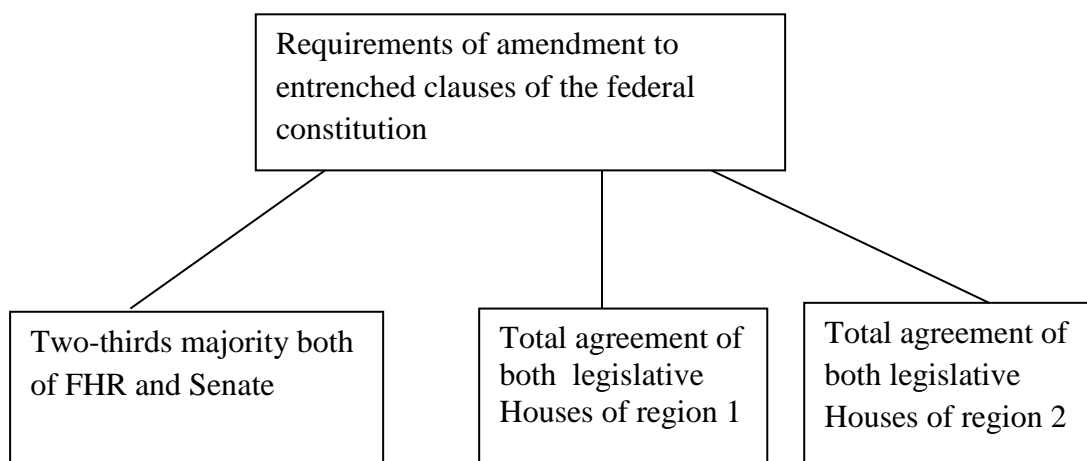
Once all the Commissions’ reports had been notified the Conference adopted a series of resolutions that could be enumerated below:

- (i) Incorporation in the Constitution of provisions to safeguard human rights.
- (ii) Grant of self-government to the Northern Region from March 15 1959.
- (iii) Extension of membership of the Federal Supreme Court by the appointment of Chief Justices as ex-officio members.
- (iv) Delimitation of certain rights of appeal to be made from the High Courts to the Federal Supreme Court.

- (v) Non alteration of the Lagos Federal boundary, and allocation of certain responsibilities to the Lagos Town Council instead of the Federal Government.
- (vi) Designation upon independence of regional representatives only to the UK.
- vii) No immediate constitutional changes for the Southern Cameroons, with the latter's status vis-à-vis the Federation to be determined by the people.
- (ix) Anglo-Nigerian defence co-operation after independence.⁽⁷⁵⁵⁾

Another momentous resolution was that pending to the amendment both of federal and regional constitutions, the alteration of boundaries, and the creation of new states. The amendments to the entrenched clauses of the federal constitution could only be made through a two-thirds majority both in the Federal House of Representatives and the Senate, in addition to the concurrence of a majority of both legislative Houses of at least two regions (see diagram 13). This covered the following elements; fundamental human rights, the Electoral Commission, legislative powers, the offices of Governor-General and Prime Minister, the Council of Ministers, the police, the Supreme Court, the High Court of Lagos, the Judicial Service Commission, the Director of Public Prosecution, the Director of Audit, public funds and allocation of revenue, and the Public Service Commission.⁽⁷⁵⁶⁾

Diagram 13: Process of Amendment of the Entrenched Clauses of the Federal Constitution

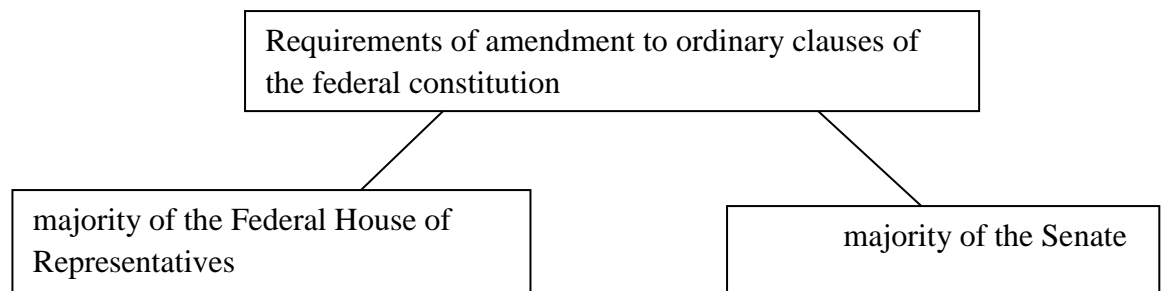


Source: Colonial Office List 1960, p 128

Amendments to ordinary provisions within the federal constitution would require a majority of both Federal Chambers (see diagram 14). Amendments to entrenched

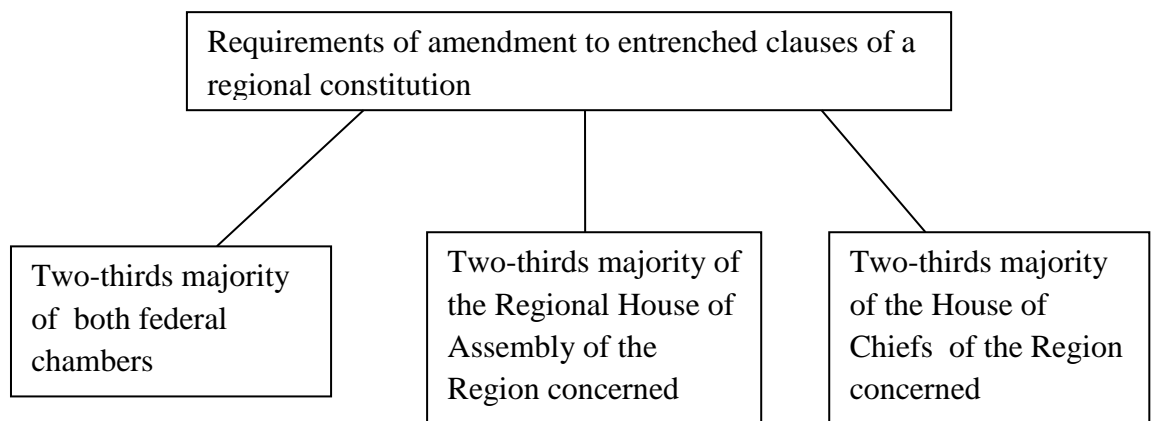
regional provisions would urge a two-thirds majority of the members of the two regional legislatures of the region concerned, as well as a two-thirds majority of both federal legislative Chambers (see diagram 15). Finally, an amendment to any ordinary regional provision would necessitate a two-thirds majority of the two regional legislative Houses of the region desiring the change. (See diagram 16).

Diagram 14: Procedure of Amendment of Ordinary Clauses in the Federal Constitution



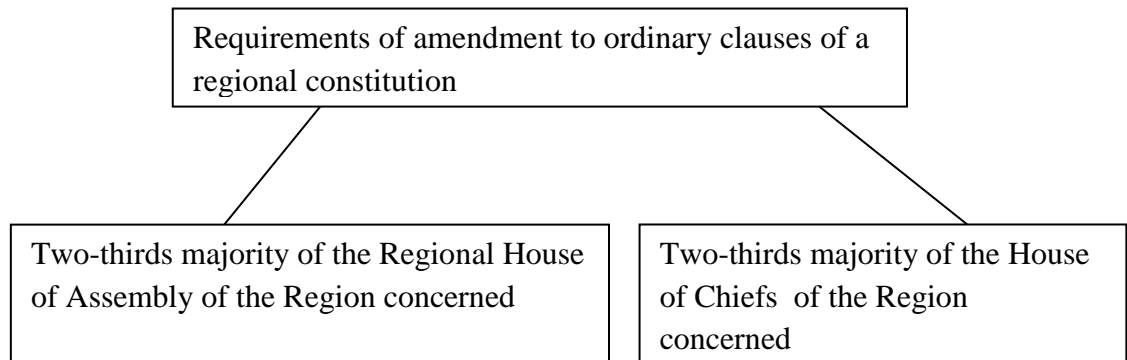
Source: Colonial Office List 1960, p 128

Diagram 15: Process of Amendment of Entrenched Clauses within a Regional Constitution



Source: Colonial Office List 1960, p 128

Diagram 16 : Process of Amendment of Ordinary Clauses of a Regional Constitution



Source: Colonial Office List 1960, p 128

The alteration to a boundary would require a two-thirds majority of the Federal Chambers, and both Houses of a majority of regions.⁽⁷⁵⁷⁾ The creation of a new state was to follow the same process. Yet in both cases there was a necessity of a vote in favour of the change of about 60 % of the people on the register in the area concerned.

In the end the Conference provided an outlet for the problem of overseas civil servants by the setting up of a Special List B which would grant civil servants who accepted to stay in Nigeria a loan void of any interest in advance. This loan would be equivalent to 60 % of their lump sum compensation. Half the amount of this compensation would be paid by the British Government, and the rest by the Nigerian Government. Furthermore, civil servants aged less than 41 who were inscribed on the List would compensate the loan by paying 20 % of their salary each year.⁽⁷⁵⁸⁾

The 1958 constitutional Conference had then settled, relatively, the major issues which would enable Nigeria to achieve its independence in 1960. The salient feature in this Conference as in the preceding conferences was the landslide arbitrating role of the British, and their decisive firmness to impose their own way of seeing things. It should be emphasised that the decisions undertaken catered, partly, for British interests. The next momentous step for Nigeria was to embark on the organisation of federal elections.

3.3. Federal Elections 1959

The new elections to the Federal House of Representatives were held on December 12 1959 with the exclusion of the Southern Cameroons. Voting was by dint of adult suffrage in the West, East, and Lagos, and male suffrage in the North. A special electoral commission was charged with the task of supervising the elections. It was chaired by the Chief Commissioner, Mr.R.E.Wraith, and encompassed MrJ.J.Warren, an Executive Secretary, and four Nigerians: Alhaji Mohammed Bello (North), Mr Aniagolu (East), Professor Oritsejolomi Thomas (West) and Mr.M.A.Shosilva (Lagos).

