

# **THE IMPERATIVE NEED TO RESTRUCTURE NIGERIA**

**BY**

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In my reply to Prof. Ango Abdullahi I merely gave the facts, but I also explained the fact that it was against the British Colonial Policy for the British tax payer's money to be used in sustaining an unprofitable creation. I showed statistics to show the heavy dependence of the North on the South. I pointed out that the merger of the Colony and the South led to a buoyant South and the colonial masters felt that if the North was merged with the South, it will be possible to use Southern resources to improve the economy of the North. As that was being debated, they were actually looking for an administrator that could carry out this job of amalgamation.

Mr. Harcourt who was then the colonial secretary believed that Lord Lugard with his experiences elsewhere could be the man to do the job. Harcourt believed that Lord Lugard reclaimed the Northern Nigeria and gave it a legal code and also established the land system. He believed that Lord Lugard, from his past experiences, was the man suited for the job of amalgamating the North with the South. Lord Lugard himself arrogantly wanted to live up to the expectation that he was the man suited for the job. In his desire to live up to this expectation, he rejected advice of his colleagues.

In this piece, I will like to discuss Lord Lugard's approach and compare it with the advice of E.D. Morrell and Temple. It is necessary that since we are talking about restructuring, that we should understand how the existing structure came to be so that we do not repeat the mistakes of the past. I sincerely believe that the Federation as it is now has proved that it is

unworkable. In many of my publications, I had advocated that unless we returned to the pre-independence structure which the colonial masters handed over to us, there will be no peace in Nigeria. I believe events have shown that I was right. If Nigeria must survive, it is imperative that we return to regional administration that allows each region to grow at its own space.

Now let us look at the structure we inherited; how we tinkered with the structure to arrive at what we have now. This will enable us to honestly prepare ourselves to look for the right structure for this country. Many people are asking for restructuring but in their heart of hearts they do not know what kind of structure they want. When Lord Lugard was invited by the Colonial Secretary to look at the possibilities of amalgamating the Northern Protectorate with the Southern Protectorate in order to accommodate the insolvent North, Mr. E.D. Morrell was one of the earliest critics of the amalgamation. In the parliamentary debate of June 27 1913 (look at volume 40, page 512 of the parliamentary debates), Morrell described the amalgamation as an unauthorized scheme. He rather proposed that instead of the amalgamation, Nigerian should be broken into four provinces namely:

1. The Central State with Zungeru as the headquarters;
2. The Northern State with Kano as the headquarters;
3. The Western State with Osogbo as the headquarters;
4. The Eastern State with Calabar as the headquarters.

He suggested that the Central State was to be bounded on the South-West side by the River Niger, on the South-South-East side by the River Benue, and was to include the Tiv areas up to the Southern portion of Zaria Emirate, the Provinces of Bauchi, the Niger, Yola, Muri and Nasarawa. The

Western Provincial State with its capital at Osogbo was to include Ilorin and Kabba provinces, the Mid-Western Nigeria which was then part of the Western region and the whole of Yoruba territories west of the Niger. The Eastern Province with Headquarters in Calabar was to include all the territories South of River Benue and East of the River Niger, but excluding the Cameroons which was under the German occupation. The Northern Province was to include all the emirates with Islamic civilization. One apparent advantage of Morrell's scheme was the isolation and the homogenization of the Muslim Emirates where at least Islamic civilizations would have been left intact. It is my belief that such isolation had its own advantage and would have had two major consequences.

The first advantage was that Morrell's suggestion would have separated the Muslims from the non-Muslims of the North, particularly the Tiv. This could have averted the persistent conflicts between the Tiv and the rest of the North during the period of J.S. Tarka. The conflicts in the North as well as other parts of the South actually prepared the ground for the 1966 coup. The second advantage of Morrell's scheme would have been that the Yorubas who are not now lumped up with the Muslim North would have been able to join other Yorubas of the Western region of Nigeria. It should be noted that these two points which were not cleared in 1911 remained to plague Nigerian politics. Morrell's advocacy would have provided a division of Nigeria into provinces corresponding as far as possible to the natural geographic boundaries and existing political conditions which would have involved few changes as much as possible. Morrell's scheme seems to have contradicted Lugard's proposals because Lord Lugard wanted the North to remain intact. Morrell on the other hand saw the end of these

separatist tendencies as the only panacea for the division and antagonism between North and South.

