



# NIGERIA

## Report of the Commission appointed to enquire into the fears of Minorities and the means of allaying them

*Presented to Parliament by the Secretary of State for the Colonies  
by Command of Her Majesty  
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The Rt. Hon. ALAN LENNOX-BOYD, M.P., Secretary of State for the Colonies.

SIR,

We were appointed by you in September, 1957, as a Commission with the following terms of reference:—

1. To ascertain the facts about the fears of minorities in any part of Nigeria and to propose means of allaying those fears whether well or ill founded.
2. To advise what safeguards should be included for this purpose in the Constitution of Nigeria.
3. If, but only if, no other solution seems to the Commission to meet the case, then as a last resort to make detailed recommendations for the creation of one or more new States, and in that case:—
  - (a) to specify the precise area to be included in such State or States;
  - (b) to recommend the Governmental and administrative structure most appropriate for it.
  - (c) to assess whether any State recommended would be viable from an economic and administrative point of view and what the effect of its creation would be on the Region or Regions from which it would be created and on the Federation.
4. To report its findings and recommendations to the Secretary of State for the Colonies.

We arrived in Nigeria on 23rd November, 1957 and between that date and 12th April, 1958, we held public sittings and had private meetings and discussions in each Region, in Lagos and in the Southern Cameroons.

Our recommendations are embodied in our Report which we now have the honour to submit.

We have the honour to be,

Sir,

Your most obedient servants,

HENRY WILLINK, *Chairman.*

GORDON HADOW.

PHILIP MASON.

J. B. SHEARER.

London, 30th July, 1958.

# TABLE OF CONTENTS

		<i>Paragraphs</i>	<i>Page</i>
<b>PART I. INTRODUCTION</b>			
<b>CHAPTER 1</b>	... ..	1-22	1
<b>PART II. THE WESTERN REGION</b>			
<b>CHAPTER 2. THE HISTORICAL AND POLITICAL BACKGROUND</b>	...	1-20	6
<b>CHAPTER 3. THE FEARS AND GRIEVANCES OF MINORITIES</b>			
Introductory	... ..	1-2	12
The Mid-West: Fears of Yoruba Domination	... ..	3-13	13
The Maintenance of Public Order	... ..	14-16	16
Discrimination in the Economic Field	... ..	17-21	17
Discrimination in the Provision of Public Services...	... ..	22-26	18
Parliamentary Seats	... ..	27-28	19
Conduct of Elections	... ..	29	20
Chiefs and Local Government Councils	... ..	30-42	20
Legislation	... ..	43-48	24
Conclusion	... ..	49	25
Fears of Religious Minorities: the Muslims	... ..	50-57	26
<b>CHAPTER 4. PROPOSALS FOR NEW STATES</b>			
Introductory	... ..	1-3	28
The Mid-West State	... ..	4-21	29
<b>PART III. THE EASTERN REGION</b>			
<b>CHAPTER 5. THE HISTORICAL AND POLITICAL BACKGROUND</b>	...	1-15	34
<b>CHAPTER 6. THE FEARS AND GRIEVANCES OF MINORITIES</b>			
Fears of Autocratic Government	... ..	1-6	38
Public Posts and Services	... ..	7-17	39
Economic and Social Discrimination	... ..	18-23	41
Local Government and Chiefs	... ..	24-26	43
Changes in the Legal System	... ..	27-28	45
Public Order	... ..	29-33	45
<b>CHAPTER 7. PROPOSALS FOR NEW STATES</b>			
Introductory	... ..	1-2	46
The Ogoja and Cross River States	... ..	3-5	47
The Calabar-Ogoja-Rivers State	... ..	6-12	48
The Rivers State	... ..	13-19	50
Conclusion	... ..	20	51

## PART IV. THE NORTHERN REGION

	<i>Paragraphs</i>	<i>Page</i>
CHAPTER 8. THE HISTORICAL AND POLITICAL BACKGROUND ...	1-22	52
CHAPTER 9. THE FEARS AND GRIEVANCES OF MINORITIES		
Introductory ... ..	1-3	57
Fears and Grievances Regarding Traditional Rulers ... ..	4-6	58
Social Fears and Grievances ... ..	7-10	59
Fears of Political Influence ... ..	11-16	60
Fears Regarding Foreign Policy ... ..	17-19	61
Relations with Native Authorities ... ..	20-24	62
Fears of Religious Intolerance ... ..	25-31	64
Fears of the Law ... ..	32	66
CHAPTER 10. MUSLIM LAW ... ..	1-17	66
Summary ... ..	18-19	70
CHAPTER 11. PROPOSALS FOR A NEW STATE ... ..	1-9	71