The major parties that contested the elections were the NPC, NCNC-NEPU, and the AG. Other parties included the Democratic Party of Nigeria and Cameroon (DPNC), ⁽⁷⁵⁹⁾the United Middle Belt Congress, the Bornu Youth Movement (BUM), the United National Independence Party, and the Mabolaje.⁽⁷⁶⁰⁾Electors had to fill a number of conditions, including age over 21, residence in Nigeria for at least three successive years, non infirmity of mind, non victimisation for an imprisonment sentence surpassing six months, and finally non affiliation to a public office.

Parties deplored, each, a vigorous sound campaign furnishing all means possible to impress the electors. The AG was by-far the most distinguished in using modern devices such as the television service and, above all, the helicopters.⁽⁷⁶¹⁾The latter would cross miles, landing AG spokesmen in remote places where others had never been before in order to publicise their policy. The other parties often charged the AG of transgressing their traditions.⁽⁷⁶²⁾Mutual attacks were very common, especially between the two Southern opponents. (NCNC and AG).

Parties in general campaigned all over the country for a grand mobilisation of the public. The NPC, by contrast, sufficed itself with the Northern Region because of the comfortable belief in its numerical superiority. It contested only one seat in the West and none in the East. This was, often, cited as a sound proof for a behind-the scenes conspiracy between the British and the Northerners for guaranteeing the North's success in the elections.⁽⁷⁶³⁾Schwarz believes here that a party that did not permit Southerners to join was likely to expect no votes from them.⁽⁷⁶⁴⁾The NPC's symbol was the hoe, its manifesto was based on "respect for traditions", "belief in orderly progress" and a government based on "fear of God."⁽⁷⁶⁵⁾The NCNC's logo was the cock; it approached the public by laying emphasis on its pioneering role in advocating the call for independence, and criticising

feudal repressive practices in the North. The AG's symbol was the palm tree; it made itself the spokesman of the minority groups.

All parties, unequivocally, drew attention to the increase and betterment of social services. The NPC made the pledge that the Federal Government would finance inter-regional secondary and technical schools. The AG pointed to its leading role in the provision of welfare facilities in the West which would be consequently implemented in the other regions. It also assured the public to make health service free for school children. The NCNC promised to provide funds for the regions in order to ensure the building of more hospitals and health centres, and to make free medical service for the nursing mothers, the old and the unemployed people.

The stress made by the parties on the Federal Government's role in improving social services meant that they envisaged a change in the relationship between the Federal and Regional Governments. This was a glaring index of the growth of federalism in Nigeria, a conviction harnessed by the realisation that regionalism would undermine the regions, and that there was a necessity in fostering an even development.⁽⁷⁶⁶⁾

The issue of states was also given consideration by the Nigerian leaders in their party programmes, above all the AG and NCNC leaders. The AG stood as the champion of the minorities and made the pledge to create all the requested states if it won the elections; the NCNC affirmed its desire to create the Mid West State and to extend the boundary of the federal territory of Lagos. This seems quite striking because the Party mentioned neither the Middle Belt State, nor the COR State, an attitude that contradicted with the Party's declared policy to encourage a strong central government with more weaker regions. A clear interpretation of that was that the NCNC was confident of the success of the NPC, and henceforth sought an entente with it for an eventual collaboration.

The parties' pronouncement on foreign policy revealed a slight controversy as to the issue of neutrality. They all, tremendously, supported co-operation with Great Britain because neutralism was immoral.⁽⁷⁶⁷⁾ The NCNC-NEPU, further, believed they would gain more in establishing contact with the communist bloc though they rejected "communism as a way of life."⁽⁷⁶⁸⁾ As to the status of the Nigerian leaders vis-à-vis the Union of African States, they saw it was still premature.⁽⁷⁶⁹⁾

The parties' electoral campaigns did not proceed peacefully. There were many instances of violence exemplified by physical assault and damage of property. The Lagos Daily Times made notice of that. During, for instance, a tour of Azikiwe and four of his supporters in the North they were attacked, with some being hospitalised. 11 members of the DPNC were accused of a breach of peace following fighting in Enugu. One NPC member was sentenced to imprisonment for two years for attack on the AG organising secretary. One NEPU supporter was killed in Bida Emirate, and 11 AG supporters were charged of violence against the NCNC members in Calabar.⁽⁷⁷⁰⁾ The NCNC spokesmen pointed to the mal-practices and favouritism in Benin, Warri, Ekiti, Oshun, Egbado, Ibadan, and Ondo Divisions. This made Sir James Robertson despatch troops in the North, and make radio broadcasts calling for an end of violence.

Over seven million Nigerians (7,185,555) cast their votes from among 9,036,083 registered voters, i.e 80 %.⁽⁷⁷¹⁾ The NCNC scored the largest number of voters with 2,592,629 (36.08 %), followed by the NPC 2,027,194 (28.21%), and the AG 1,986,839 (27.65%). (See table 19). It would be constructive to examine the detailed results of voters per party and per region. In the North 61.19 % returned for the NPC, 17.18 % for the AG, 16.13 % for the NCNC- NEPU, and 5.49 % for independents.⁽⁷⁷²⁾ In the East 64.62 % cast votes for the NCNC- NEPU, 23.07 % returned for the AG, and 12.31 % voted for independents. In the West 49.47 % opted for the AG, 40.19 % chose the NCNC- NEPU, and 8.59 declared for independents (see table 20).

The NPC was the party winner with 143 seats, 135 seats obtained all in the North; while the rest i.e 8 seats were secured by its allies, notably the Niger Delta Congress with one seat in the East, and the Mabolaje with 7 seats in the West.⁽⁷⁷³⁾ The NCNC-NEPU alliance won the second largest number of seats with 89 seats, 58 all from the East, 21 from the West, 8 from the North, and 2 from Lagos. The AG obtained the third position with 73 seats, 33 in the West, 25 in the North, 14 in the East, and 1 in Lagos. The independents won 6 seats in the North, and 1 seat in the West (declaring subsequently for the NPC). (See table 21). This meant that in the North the NPC won 82 % of the seats, the AG 13 %, and the NEPU 5%; in the East the NCNC won 79 %, the AG 19 %, and the independents 2%, and finally in the West the AG won 53 %, the NCNC 34 %, and the independents 13%.⁽⁷⁷⁴⁾ (See table 22).

The analysis of the above results reveals, conclusively, that the ethnic and regional-religious factors were not entirely eminent in the election as no party was able to win an absolute majority in its own region. The NPC, for instance, could not win all its constituencies in the North. The NCNC gained an important number of its seats outside the East, notably in the West. In fact the margin between the NCNC and the AG in this area (the West) was small.

Table 19: Number of Voters in the Federal Election 1959

Party (coalition)	Eastern Region	Northern Region	Western Region	Lagos Federal Territory	National Total
Northern People's Congress	–	1,994,054	32,960	189	2,027,194
NCNC-NEPU	1,246,984	525,575	758,462	61,608	2,592,629
AG	445,154	559,878	933,680	48,137	1,986,839
Others	236,626	179,022	162,107	138	578,893
Total valid votes	1,929,754	3,258,520	1,887,209	110	7,187,555
Registered voters	2,598,234				9, 036,083

Source: <http://africanelection.tripod.Com/ng-detail.htm>

Table 20: Percentage of Electoral Votes per Party

Regions	North	East	West
NPC	61,19 %		
NCNC-NEP	16,13 %	64,62 %	40,19 %
AG	17,18 %	23,07 %	49,47 %
Others	5,49 %	12,31 %	8,59 %

Source: [http:// Africanelection tripod. Com /ng –detail. htm](http://Africanelectiontripod.Com/ng-detail.htm)

Table 21: Results of Elections

Party	North	East	West	Lagos	Total
N.P.C and allies	135	1*	7*	–	143
N.C.N.C/ NEPU Alliance	8	58	21	2	89
AG	25	14	33	1	73
Independent	6	–	1	–	7
	174	73	62	3	312

*Declared subsequently for the NPC

Source: Michael Crowder , The Story of Nigeria, (Faber and Faber), London, 1961, p 245

Table 22: Percentage of Seats Obtained by Parties

Party	North	East	West
NPC	82 %		
NCNC		79 %	34 %
AG	13 %	19 %	53 %
NEPU	5 %		
Independents		2 %	13 %

Source: Eme. O. Awa Federal Government in Nigeria , University of California Press, 1964, p 101.

The fact that no party held sway was clearly indicative of the pernicious situation, and the extreme urgency for a convenience coalition between the political parties. Two alternatives arose: either a coalition of the two Southern parties, pushing the North into opposition; or a Northern coalition with one of the Southern parties,⁽⁷⁷⁵⁾with the other being drawn into opposition. Ideally, the latter solution was the most plausible because a Southern coalition government would mean the rise of tension between the North and the South. In fact, when the AG and the NCNC envisaged to coalesce with their Northern allies, the NPC menaced to secede from the Federation. Likewise, an NPC-NCNC/NEPU coalition was formed under Alhaji Abubakar Tafawa Balewa as Federal Prime Minister, bringing the most conservative and the most radical parties together, and confronting the NPC with its traditional rival the NEPU.⁽⁷⁷⁶⁾The AG formed the opposition with Awolowo who left the premiership of the Western Region to Chief S.L.Akintola. Dr Azikiwe equally resigned the premiership, and became the president of the Senate. Dr M.I.Okpara was appointed Premier of the Eastern Region; while Alhaji Ahmadu Bello remained Premier of the North.

It is certain that the NPC-NCNC coalition was primarily resorted to in order to preserve the unity of Nigeria, a quite comprehensible measure since an NCNC-AG coalition would have, intensely, struck that unity. With the formation of the national government Nigeria

was, therefore, nearer to independence than before. Hence, the following year i.e 1960 was geared in that direction.