Lord Lugard ignored Morrell's proposals primarily because Morrell had, as the editor of the African Mail, been critical of the colonial policy. But due to personal obduracy and Lugard's determination to be the Governor-General, he also rejected the advice of his Lieutenant-Governor for the Northern Province, Mr. Temple.

Mr. Temple had advocated breaking the country into seven provinces: three in the North and four in the South. The South was to comprise the Lagos Colony, the Eastern Province, the Central Province and the Western Province. Mr. Temple, by this suggestion based on an objective assessment of the situation, was even willing to deprive himself of his job by splitting his Northern territory into three. It is pertinent to mention here that the issue of creating more states was reviewed during the period of the Nationalists' politics, and Dr. Nnamdi Azikwe, in advocating a strong central legislature with more states, seems to have echoed the propositions made earlier by Mr. Morrell and Mr. Temple. The realization of these dreams had to wait until the outbreak of violence in 1966. And even at that, the military creation of states did not follow any logical pattern.

There were other issues on which Lord Lugard erred and invoked upon himself the criticisms of his opponents.

### **The Provincial Ordinance**

Perhaps one of the points on which the amalgamation was bitterly criticized was Lord Lugard's introduction of the Provincial Court Ordinance which was his reflection of the difference between the North and the South, and his efforts to introduce what appeared to him as a workable solution. The provincial court brought closer to the people the provisions of the

English law. Since most of the old Provincial Court Judges were untrained lawyers, the new ordinance surrounded the District Commissioners with safeguards to prevent miscarriage of justice. The new ordinance reduced the powers of district officers who must now pass stipulated examinations in law and in the indigenous language. But the most provocative aspect was the denial of the right of anybody to be represented by counsel. This irritated the lawyers. The South saw in the ordinance an introduction of the system which functioned in the North because it suited their tradition, but which could not be suitable to the Southern traditions.

Although Lord Lugard and his Chief Justice were sincere in their administration of the “complete and unqualified success of the judicial system they had imposed on an unwilling people”, bitter opposition to the system continued to embarrass his administration. The African Times and the Orient Review, in their editorials of April 7 1914, criticized the Governor-General for imposing himself on the Chief Justice. The Chronicle of April 24, 1941, after examining the conditions necessary for the choice of a government, observed that “*the form of government for any country should depend on the moral and intellectual disposition of the people, and that laws are quite distinct from the structure of any governing body from which these laws emanate... Any government based on force carries with it the germs of its own destruction, and great must be the fall of it. The Nigerian Newspapers, from 1913 to 1915, were replete with protests against, and criticisms of the amalgamation and the motives on the amalgamation, and they contended that the British government was creating a structure to enable the British interest to reap all the benefits of the colonial situation, and they wondered whether there were any signs of fair play and justice in the amalgamation*”.

Usman Taiwo writing from the Northern Province in his cry from “Macedonia” observed that the Provincial Court Ordinance which accompanied the amalgamation was a hoax to deprive the people of justice. On Tuesday February 3 1914, there was a mass meeting at the Glover Memorial Hall to protest the Provincial Ordinance. When the amalgamation became a *fait accompli*, people began accepting the new structure but started looking for ways of removing the imperialists from power. There was no effort on the part of Nigerians to mount a concerted and constructive opposition to the ordinance or the amalgamation. Indeed, as I said in my last publication, only Sapara Williams had persistent criticisms of the amalgamation.

The first test of our working together came in 1953. After adjournment of the House of Representatives in Lagos, the Northern members were subjected to insults and abuses, and were criticized by the Lagos crowds during the following weeks. When they returned to the North, they determined never to experience that kind of indignity from the South. Indeed, they determined not to return to Lagos again. Within a few weeks, they published their “eight point program” as a condition that would make them participate in any relationship with the South. If these eight points were accepted, it would sincerely amount to the North wanting to secede from Nigeria. The position of the Northern delegates generated more criticisms from the Action Group, the NCNC, and the Southern Press. They charged the Northern Leaders that they were not actually representing their people. They accused them of not having a mind of their own because they did not support the discussion of early self-government. The eight point program of the North delegates actually suggested regional autonomy which was later incorporated in the 1954 regionalist constitution. These points were also endorsed by a joint meeting of the Northern House of Assembly and the Northern House of Chiefs.