3.4.Achievement of Independence

In January 1960, the new Federal House of Representatives, unequivocally, passed a resolution asking the British Government to fulfill its promise of granting Nigeria its independence. With this view in mind the Federal Prime Minister, the Regional Premiers, the President of the Senate, together with other federal and regional representatives met in London from May 10 1960 to May 19 1960 to discuss with the British representatives the magnanimous issues related to the independence of Nigeria. The outcome of these talks was the drafting of the independence constitution. The finalised constitutional arrangements covered a number of points connected with safeguards against abuse of power, in addition to an array of other matters.

To clinch the principles of democracy and guarantee against any abuse of power, a set of undertakings were made. These involved the setting up of an Electoral Commission whose purpose would be the delimitation of constituencies and the control of elections; appointments to the bench to be made by a Judicial Service Commission with security of tenure; and a Public Service Commission to be concerned with the appropriate selection of candidates.

The other overriding decisions included in the Constitution were : a) the provision that the Governor-General be made representative of the queen of England; b) the retaining of the right of appeal to the Privy Council, and the labeling of the Federal House of Representatives as Parliament; and c) the non-conferring of executive powers on the Governor-General and Regional Governors.

Realising the extreme magnitude for a newly independent state of foreign aid, the Federal Prime Minister and the Regional Premiers agreed to an Anglo-Nigerian Defence pact according to which there would be mutual assistance in defence. This meant the UK would provide Nigeria with help in training and equipment supplies. In addition to that the British and Nigerian Governments would make available for each other staging facilities

for aircraft. This agreement would not come into force until after independence, and subject, of course, to the approval of both parliamentary chambers.

Equally important for Nigeria was her adhesion to the Commonwealth. The latter was warmly solicited both by the Nigerians and the British. As previously outlined the Nigerian leaders felt they would gain tremendous profits by joining the Commonwealth such as loans and technical assistance. Within that junction the British Government agreed for a Commonwealth Assistance loan of £ 12 million. The British, on the other hand, abstained from making any declaration as to the profits which would incur from this decision. A statement by an MP in 1960 does leave no reflection as to the hidden designs of the British:

‘the Commonwealth will be greatly strengthened by the free accession of a State which has the largest population of any State in Africa and which contains within its boundaries nearly one-sixth of the whole people of that continent. I hope and believe that when Nigeria begins to play her full role she will exercise a stabilising influence throughout the whole of that great continent.’⁽⁷⁷⁷⁾

The last constitutional arrangement was related to the status of the Southern Cameroons. It was convened that the Cameroons would be separated from Nigeria on her independence, and that plebiscites would be held in 1961 to determine whether the people preferred to stay with Nigeria or join the Republic of the Cameroons. It was further agreed that if the Southern Cameroons chose to join Nigeria, it would be considered as a self-governing region; and if the Northern Cameroons voted to join Nigeria it would have the status of one division within Northern Nigeria.

To give effect to the independence of Nigeria, the Secretary of State, Lain Macleod (1959- 1961) submitted the independence constitution to the House of Commons on July 15 1960 for final agreement. A general consent was given to the document by all the members who praised the British colonial officials who had led Nigeria to its independence, precisising that the latter represented the greatest transfer of responsibility within the Empire since the independence of Nigeria, and that it would, indeed, serve as a model for the other colonies.⁽⁷⁷⁸⁾

Nigeria officially became independent on October 1 1960, with an NPC-NCNC coalition government led by Alhaji Abubaker Tafawa Balewa, and an AG opposition headed by Awolowo. Sir James Robertson remained in office till November 16 1960 when he was succeeded by Dr Azikiwe as a Governor-General.

End Notes:

⁶⁰⁵.This was preceded by a debate in the House of Commons on May 21 1953 as to the re-drawing of the Nigerian constitution where questions as to who would attend and the nature of the powers of the central government were raised. <http://hansard.millbanksystems.com/commons/1953/may/21/nigeria-constitution>.

⁶⁰⁶. One would ask here why the conference was convened in London and not in Lagos, and why it was precisely chaired by Oliver Lyttelton instead of the Governor. The answer lies in the fact that owing to the extremely critical situation in Lagos it would be much more convenient to undertake it in Lagos so as to evade both public and press leakages of the debates. Second, Sir John Macpherson had lost the confidence of the Nigerians, above all the AG who in 1952 declared their non-fraternisation policy.

⁶⁰⁷. CO 554/840 Speech by Obafemi Awolowo on the 1954 Constitution.

⁶⁰⁸.CO 554/840 Speech by Obafemi Awolowo on the 1954 Constitution, p 1.

⁶⁰⁹.CO554/847. London Conference on the Nigerian Constitution.

⁶¹⁰.Crowder, op.cit, p 234.

⁶¹¹.This resolution was due to the fact that during the elections to the Eastern House of Assembly, the KNC secured all the Cameroon seats but one which went to an independent.. ‘Lagos Talks May Seek New Structure for Nigeria’ in Manchester Guardian January 18 1954

⁶¹². Here the Daily Telegraph correspondent commented ‘thanks largely to his own efforts, agreement was reached where no agreement had seemed possible’. ‘Nigeria’s Future’ in The Daily Telegraph September 4 1954.

⁶¹³.Commenting on the choice of the federal government as a suitable solution for Nigeria, the correspondent of the Daily Telegraph argued ‘the regions will chafe less against each other if they are less tightly tied together’. *ibid*.

⁶¹⁴.Colonial Office List 1960, p 128 and <http://www.ngex.com/nigeria/constitution/con1953.htm>

⁶¹⁵.Changes in Nigeria new Constitution Next Month’ in the Times, September 4 1954.

⁶¹⁶.Reacting to the agreement that the North should dispense with indirect elections, the AG refused stating that the Northern Region should either be divided into smaller regions or be required to institute in the company of the other regions a system of direct elections from single-member constituencies. Sklar, op.cit, p 133.

⁶¹⁷;The Federal Supreme Court was to supersede the West African Court of Appeal confined to appeals from all the British West African territories. Grove.Hainef, op.cit, p 993

⁶¹⁸;CO554/840. Statement by the Secretary of State in Parliament on February 10 1954.

⁶¹⁹;CO554/840. General Constitutional Development Nigeria.

620. *Ibid*.

⁶²¹ Describing the efforts of the Nigerian leaders, Mr Lyttelton commented ‘all the delegations showed a remarkable insight into the niceties of constitutional checks and balances and displayed a willingness to sink sectional interests for the common good’. CO 554/840.Statement by the Secretary of State in Parliament on February 10 1954.

⁶²² .This movement will be tackled in detail subsequently.

⁶²³ . Report of Sir Louis Chick’s Commission quoted in Crowder, op.cit, p 236.

624. CO554/840. Despatch by T.B.Williamson to the Governor-General of the Federation of Nigeria dated July 14 1955.

625.The Nigerian delegates asked the Secretary of State: ‘come and take the chair again’. ‘Champagne Over the Congo for Lyttelton’ in News Chronicle February 18 1954.

626.his speech is attached as Appendix C

627.CO554/840. Speech by the Secretary of State for the Colonies on the 1954 Constitution.

628. ‘Nigeria’s Future’ in The Daily Telegraph February 11 1954.

629.CO 554/840. Speech by the Secretary of State for the Colonies on the Nigerian Constitution 1954.

630..*ibid*

631.CO 554/840. Speech by the Sardauna of Sokoto . It is attached as Appendix D.

632.*ibid*

633.CO 554/840 . Speech by Dr Namdi Azikiwe on the Nigerian Constitution 1954. It is attached as appendix E.

634.CO 554/840 Speech by Mr.Obafemi Awolowo on the Nigerian Constitution 1954. It is attached as Appendix F.

635.CO 554/840 .Speech by Amino Kano on the Nigerian Constitution 1954.

636.CO 554/840 Speech by Professor Eyo Eta on the Nigerian Constitution 1954. It is attached as appendix G.

637.Ibid

638.554/840. Speech by Endeley on the Nigerian Constitution 1954.

639. CO 554/840. Statement by the Secretary of State in Parliament on February 10 1954.

640.‘Success of Lagos Talks’ in the Times February 11 1954.

641.Mr.Fenner Brockway affirmed here that many members had the unusual responsibility of congratulating the Secretary of State on the general results of the conference. Ibid

642.CO554/840. Despatch by T.B.Williamson to the Governor-General of the Federation of Nigeria dated July 14 1955

643.CO 554/840 Speech by Professor Eyo Eta on the Nigerian Constitution 1954

644.CO554/840. Despatch by T.B.Williamson to the Governor-General of the Federation of Nigeria dated July 14 1955.

645. ‘From Colony to Nation’, in the Times, January 16 1954.

646.Crowder, op.cit, p 371.

647.ibid

648.The other parties represented in the Southern Cameroons House of Assembly were the Kamerun National Democratic Party (KNDP) led by John Boncha, the Kamerun Peoples Party (KPP) led by P.M.Kale and the Kamerun United Commoners’ Party (KUCP) led by Chief S.A.Anjeh. Grove.Hainef, p 993.

649.Crowder, op.cit, p 237. The NCNC was expected to win only in the Yoruba provinces of Benin and Delta. CO554/840. Memorandum on the Nigerian Constitution. February 1955 , p 2.

650.Ibid, p 3

651.Crowder, op.cit, p 238.

652.CO 554/840. Anglo French Ministerial Talks-Paris. Brief for the Secretary of State. Recent Political Development on Nigeria.

653.Quoted in Sklar op.cit, p 134.

654.Crowder, op.cit, p 236

655.One acute problem to that unity was the rise of militant pan-Islamism represented by the Tijanism Movement, known for its contempt of Christianity. CO 554/840. Anglo French Ministerial Talks-Paris. Brief for the Secretary of State. Recent Political Development in Nigeria.

656.Coleman, op.cit, p374.

657.Ibid

658.Ibid

659.Ibid

660.CO 554/902 16/57/07 Letter from Mr.Grey to Mr.Williamson.

661.CO 554/902 Letter from the Governor-General to the Secretary of State on January 5 1956.

662.CO 554/902 8537/55 Representation at the 1956 conference. On the Constitution of Nigeria and the Venue of the Conference

663.Extract from the Daily Times October 12 1957.

664.The fact that the Nigerian delegates didn’t reach agreement on that was criticised by the British. On this point, Grey, the Chief Secretary to the government, stated: ‘the suggestion which is implied that Nigerians cannot trust themselves even to discuss self-government amongst themselves and with their political opponents on their own ground does not augur well for the exercise of self-government itself.’ CO 554/90216/57/07 Letter from Mr.Grey to Mr.Williamson

665.Ibid

666.CO 554/902 8537/55 Representation at the 1956 conference . On the Constitution of Nigeria and the Venue of the Conference.

667..ibid

668.ibid

669.To that the British answered by stating that to base the choice of federal representatives on regional strength would amount to merely adding to regional delegations. CO 554/902 Letter from M.G.Smyth to W.S.Ryrie May 18 1956.

670.CO 554/902 Inward Telegram from the Governor-General to the Secretary of State January 9 1956.

671.These movements will be tackled subsequently.

672. ‘Don’t Mind Them’ Extract from the Nigerian Tribune , January 05 1956.

673.Ibid

674.Criticising this principle, the Nigerian Tribune argued: ‘if this interpretation of all shades of political opinion is accepted then every mad man who gathers a handful of lunatics to form a party must be invited to the conference if only he ensures that he demands just the opposite of what other parties advocate. Extract from the Nigerian Tribune January 01 1956.

675.Ibid

676.In this connection Mr.JajaWachuku, member of the NCNC, rejected this view stating that the delegates chosen by the House would not quickly enough declare their separate interests if these conflicted with the party line. CO 554/902 Despatch from the Governor-General to the Secretary of State. March 23 1956.

677.CO 554/902 Representation at the 1956 Conference on the Constitution of Nigeria and the Venue of the Conference.

678.CO 554/902 Inward Telegram from the Governor-General to the Secretary of State January 5 1956.

679.CO 554/902 Demi-official Letter from the Governor-General to the Regional Governors

680.CO 554/874 Venture Journal of the Fabian Colonial Bureau, V 8 N° 3 July 1956.

681.CO 554/905 6403/56 Extract From Summary of First Draft of AG Memorandum on the Federal Government.

682.CO 554/874 Venture Journal of the Colonial Bureau V 8 N° 3 July 1956

683.Ibid.

684..On the necessity of the independence of Nigeria, Mr.O.U.Nden, Member of the House of Representatives said: 'if therefore they (British) are sincere they should give us freedom now North and South together, even if it means doing so against our own will. How can they honestly expect the equilibrium and not be disturbed when half of it is in bondage.' CO 554/847 The Dynamic Party Memorandum on the 1956 Constitutional Conference, p 40. During the Eastern Regional Summit Conference held on 9 and 10 July 1956, the majority agreed on the fact that self-government should be for all the country not just the regions. Mr.Uwemefino sounded a warning to the Conference that self-government brought with it not only responsibilities but duties, and that it was necessary to undertake the latter with a sense of honesty and achievement. CO 554/847 Report of the Steering Committee Eastern Region 9 and 10 July 1956.

685. This Council should include representatives of the Council of Ministers, the armed forces of Nigeria, and the Inspector General of Police. There should be parity between the Nigerian and UK representatives, but in case of a parity of votes the High Commissioner should have a casting vote.

686..In an address delivered by Azikiwe in a public meeting in London in 1955, he dwelt on the importance of adult suffrage: 'under a new constitution, future electoral regulations, either at the federal or regional level, must be uniform and based on a system of universal adult suffrage; the election should be supervised by a neutral electoral commission initially appointed by the Colonial Office ; whilst the federal and regional governments can make the appointments later. This will ensure free and fair elections taking place to enable the accredited representatives of the electorates to form the new governments of their respective spheres of influence.' CO 554/905 Address Delivered by Dr.Nnamdi Azikiwe at a Public Meeting Arranged by the Nigerian Union Held in Central Hall Westminster, London on Friday October 14 1955 at 7:30 p.m p 12.

687.On the importance of the cabinet system Azikiwe commented: ' the essence of a cabinet system is the control of government by a group of persons who are in substantial agreement upon political principles and policies, and the continuance of this group in power only so long as they have the support of a majority in the legislature.' He also mentioned five principles of the cabinet system namely 1) all ministers to be members of the assembly, 2) ministers to be members of a majority, 3) ministers to hold office only while they gain the confidence of the assembly and the electorate, 4) personal ministerial responsibility, and 5) collective responsibility. Ibid p 12/13.

688.In this context the Governor of the Eastern Region believed that the 1956 conference would be much tougher in every way than the 1954 conference. CO 554/ 846 43/03//01 Letter from the Governor of the East to Mr.Thomas Llyod May 26 1955.

689.CO 554/905 Letter from Sir James Robertson to Mr.C.G.Eastwood dated June 11 1956.

690.As an argument for that the British stated that the Nigerians were so unsure of themselves that they did not consider it possible to hold the present constitution in their own country. CO 554/905 16/57/09 1956 Nigerian Constitutional Conference 1956. Structure of the Federal Government. Final Draft, p 55

691.Ibid

692.CO 554/ 840. Brief from A.Adair To the Secretary of State. October 1956.

693.CO 554/ 905 Brief from Ralph Grey (Chief Secretary to the Nigerian Government) to T.B.Williamson. July 10 1956.

694.CO 554/905 Letter from Sir James Robertson to Mr.C.G.Eastwood dated June 11 1956

695.CO 554/905 16/57/09 1956 Nigerian Constitutional Conference 1956. Structure of the Federal Government. Final Draft, p 55.

696.CO 554/ 840. Brief from A.Adair to the Secretary of State. October 1956.

697.CO 554/ 905 Brief from Ralph Grey (Chief Secretary to the Nigerian Government) to T.B.Williamson. July 10 19, 56. In a letter to the Secretary of State the Governor-General mentioned two situations for the

revenue review either ‘as a necessary precursor to final agreement upon the implementation of constitutional changes resulting from the September conference; or in the event of the constitution not reaching any agreement on any change which had a financial implication at a time when sufficient experience had been gained of the working of the present provisions of chapter IV of the Order-in-Council. CO 554/902 Letter from the Governor-General to the Secretary of State. March 23 1956.

698.CO 554/ 840. Brief from A.Adair to the Secretary of State. October 1956. Praising the British view, A.Adair affirmed: ‘I am reasonably confident of success working that in fundamental matters of this kind most Nigerians respect and indeed feel entitled to expect firmness from the British provided it is applied with sympathy and understanding.’ Ibid

699.Zik and his Zik enterprises held about 28,000 shares in the bank.
<http://nathanielturner.com7africanliberatorsOfNigeria.htm>.

700. Crowder, op.cit, p 239.

701..At first, Zik objected to the commission stating that the Colonial Secretary commissioners as he believed he was innocent .Coleman, op.cit, p 473

702..<http://groups.yahoo.com/group/NigerianWorldForum/message/24404>.

703.Quoted in Crowder, op.cit, p 239.

704.<http://nathanielturner.com7africanliberatorsOfNigeria.htm>.

705.One would ask why Azikiwe was not convicted by the Commission. The answer is that he held a strong position within the Easterners. Besides, the British needed him at that special conjuncture.

706.Crowder, op.cit, p 239.

707.See Appendix H for full list of delegates and their advisers

708..Part of this speech read: ‘ I understand that it is proposed that some time about January 1960 the new Nigerian Parliament will debate a resolution asking Her Majesty’s Government to agree to full self-government within the Commonwealth by a date in 1960 which will have been mentioned in the resolution ...On receipt of your resolution Her Majesty’s Government will consider it with sympathy and will then be prepared to fix a date when they would accede to the request. We would not at this stage give any undertaking that the date would be the same as asked for in the resolution, though we would do our utmost to meet the resolution in a reasonable and practicable manner...’ A Memorandum on Nigeria’s Constitutional Conference (1957-1958) and Background to the Willink Commission by Alan Lennox-Boyd,in <http://www.waado.org/nigerdelta/ConstitutionalMatters/Willink-Commission/background-lennox-boyd.pdf>.

709.<http://www.nigerianmuse.com/projects/SNCProject/?u=Ojiako-historical-notes.htm>

710.Colonial Office List 1960, p 127

711.Coleman, op.cit, p 474

712.By 1955 the North could not count more than 2,000 holders of school certificates for about eighteen million people. Crowder, op.cit, p 241.

713.The High Commissioner was granted the power of increasing the number of ministers following instructions from the Commissioner in consultation with the Executive Council.

714.According to Alan Lennox-Boyd, the Northern British Cameroons would choose to stay as part of the Northern Region; while the choice of the Southern Cameroons would be less certain as the main opposition party projected the joining up of the French Cameroons. A Memorandum on Nigeria’s Constitutional Conference (1957-1958) and Background to the Willink Commission by Alan Lennox-Boyd, in <http://www.waado.org/nigerdelta/ConstitutionalMatters/Willink-Commission/background-lennox-boyd.pdf>.

715..<http://www.nigerianmuse.com/projects/SNCProject/?u=Ojiako-historical-notes.htm>

716.R.L.Sklar, op.cit, p 194

717.This implied he would symbolise Nigeria as a whole and not one faction of it. Crowder, op.cit, p 240.

718..A Memorandum on Nigeria’s Constitutional Conference (1957-1958) and Background to the Willink Commission by Alan Lennox-Boyd, in <http://www.waado.org/nigerdelta/ConstitutionalMatters/Willink-Commission/background-lennox-boyd.pdf>

719.Grove.Hainef, op.cit, p 994.