**The Eight Points were:**

1. Each region shall have complete legislative and executive autonomy with respect to all matters except the following: Defence, External Affairs, Customs and West African Research Institutions.
2. There shall be no central legislative body and no central executive or policy making body for the whole of Nigeria.
3. There shall be a central agency for all regions which will be responsible for the matters mentioned in paragraph one above and other matters delegated to it by a region.
4. The central agency shall be at a neutral place, preferably Lagos.
5. The composition and responsibility of the central agency shall be defined by the “order-in-council” establishing the constitutional arrangement. The agency shall be a non-political body.
6. The services of the railway, air services, Post and Telegrams, electricity and coal mining shall be organized on an inter-regional basis and shall be administered by public corporations. These corporations shall be independent bodies covered by the statute under which they are created. The board of the coal corporation shall be composed of experts with a minority representation of the regional governments.
7. All revenue shall be levied and collected by the regional governments except customs revenue at the port of discharge to be collected by the central agency paid to its treasury. The administration of the customs shall be so organized as to assure that goods consigned to the region are separately cleared and charged to duty.
8. Each region shall have a separate public service.

The leaders of Action Group and NCNC decided to send delegations to the Northern cities to campaign for self-government in 1956. Chief S.L. Akintola led one delegation of the Action Group which scheduled a meeting in Kano at the

height of North-South tension. The tension ended in rioting in Kano's Sabon Gari and resulted in 277 casualties including 36 deaths. As a result of this crisis, the draft constitution which was proposed in 1951, which would have given us a centralist government that Dr. Nnamdi Azikwe was gunning for, was aborted. The details of the subsequent constitutional changes could be seen in the constitution of 1954 which gave Nigeria a regional constitution and separate states. The crisis convinced the Colonial Government that Nigerians could not function in a centralist state because of various pronounced incompatibilities. The colonial government then set to work to produce the regional constitution which Nigerians experimented before the Independence Constitution.

Many scholars have written that the Independence Constitution was as a result of the experience of the constitution which we were experimenting, which clearly showed that centralist government was unsuitable for Nigeria; therefore they settled for the regional government on the basis of which we got our independence. **It is my contention that the colonial masters that tutored us knew that we were not temperamentally suited – because of the various differences which included religious, educational etc – to work a centralist government. They therefore produced the 1954 constitution which gave us regional autonomy.** Unfortunately, our military governments thought that they knew; indeed, they did not know. They abolished the regional governments and foisted on the nation the militarized governments and created local governments that were not based on any logic. This compounded the problems of subsequent administrations which we will discuss if it becomes necessary. But it is important for us to note that at the resumed constitutional conference which was held in Lagos in January and February 1954, three regional governments were proposed and it was on the basis of these three regional governments plus the mid-west that was later created, that we were ushered into independence

I must say also that at independence, the colonial government set up the Willink's Commission to address the fears of the minorities which existed in the

North, the West and the East. The fears of the minorities were potent enough to make the colonial government set up the Willink's Commission. Even during the Yar'adua's presidency, Yar'adua set up the Niger Delta Technical Committee to look into the fears of the minorities again. I had the privilege of serving on that committee. We read all the reports on the minorities from the beginning to the present. But it seems that we have governments without listening ears. If we had listened to reports on the minorities over the years...; in fact, at the time we were meeting in Abuja under Jonathan's presidency, Yar'adua having died, we had more than eleven reports on the minorities which were not implemented by the successive governments. Now, a note of caution; if we are going to restructure Nigeria, let us be sincere with ourselves. It is clear that the North cannot go it alone; it is clear that the West cannot go it alone; it is clear that the East cannot go it alone. It is my belief that we need one another to have a stable and formidable nation where nobody is oppressed. Therefore, the restructuring that is based on knowledge of what we have, of what we are and what we want to be, without sentiments is what we want. It must be a restructuring that looks at the facts on the ground, at what we should do to first of all come out of the tentacles that are holding us to ransom. We will be discussing this as time goes on.