720.A Memorandum on Nigeria’s Constitutional Conference (1957-1958) and Background to the Willink Commission by Alan Lennox-Boyd, in <http://www.waado.org/nigerdelta/ConstitutionalMatters/Willink-Commission/background-lennox-boyd.pdf>. The Secretary of State commented here that his star was on the wane, and that it would be much healthier for Nigeria if his hand were removed from the helm. Ibid.

721.See Appendix I for full list of delegates.

722.<http://www.libertas.demon.co.uk/badguy.htm>

723.Historically this area had never come under effective Fulani conquest. Crowder, op.cit, p 241.

724. According to the census of 1952 the population of the North was 16,840,000, whereas that of the South was 13,306,000. Colonial Office List 1960, p 125.
725. Ibid
726. Ibid
727. Quoted in L. Sklar, op.cit, p 137.
728. CO 554/1606 16/57/044 Resumed Nigerian Constitutional Conference 1958. Minorities Commission Report. Part A. General Handling of Report, p 2.
729. Ibid
730. Ibid
731. Ibid
732. These included the right of life; abolition of inhumane treatment, slavery and forced labour; right of liberty of expression, association and religious practice; and prohibition of discriminatory measures. Georges Fisher, *La Nigeria en Marche Vers L'Indépendance*, Annuaire Français de Droit International, Volume 5 N° 3, 1959, p 213.
733. CO 554/1606 16/57/044 Resumed Nigeria Constitutional Conference 1958. Minorities Commission Report. Part A. General Handling of Report, p 2.
734. The total recurrent and special expenditure for the Board would be £ 53,000. The technical and professional staff should comprise four officers. CO 554/1606. Note on Possible Development of Minorities Commission's Proposals of a Special Area Board for the Ijaw Area, p 8
735. Commenting on the Edo Council, Governor James Robertson said: 'although the proposal for an Edo Council may not do any good, it is perhaps not as likely to do harm by bringing disagreement between Governments'. CO 554/1606 16/3/044 Discussion of the Minorities Commission Report at the Resumed Nigerian Conference. Letter from James Robertson to C.G. Eastwood, August 26 1958, p1
736. <http://www.nigerianmuse.com/projects/SNCProject/?u=Ojiako-historical-notes.htm>.
737. The question suggested to the electors by the Commission was : 'Do you wish to be ruled from Kaduna or from Ibadan? CO 554/1606 16/57/044 Resumed Nigeria Constitutional Conference 1958. Minorities Commission Report. Part A. General Handling of Report, p 3.
738. In anticipation to any possible disturbance that might break out in case the desired state wasn't created caution measures were taken in the three regions. In the Mid West area where there was the expectation of a Mid West State both army and police were mobilised. A mobile radio station was sent to Asaba and another to Sapele. Benin was covered by a transportable 999 V.H.F system sent down from Ibadan. CO 554/1606 Extract from Western Regional Monthly Intelligence Report. August 1958.
739. This anxiety was made explicit by Alhaji Ahman, member of the NPC: 'The Northern Region as it is today is the product of geography, history, and the character of its people... In a continent whose curse has been fragmentation, unity is a precious quality, not to be lightly tampered with . The overwhelming majority of the people are vehemently opposed to the creation of a new Region or to any revision of regional boundaries. The Regional Government shares their feelings', quoted in John.A. Mackintosh, op.cit, p 34.
740. CO 554/1606 16/57/044 Resumed Nigeria Constitutional Conference 1958. Minorities Commission Report. Part A. General Handling of Report, p 4.
741. Ibid, p 1-2.
742. A rumour alleged that the Minorities Commission Report was not the report which the Commission had submitted to the Government, and that the latter to suit its own purposes had altered certain passages. CO 554/1606 Extract from Western Regional Monthly Intelligence Report. August 1958.
743. Their strategy was to petition the Secretary of State and in case of refusal they would organise manifestations
744. 'Awolowo Says Report is Astonishing'. in the Times, August, 2 1958.
745. Ibid
746. CO 554/1606 16/57/044 Resumed Nigeria Constitutional Conference 1958. Minorities Commission Report. Part A. General Handling of Report, p 8.
747. Ibid.
748. Mackintosh, op.cit, p 33.
749. The Governor –General and the Governor of Northern Nigeria had secret talks over Ilorin and Kabba and concluded that the North would resist any transfer and would not agree to a plebiscite. CO 554/ 1606 6526/184 Letter from Ralph Grey to C.G. Eastwood September 2 1958.
750. The revenue commission was appointed on October 10 1957 and included two members : Sir Jeremy Raisman, an ex-financial adviser to the Indian Government, and Professor R.C. Tress, professor of political economy at British University.
751. Mackintosh, op.cit, p 31.
752. A collective fund to be distributed between the regions.

753. Mackintosh, op.cit, p 31
754. <http://www.nigerianmuse.com/projects/SNCProject/?u=Ojiako-historical-notes.htm>
755. Colonial Office List 1960, p 128
757. Eme.O.Awa, Federal Government in Nigeria, University of California Press, 1964, p 76.
758. Until 1964 this meant two regions,; with the creation of the Mid-West State in 1964 this meant three regions. Ibid.
759. Georges Fischer, op.cit, p 218.
760. A party composed of former NCNC members and led by K.O.Mbadiwe.
761. A party confined to the Muslims in Ibadan. There were other minor parties including the Igbira Tribal Union, the United Muslim Party in Lagos, the National Emancipation League, the Oshun United Party, the Out Edo in the West, the Niger Delta Congress, and the Ilorin Talaka. K.W.J.Post, The Nigerian Federal Election Politics and Administration in a Developing Political System, Oxford University Press, 1963, London, p 67.
762. The AG election expenses were enormous and onlookers wondered where the money was coming from, if not from the coffers of the Western Region, Robert Collis, Nigeria in Conflict, Secker and Warburg, 1970, p 9.
763. Alhaji Aliyu Makama Bida, Northern minister of Finance, told a rally that the helicopter had violated traditions by enabling their occupants to hover over compounds and see women in purdah. The NCNC accused the AG of violating sacred traditions with its helicopters. During a ceremony at the grave of Herbert Macaulay, an AG had dropped leaflets on the heads of the people. Frederick A.O.Schwarz, op.cit, p 103. C;¹ . <http://www.libertas.demon.co.UK./badguy.htm>
764. Schwarz, op.cit, p 102
765. Ibid
766. Eme.O.Awa, op.cit, p 75
767. In this context, Awolowo argued: ‘there are two distinct ideological camps in the world today: the Western democracies and the communist bloc. For reasons which I will presently give, my preference is unhesitatingly and unequivocally for the Western democracies. No nation in the world is absolutely good or absolutely evil. There is still a colour bar in the Western democracies. Negroes in America are still being discriminated against, and can still be lynched with impunity. For her part, Britain is still guilty, as before, though in a decreasing order of magnitude, of injustice toward the black people in East and Central Africa. But such evils as are committed in the countries of Western democracies toward the weaker peoples of the world are not only diminishing, but are being constantly subjected to strong and sharp criticism in those countries by their nationals, without any risk to their lives or personal freedom. If you did likewise behind the iron curtain you would live to fight another day.’ Schwarz, op.cit, p 105.
768. Ibid.
769. Ibid, p 106.
770. <http://africanelection.tripod.Com/ng-detail.htm>
771. Ibid.
772. Crowder, op.cit p 245
773. Crowder, op.cit p 245
774. Eme.O.Awa, op.cit, p 101
775. According to Robert Collis the easy-going Yoruba were much nearer the Hausa-Fulani of the North with their hereditary Emirs than the more modern-minded, go-ahead, hard-working, aggressive Ibos. Robert Collis, op.cit, p 109.
776. The NEPU received no ministries in the coalition government to the contrast of the NCNC which was granted important ministries such as finance, information, labour, and foreign affairs. Schwarz, op.cit, p 112.
777. <http://hansard.millbanksystems.com/commons/1953/may/21/nigeria-constitution>.
778. Ibid.

Conclusion

The process of constitutional-making in Nigeria in the period extending from 1945 till 1960 was on the whole peaceful and rapid. It did not entail violence like India where thousands of persons had perished following disturbances against unsatisfying constitutional reforms. This process unleashed three constitutions namely the Richards' Constitution (1945), the Macpherson Constitution (1951) and the Lyttelton Constitution (1954). The latter was further amended through constitutional conferences in 1957 and 1958, and finally finalised in 1960 giving birth to the independence constitution that granted Nigeria her independence.

The initiative for constitutional development was undertaken both by the British and the Nigerians; the latter chiefly represented by three main parties: the NCNC, the NPC and the AG. Both the British and Nigerian political actors did not share the same motivation. The former were urged into that process by an array of external and internal constraints; and as colonisation of that territory was geared to maximise British profits, decolonisation was also to cater for that purpose. The Nigerians, on the other hand, were largely overwhelmed (to the exception of the North) by a hasty achievement of independence.

The approach to constitutional development proceeded at two levels central and regional involving changes in the following domains: Legislative and Executive Councils (membership, numbers of members, type of selection), Judicial Council, division of powers between central and regional governments and allocation of revenue.

The Richards' Constitution was an improvement on the preceding one (the Cliffords' Constitution) in terms of Northern representation. It was essentially peculiar for the regionalisation of government which meant the devolution of some powers to the regions. It provided for an enlarged Central House of Representatives with an unofficial majority chosen via indirect elections, and three Regional Houses of Assembly (also with a majority of unofficials), but with simply advisory powers. A second house, called the House of Chiefs, was introduced in the North. The constitution was, however, introduced without consultation of the Nigerian leaders; the sharp reaction of the latter together with other pressure forces made the British decide to transfer power to the Nigerians within a generation.

Therefore, the Macpherson Constitution came to institute a striking reform to its predecessor. It was based on the parliamentary model and impelled the association of the educated elites to man their governments. It chiefly conceived a federal system of government as the best expedient to account for the discrepancies by creating an enlarged Legislature having an unofficial majority, and an Executive Council composed of an overwhelming majority of African ministers. A parallel increase was made in the Regional Houses of Assembly with increased powers over a range of subjects, and bicameral houses for the North and West and only one house to the East. The constitution triggered continuous opposition on the ground that it had clearly entrenched the supremacy of the central government over the regions, in addition to the absence of individual responsibility for the ministers and the persistence of nomination instead of election. A third constitution was thus earnestly required.

The Lyttelton Constitution went deep further than the unitarian Macpherson Constitution by creating a loose federation that accorded greater autonomy to the regions. A larger Federal House of Representatives was formed where members would be directly elected by adult suffrage except in the North where only adult males were authorised to vote. Regional Premiers were designated in the three regions to preside over regional governments. The Southern Cameroons was made a separate region. The Regional Houses of Assembly were to have an increased membership with elections to those houses separate from those of the Federal House of Representatives. Three lists of powers were designed: those for the central government, those of the regional government and those to be shared by both. Regionalisation was to affect a number of institutions: the Public Service, the judiciary service, the police and the marketing boards. A major decision as to the British relinquish of power was the assumption that the Western and the Eastern regions could achieve self-government in 1956. The constitution was further amended in 1957 and 1958 with the creation of an all-Nigerian Federal Council of Ministers, a Senate, a House of Chiefs in the East, and centralisation of police. More importantly was the decision not to create states, the attainment of self-government by the North in 1959 and Anglo-Nigerian defence agreements. The final constitutional arrangements brought for the inclusion of Nigeria into the Commonwealth, and its independence under an NPC-NCNC/NEPU coalition government.

All along the process salient features appeared. First, the tempo of Nigerianisation and the rate of socio-economic development was largely more developed in the West than the two other regions. The North stood as the most backward area in spite of the large sums of money

injected to soar educational progress. But on the whole more development was required in the three regions; and in a country where there were practically no industries one need not reflect on the drastic effects of this in the future. Second, the British were, indeed, the final settlers of the constitutional arrangements. They had the last word in spite of the nationalists' pressure. They successfully convinced the Nigerian leaders to bury their differences and work within a spirit of compromise; otherwise the date of independence would have been delayed. Of course, the Nigerians could but acquiesce, but in bowing to the wishes of the British they failed to provide judicious settlements to the most sensible issues.

This failure could be conspicuously displayed by the unsuitability of the constitutional-making approach to the hastening of nation building in view of a number of defects. It is true that this process permitted Nigeria to achieve her independence; in other words it ended colonial rule and provided the political leaders with an opportunity for exercising their power, but this was to the detriment of national unity.

The Nigerians were, historically, disparate peoples who were held together by the British. Paradoxically, the latter also generated deep divisive sentiments as the schism between the North and the South. The Northerners feared to be dominated by the Southerners owing to their large scale development; while the Southerners feared also the Northerners. In fact, the Southerners were terrorised by the Northerners' numerical majority in the Federal House of Representatives, and though they had constantly opposed this the British maintained deaf ears. And even when the minorities claimed strongly the carving out of new states, both the British and the Northerners firmly rejected this grievance. Unsurprisingly, the structural imbalance between the regions, generated by the British, was the dominant pattern in the post-independence years. More significantly alarming was the Muslim/Christian cleavage created during colonial rule. The British, indirectly, stirred a religious schism; the Nigerian Christians believed that Western education had metamorphosed them into 'civilised' individuals ready to take more heed for progress, and strongly held that Muslim Northerners were shunning all forms of progress (opposition to the vote of women). Therefore, the Muslim Nigerians portrayed backwardness, while the Christian Nigerians stood for development. This religious separatism **was** exploited by certain politicians in the post-independence era, entailing deep ethno-religious massacres.

It is not wondering that those unhappy lots were partly due to the absence of a national political party or a national hero. Azikiwe who, at a certain point of time, preached Nigerian unity was by the force of things compelled to become a sectional leader. Both the Sardauna of Sokoto and Awolowo expressed blatantly their regional preferences. Besides, the former who, in virtue of the North's domineering role in the coalition government, could have played an important role in tightening the unity of Nigeria. But his public declarations and policy called completely for the contrary. It was the North which mattered greatly for the Northern leader. When, for instance, the federal government was given the proposal of developing iron ore in the North for the stimulation of steel industries in the South, it refused. Evidently, the division within the political elite boosted ethnicity, regionalism and sectionalism within the context of power race over the control of the federal government, and consequently the division of the country's resources (especially with the exploitation of the massive oil deposits in the Niger Delta in the after-independence era.

Obviously such sensible matters, largely ignored during the constitutional approach, proved the ineffectiveness of the relatively arduous well-elaborated constitutional arrangements. Post-war years revealed, clearly, the breakdown of the constitutional process. Within just six years after independence Nigeria plunged into one of the bloodiest civil wars in the world that brought subsequently military rule. Until nowadays Nigeria has been in a continuous quest for the perfect constitution, a quest quite utopian as long as the conflicting interests persist.

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Appendices

Appendix A: Constitutional Questions to be Addressed at the Different Meetings

What follows represent the fourteen questions that were addressed to the delegates during the different meetings, with a view to settling the form of government, and the division of powers.

- 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 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 regional boundaries or should we form regions on some basis such as the many linguistic groups which exist in Nigeria?
- 3.Should regional legislatures be granted legislative and financial powers instead of being purely advisory as at present?
- 4.What changes should be made in the composition of the Regional Legislative Houses and of the Legislative Council? Should the number of officials in each be reduced and the number of unofficials increased? Should the system of nominated members be retained?
- 5.Should there be a council in each region to consider the policy to be followed in that region and to direct all executive action within the region and if so what should be the composition and powers of those regional Councils be? Moreover, should the unofficial members of the regional Legislative Houses have the right to select from their own number members to sit on the regional Councils? If so should each of the unofficial members who sit on the regional Councils be granted responsibilities in respect of the activities of a department or group of departments?
- 6.What should be the method of election to Regional Houses? Should the existing system of selection through Native Authorities be retained? Or should some new system of selection or election be worked out specifically for the Regional Houses? If so should election be the direct system (each member being selected or elected by a single constituency) or the electoral qualification? Should each region be permitted to adopt a different electoral system?
- 7.What functions and powers should be reserved to the central Legislative Council in order to achieve the over-riding objective of maintaining and strengthening the unity of Nigeria?
- 8.What should be the system of election to the Legislative Council? Should its unofficial members continue to be chosen by Regional Houses or should some method of direct election to the Legislative Council be considered?
- 9.Should any town be given the right of direct representation in the Legislative Council (as Lagos and Calabar are now represented) or should they be represented in Regional Houses?
- 10.What should be the powers and the functions of the Central Executive Council? Should unofficial members of the Legislative Council have the right to select from their own members to sit on the Central Executive Council? If so, should each of the unofficial members who sit on the Central Council be granted responsibilities in respect of the activities of a department or group of departments?

11. What should be the future of the Colony in relation to any new legislative system? Should the Colony and the Western Provinces be treated as one unit for legislative and administrative purposes or should the rural part be added to the Western Region? Or should the Colony be formed into a separate region?

12. Is some special constitutional arrangement necessary in regard to the Cameroons in view of the fact that it is a Trusteeship Territory?

13. Should all the changes decided upon be introduced at the same time or should some be introduced progressively?

14. Should the system to be introduced in all these matters necessarily be the same in each region or should each region be given freedom to decide on modifications to suit its own peculiar circumstances and needs?⁽¹¹⁾

Source: Kalu .Esera, Constitutional Development in Nigeria, Cambridge University Press, 1960, p 110/111.

Appendix B: The Policies of the N.C.N.C. Endorsed at the Meeting of the National Executive Committee held at Port Harcourt in October 1952

The following document comprises a series of resolutions that were adopted by the NCNC National Executive Committee during a meeting held at Port Harcourt in October 1952. They were related to political, economic, social, and military issues, as well as to the amendments of the Macpherson Constitution.

Political

- (1) The 1951 Constitution to be given a fair trial in spite of the party's objections to:
 - (a) the tribal antagonisms caused by the Constitution.
 - (b) the electoral college system and
 - (c) the anomalous position of Lagos.
- (2) Lagos to be excised from the Western Region,
- (3) The electoral college system to be abolished.
- (4) The party to "concentrate in co-operating with all sections of the country in order to obtain that mutual understanding which is the only sure foundation for independence, which the party has dedicated itself to achieve by 1956".
- (5) Ministers were instructed to ensure that as many expatriate officials as possible are dispensed with and that future appointments to the "Senior Service" are reserved to Africans.
- (6) Africans to be appointed as Heads of Government Departments.
- (7) Membership of all public and semi-public boards to be reserved for members of the N.C.N.C. as far as possible.
- (8) The Eastern Regional Public Relations Department to be reorganised so as to promote the policies of the N.C.N.C.
- (9) The Eastern Regional Local Government Ordinance to be applied at once throughout the Eastern-Region,
- (10) All men and women over the age of 21 to have the right to vote in local government elections.
- (11) All the important towns in the Eastern Region to be "municipalised".

Economic

The Regional Government to set up a cement industry

Social

- (13) Education rates to be applied throughout the Eastern Region.
- (14) **A Regional Bill to be enacted with the object of reforming land tenure and of discouraging land litigation.**

Military

(15) A Central Ministry of Manpower and Defence to "be created to enable Nigerians to take over complete military control of Nigeria,

(16) More Nigerian soldiers to be trained in the United Kingdom and the USA

Amendments to the NCNC Constitution

(17) Members of the Central Working Committee to be elected so as to ensure that a quorum of five can be convened in Lagos.

(18) The Central Working Committee to be entitled to make recommendations regarding the discipline of members of the party to the national Executive Committee

(19) All decisions of the Central Working Committee to be subject to the approval of the National Executive Committee.

(20) The National President (Azikiwe) to be entitled to choose Central Ministers in consultation with the National Executive Committee,

(21) The National President to be entitled to choose Regional Ministers in consultation with the appropriate Provincial Working Committee.

Source: CO 554/599 Note on Trends in the Policies of the NCNC and its affiliated bodies

Appendix C : Speech by the Secretary of State

This is the speech of the Secretary of State, Mr Oliver Lyttelton, made in front of the Nigerian delegates to praise them about the success of the agreements, and their spirit of compromise.

The Conference has now ended. Agreement has been reached upon all matters which came before this resumed Conference. As I have said previously, my belief is that constitutions which express and face political realities have the best chance of contributing to the national life. Once you attempt to change the course of the national life through constitutions, you are apt to set up stresses which will lead to a breakdown. I say that the amended constitution above all expresses the facts. As the national life evolves, so the Constitution evolves with it.

There are great unifying influences in Nigeria. The common allegiance to the Crown is the first. Belief in democracy is another and the inter-dependence of the Regions upon one another in many respects, can be clearly shown. Amongst the thirty-two million people there are many diversities of race and religion. There is also in the economic field, a diversity of production which a wise constitution must take into account.

I have seen some suggestions that constitutions should only be amended in public, and should be fought out at elections. No experienced politician, such as those who sit around this cable, harbours any such illusions. Constitutions are not susceptible of such treatment, at any rate in the state of the development of this country. After all, a constitution cannot ensure political results of a harmonious nature - it can only form a framework within which men of goodwill and with the interests of their country at heart can carry out their daily duties and promote those interests. So it must be a subject of

congratulation and of congratulation without any reservation whatever - that we have been able to 'agree upon a constitution here which finds acceptance by all the political leaders elected by the people, and by Her Majesty's Government, with whom certain special responsibilities still reside.

The other day, I saw in a minute (not connected with this Conference) these words which it was suggested I should use. "I can say without fear of contradiction".....and I minuted myself a comment which was that "anyone who says this in a democracy ought to see the doctor". But I am going to make use of these words this afternoon. I say without fear of contradiction that anyone, whether he be a foreigner, a Briton or a Nigerian, if he had access to the minutes of this Conference, could not fail to be impressed by the deep knowledge of constitutional checks and safeguards and of the administrative arrangements for efficient Government which have been displayed throughout the proceedings by the delegations and their advisers. I say that the conduct of this Conference has been marked by a statesman-like approach, by a full realization of all the inherent difficulties-and above all, by a spirit which has been willing on many occasions to sink sectional advantage in the interests of the common good. That remark gentlemen, applies to each and every delegation. -Upon that, I would like to express my warm thanks and to that I would like to add something which goes beyond this. That is, that this sense of responsibility is indeed a good augury for the future government of this country.

For that reason I am going to say something here which you might think superfluous. Personal attacks in the newspapers - launched by this party or that against the other - will make the task in 1956 much harder, and unnecessarily harder. We all believe in free speech, and public affairs benefit greatly from the exercise of free speech, but if it be used to impute unworthy motives or to question the sincerity of our political opponents, that freedom may end by being the enemy of liberty. You will forgive me for saying so because I am not entirely ignorant of these subjects myself. I have made a rule for myself that I will never question the sincerity of my opponents, and I have often said that anybody that finds himself between another man and his conscience is indeed in an unfortunate position. The French say that men only obtain domination of other men's minds by calm. I said at the beginning of the Conference that patience was the first and rarest of political virtues. Perhaps, though it is a little different, calm may be regarded as the second.

Source; CO554/840. Speech by the Secretary of State

Appendix D: Speech by the Sardauna of Sokoto

This is the speech of the Sardauna of Sokoto, Ahmedu Bello, and prominent member of the NPC to praise the Secretary of State for his judicious chairmanship of the two constitutional conferences.

Mr. Chairman,

It gives me great pleasure, once again, to thank and congratulate you on the successful completion of the work of this Conference. I also want to express to you our gratitude for the honour you have done to Nigeria by sparing your very valuable and much occupied time to preside over the Conference, throughout, in London and Lagos. The success of the Conference is due to your personality, sympathy^ impartiality" and to your knowledge of Nigeria's situation and of its problems. We of the Northern Peoples' Congress have learnt much from this Conference and we hope that the experiences we have gained will be of benefit to us now and in the future.

My Party is satisfied with the result of the Conference and I hope that all of us who have taken part in these discussions shall be honest enough to admit in private and in public that the amended Constitution is our own making? and it is therefore the duty of every one of us to make every effort to make it succeed. Despite our differences and what we write in our newspapers we have been able to demonstrate, in London and Lagos, that we Nigerians can come together and produce something good, common to all. My Party hopes that the Nigerian Constitutional Conference, now just ending, has clearly shown to all political parties what tolerance, goodwill and co-operation can achieve. It is now left to us, Mr. Chairman, to make Constitution work and through this to make Nigeria great.

The year 1956 is now being regarded as our year of decision. I must say, Sir, that my Party looks forward to 1956 with anxiety and hope. It is my Party's wish that all the political parties in Nigeria shall seize the opportunity, between now and 1956, to bring about mutual understanding, mutual respect and confidence, between the Regions, and between tribe and tribe. The Northern Peoples' Congress feels that this is a duty which must be done. To you, Sir, we pray that you be politically spared to lend us a hand in shaping our destiny in that year.

I cannot conclude without expressing an appreciation, on behalf of myself and my Party, of the excellent work of the Conference Secretariat. The Secretary-General and his staff have worked hard and I hope that this appreciation will be placed on record: and that you, Sir, will write and thank them on our behalf.

Source CO 554/840. Speech by the Sardauna of Sokoto

Appendix E: Speech by Dr. Nnamdi Azikiwe

This is the speech of Dr Nnamdie Azikiwe, leader of the NCNC, to praise the Secretary of State for his judicious chairmanship of the two constitutional conferences.

Mr. Secretary of State:

We have now come to the parting of ways you to return to the Colonial Office in order to continue the task of guiding the destinies of millions of under-developed and under-privileged people, and we to return to the duty of shaping the course of our country's history. The contact between both parties has been salubrious. We now see translated into practical reality the professed aims of British colonial policy and the difficulties of realising those aims. It is obvious that our diverse problems have ironically placed you in position to act as a cement in order to hold this country together.

Personally, I feel that, in spite of misrepresentations and deliberate effort to demoralise those who participated in this Conference, we have passed through the crucible successfully. The irresponsibility of certain sections of the press which was bent on mischief-making by wild speculations and imaginative story-telling, has not deterred the Conference from performing its duties with resoluteness.

Our people had been deceived to believe that by creating a federation had liquidated the country into three principalities and had made it possible for what they call "careerists to divide the spoils of office. This point of view stems out of ignorance and prejudice. The average schoolboy may be pardoned for his ignorance of the implication of imperialism, but I did not realise that there are some African and British journalists who are so inferior to our school boys that they would have the audacity so a their ignorance.

I am ashamed to observe that whilst the British press in London restrained itself and maintained a code of honour in its behaviour towards Conference secrets, last summer, that has not been the case in this country. When journalists are ignorant, they can be educated; when they are prejudiced, they can be converted; but when they are without honour, they are a liability to their country. The disclosure of Conference secrets and the twisting of "Conference show clearly" the moral depravity of some people who guide and control the organs of public opinion.

I refuse to plead guilty to the frivolous charge of being a participant in the liquidation of Nigeria. I refuse to accept the ignorant and mischievous sections of the Nigerian press as the Oracle which must dictate the course of our Constitutional march. I submit that neither the civil service nor the judiciary has been regionalised to of the civil employees and officers. But that is what the weeping Jeremiahs of Nigerian journalism want the world to believe. As you know, sir, the Conference made it a cardinal principle not only to protect the present and future civil servants and judicial employees by granting discretionary and reserved powers to the Governors but "also to keep them out of the influence of politicians.

Mr. Secretary of State, we are pleased to have had the pleasure of meeting with you and exchanging views on the future Constitution of Nigeria. We found your chairmanship to be efficient and fair; we found you to be willing to assist us in steering our bargains of state aright in this difficult time of our constitutional evolution and we are not in the least tongue-tied to make this confession, because it is a fact which cannot be denied by any responsible member of this Conference. We wish you adieu and assure you that, in spite of all that had been done to give a wrong slant to the great work which this Conference, under your wise guidance, has achieved, you are leaving Nigeria with our respect and high esteem. And we are determined to make the new Constitution work so well that even the skeptics who now doubt its usefulness shall be constrained to regret their rashness and shortsightedness.

Source CO 554/840 . Speech by Dr Namdi Azikiwe on the Nigerian Constitution 1954

Appendix F: Speech by Mr. Awolowo

This is the speech of Obafemi Awolowo, leader of the AC, to praise the Secretary of State for his judicious chairmanship of the two constitutional conferences.

"The beginning or the ending of anything is always difficult; the building of a house, the demolition of a bridge." This is the substance if not the actual words of what was once written by an eminent English writer.

Though the opening and closing pageants to which the Press have been admitted may have obscured the fact, it is nevertheless true that the beginning, the middle, and the ending of this Conference have been difficult.

Altogether, we have held twenty-nine meetings behind closed doors. As far as it lay within our power and skill we have, during these long and arduous sittings, and a careful diagnosis of the ailments which have inflicted Nigeria's body politic. We have also performed the major operation on that body. There were grave and anxious moments when it was feared that the patient might succumb. Now that the operation is over, all that my colleagues and I could at the moment confidently report to the public through this gathering is that the operation is successful and that the patient has survived.

Whether or not, as a result of this operation, the patient has passed all the danger points, it is too early yet to say. In any event, we have not made any pretence about the nature of the present operation. It has been done only to enable the patient to live till 1956 when another major and perhaps the last operation would be performed."

No one will dare to predict the future; and so we must leave that to the care of the gods. But whether or not the patient makes speedy and complete recovery from the present operation, so that it may face the next one with confidence and hope of survival, depends in my humble opinion on two things.

First, there must be a rigorous and an objective re-examination of those issues on which the surgeons disagreed during the last operation. It is common saying that when the doctors disagree the patient dies. The Lagos issue and the Central structure are vital matters to which we must all direct our minds with intense devotion between now and 31st August 1956.

If we could reach agreement on these matters, particularly Lagos issue, before 1955, the next operation would not prove so dangerous as would otherwise "be the case. But how are we to reach agreement We are not, I believe, without some guidance on matters affecting human relationships such as is raised by the Lagos issue. Our Lord Jesus Christ enjoins us

"All things whatsoever ye would that men should do to you, do we even so to them; for this is the law and the prophets."

This is an infallible and eternal lesson in political as well as spiritual surgery. And I venture to hope that you, Mr. Chairman, as an accomplished political surgeon, and all of us Nigerians, will bear this injunction in mind in the interest of our beloved patient - Nigeria.

CO 554/840. CO 554/840. Speech by Mr. Obafemi Awolowo on the Nigerian Constitution 1954

Appendix G: Speech by Eyo Ita

This is the speech of Eyo Ita, leader of the NIP, where he expressed his disagreement with the principle of loose federation.

Mr. Chairman,

This Conference has now completed the momentous task upon which it embarked last August, the task of deciding how the affairs of 32 million Africans shall be ordered during the next three years.

It is not for us around the Conference table to congratulate ourselves or to say whether or not the task has been well done. It will be for those outside these Conference Chambers, that is the 32 million inhabitants of this great country, and the whole world at large and our future generations to assess the value of our work.

We of the National Independence Party have repeatedly expressed disagreement with the fundamental principle underlying all the decisions of this Conference, namely, the principle of a "loose federation". We repeat our objections now not with any feeling of self-righteousness but in the honest belief that the same factors - cultural diversity, uneven development, social isolations - which make a unitary form of government impracticable at present might destroy national unity, so dear to the hearts of every Nigerian, in a loose federation.

In particular, we would like to register our solemn protest against the complete regionalisation of—the Civil Service, of workers, teachers, without any safeguards and without guarantees for human rights in effect, these elements have been consigned bag and baggage into autonomous regions on the creation of which they have neither been consulted nor been offered an opportunity of being heard.

We are very apprehensive that complete Regional autonomy in present circumstances of Nigeria might lead to wasteful competition in economic development, tribal discrimination and nepotism in the Public Service\$ different standards of justice and individual freedom.

However, as the majority parties in all Regions have decided in favour of a "loose federation", and as their leaders have assured us that all will now be well with Nigeria we

will accept their assurances for what they are worth, especially as these parties must perform in the Governments of the various Regions.

In our view the creation of smaller and more uniform regional units "within the federation would have in a more "perfect union" in which the Federal government would have been more strongly based.....

CO 554/840 Speech by Professor Eyo Eta on the Nigerian Constitution 1954.

Appendix H: Delegates to the 1957 Constitutional Conference

What follows is a list of the different federal and party delegates who attended the 1957 constitutional Conference.

Federal Government

Delegates:

Sir James Robertson, Governor-General

Sir John Rankine, Governor, Western Region

Sir Robert Stapledon, Governor, Eastern Region

Sir Bryan-Sharwood-Smith, Governor, Northern Region

Mr. J.O. Field, Commissioner of the Cameroons

Advisers:

Sir Ralph Grey

Mr. E.I.G. Unsworth

Mr. F.D.C. Williams

Mr. C.S.K. Bovell

Mr. P.H.G. Scott

Mr. H.H. Marshall

Lt.-Col. E. C. Aderton

Mr. J.O. Udoji

Mr. D.O. Ibekwe

Mr. E.G. Stumpenhuson

Mr. S.O. Adebo

Mr. M.G. de Winton

Mr. F.A. Williams

Mr. J. Murray

Action Group

Delegates:

Chief Obafemi Awolowo, Premier, Western Region

Chief S. L. Akintola

Mr. L. J. Dosunmu

Mr. E. O. Eyo

Mr. S. O. Ighodaro

Mr. S. G. Ikoku

Chief A. O. Lawson

Chief F. R. A. William

Mr. A. Rosiji

Advisers:

Chief S.J. Amachree

Chief R. Edukugho

Mr. A.J.U. Ekong

Mr. R.A. Fani-Kayode

Mr. J. Olawoyin

Chiefs

Delegates:

Sir Adesoji Aderemi, Oni of Ife

Oba Aladesanmi, Ewi of Ado-Ekiti

National Council of Nigeria and the Cameroons

Delegates:

Dr. Nnamdi Azikiwe, Premier, Eastern Region

Mr. T. O. S. Benson

Dr. S. E. Imoke

Mr. R. A. Njoku

Dr. M. I. Okpara

Mr. D. C. Osadebay

Mr. B. Olowofoyeku

Alhaji A. Adelabu

Dr. K.O. Mbadiwe

Dr. S. Onabamiro

Advisers:

Mr. P.A. Afolabi

Chief Kolawole Balogun

Mrs. M. Ekpo

Chief Festus Okotie-Eboh

Dr. C. Obi

Mr. J.T. Otobo

Chief

Delegate Chief Nyong Essien of Uyo

Northern Peoples Congress

Delegates

Alhaji Ahmadu Bello, Sardauna of Sokoto, Premier, Northern Region

Alhaji Abubakar Tafawa Balewa, Prime Minister of the Federation

Alhaji Aliyu, Makama Bida

Alhaji Isa Kaita, Madawaki of Katsina

Alhaji Muhammadu Ribadu

Alhaji Muhammadu Inuwa Wada

Advisers

Zana Bukar Dipcharima

Abba Habib

Shettima Kashim

Mr. G.U. Ohikere

Northern Elements' Progressive Union

Delegates

Malam Aminu Kano

Malam Ibrahim Imam

Chiefs

Delegates

Sir Muhammadu Sanusi, Emir of Kano

Alhaji Usman Nagogo, Emir of Katsina

Adviser: Aliyu Obaje, Atta of Igala

United Middle Belt Congress

Delegate Mr. J.S. Tarka

Adviser Mr. P. Dokotiri

United National Independence Party

Delegate Dr. E.U. Udoma

Adviser Mr. O. Arikpo

Rivers

Delegate Mr. H.J. R. Biriye

Kamerun National Congress

Delegates

Dr. E. M. L. Endeley, Premier, Southern Cameroons

Mr. J. T. NdzeGalega, Fon of Bali

Adviser Mr. V.E. Mukete

Kamerun National Democratic Party

Delegate: Mr. J. N. Foncha

Adviser: Mr. A.N. Jua

Kamerun People's Party

Delegate: Mr. P. M. Kale

Adviser: Mr. N.N. Mbile

United Kingdom

Delegates

Mr. Alan Lennox-Boyd

The Earl of Pearth

Sir John Macpherson

Sir Hilton Poynton

Sir John Martin

Mr. C.G. Eastwood

Mr. A.R. Thomas

Mr. H.T. Bourdillon

Mr. A.N. Galsworthy

Mr. T.B. Williamson

Advisers

Mr. J.E. Marnham

Mr. J.W. Vernon

Mr. R.J. Vile

Mr. P.A.P. Robertson

Mr. M.G. Smith

Mr. R.W. Francis

Legal Advisers

Sir Kenneth Roberts-Wray

Mr. J.C. McPetrie

Mr. A.R. Rushford

Secretariat

Mr. I.P. Bancroft

Miss M.Z. Terry

Mr. P.H.G. Stallard

Mr. D.S. Timms

Mr. K.O.H. Osborne

Source:<http://www.nigerianmuse.com/projects/SNCProject/?u=Ojiako-historical-notes.htm>.

Appendix I: Delegates to the 1958 Conference September 29 October 27

What follows is a list of the different federal and party delegates who attended the 1958 Constitutional Conference.

Governments in Nigeria

Sir James Robertson, Governor-General
Sir John Rankine, Governor, Western Region
Sir Robert Stapledon, Governor, Eastern Region
Sir Gawain Bell, Governor, Northern Region
Mr. J.O. Field, Commissioner of the Cameroons

Action Group

Chief Obafemi Awolowo, Premier, Western Region
Chief S. L. Akintola
Mr. L. J. Dosunmu
Mr. E. O. Eyo
Mr. S. O. Ighodaro
Mr. S. G. Ikoku
Chief A. O. Lawson
Chief F. R. A. William

Kamerun National Congress

Dr. E. M. L. Endeley, Premier, Southern Cameroons
Mr. J. T. Ndze
Mr. P. A. Aiyuk

Kamerun National Democratic Party

Mr. J. N. Foncha

Kamerun People's Party

Mr. P. M. Kale

National Council of Nigeria and the Cameroons

Dr. Nnamdi Azikiwe, Premier, Eastern Region
Mr. T. O. S. Benson
Dr. S. E. Imoke
Mr. R. A. Njoku
Dr. M. I. Okpara
Mr. D. C. Osadebay
Mr. B. Olowofoyeku
Mr. A. M. F. Agbaje
Mr. M. O. Ajegbo
Chief F. S. Okotie-Eboh

Northern Elements' Progressive Union

Malam Aminu Kano
Malam Abdul Mtnnuni

Northern Peoples Congress

Alhaji Ahmadu Bello, Sardana of Sokoto, Premier, Northern Region
Alhaji Abubakar Tafawa Balewa, Prime Minister of the Federation
Alhaji Aliyu, Makama Bida
Alhaji Isa Kaita, Madawaki of Katsina
Alhaji Muhammadu Ribadu

Alhaji Muhammadu Inuwa Wada

Rivers

Mr. H.J. R. Biriye

United Middle Belt Congress

Mr. J.S. Tarka

United National Independence Party

Dr. E.U. Udoma

Chiefs

Northern Region

Sir Muhammadu Sanusi, Emir of Kano

Alhaji Usman Nagogo, Emir of Katsina

Western Region

Sir Adesoji Aderemi

Oba Aladesanmi

Eastern Region

Chief S.E. Onukogu

Source: <http://www.nigerianmuse.com/projects/SNCProject/?u=Ojiako-historical-notes.htm>