PART V. THE ILORIN AND KABBA BOUNDARY  
DISPUTE

CHAPTER 12. HISTORY		
Historical Outline ... ..	1-7	74
The Macpherson Award ... ..	8-10	76
Recent Developments ... ..	11-19	77
Fears in Ilorin ... ..	20-22	79
Kabba ... ..	23-26	80
CHAPTER 13. DISCUSSION ... ..	1-27	81

## PART VI. CONCLUSIONS AND RECOMMENDATIONS

CHAPTER 14. CONCLUSIONS AND RECOMMENDATIONS		
Section 1. General Considerations ... ..	1-11	87
Section 2. Police Forces ... ..	12-25	90
Section 3. Special Areas ... ..	26-30	94
Section 4. Minority Areas ... ..	31-36	96
Section 5. Fundamental Rights ... ..	37-40	97
Section 6. Ilorin and Kabba ... ..	41	103
Section 7. Muslim Law ... ..	42	103
Section 8. Suggestions ... ..	43-44	103
CHAPTER 15. SUMMARY OF RECOMMENDATIONS AND SUGGESTIONS		
Summary of Recommendations ... ..	1-15	103
Summary of Suggestions ... ..	16-31	105

## APPENDICES

	<i>Page</i>
I. The Constitutional Position ... ..	107
II. Procedure and Rulings ... ..	111
III. Itinerary ... ..	113
IV. Minor Proposals for the Revision of Boundaries ... ..	114

## MAPS

The following maps accompany the report:—

- Map 1. The Western Region—showing the area claimed for the Mid-West State.
- Map 2. The Eastern Region—showing the areas claimed for the Ogoja, Cross River, Calabar-Ogoja-Rivers, and Rivers States.
- Map 3. The Northern Region—showing the area claimed for a Middle Belt State.
- Map 4. The Ilorin and Kabba Divisions.
- Map 5. The Distribution of Main Tribes.
- Map 6. The Distribution of Religious Groups.

We are indebted to Mr. R. M. Prothero of the Department of Geography, Liverpool University, for permission to publish Maps 5 and 6.

## Abbreviations

The following is a list of political parties; the abbreviations placed against them have been used in the Report and in the Appendices:—

Action Group ... ..	AG
Benue Freedom Crusade	
Egbe Igbomina Parapo	
Ekiti Federal Union	
Ilorin Talaka Parapo ... ..	ITP
Kamerun National Congress ... ..	KNC
Kamerun People's Party ... ..	KPP
Middle Zone League ... ..	MZL
Middle Belt People's Party	
National Council of Nigeria and the Cameroons ... ..	NCNC
National Independence Party	
National Liberal Commoners' Party ... ..	NLCP
Northern People's Congress ... ..	NPC
United Middle Belt Congress ... ..	UMBC
United National Independence Party ... ..	UNIP

### ACKNOWLEDGEMENTS

We take this opportunity to thank the Governor-General, the Governors, and the Federal and Regional Governments for the many facilities which they placed at our disposal ; without their assistance it would not have been possible for us to have conducted our enquiry. We are especially grateful to those Regional Officers who were responsible for the detailed arrangements of our itineraries, and for the courtesy and hospitality extended to us everywhere.

We also wish to record our warm appreciation of the constant assistance of our Secretary, Mr. K. J. Hilton, and to express our thanks to the other members of our secretarial staff.





# NIGERIA

## Report of the Commission appointed to enquire into the fears of Minorities and the means of allaying them

### PART I

#### CHAPTER 1. INTRODUCTION

The boundaries of the territory now known as Nigeria were first defined in 1907. The word Nigeria was then not twenty years old and the various elements which now constitute Nigeria came together for the first time under one Government in 1914. The unity and indeed the separate existence of Nigeria are thus concepts of recent growth.

2. From the union of the two Protectorates until the time of writing, there have been many constitutional and administrative changes, all to some extent concerned with the problem of reconciling in one whole the diverse elements which go to make Nigeria. It is with the last stages only of this development that we are concerned, those which led to our appointment as a Commission to enquire into the fears of minorities, and it is one aspect only of these last stages that we shall attempt to describe.

3. At the Constitutional Conference of 1953, it was decided after long discussion that Nigeria should be a Federation of three Regions (and the small Federal territory of Lagos), residual powers resting with the Regions. This decision was acquiesced in reluctantly by one of the principal parties, the National Council for Nigeria and the Cameroons, which had previously advocated a strong centre and a larger number of constituent states, smaller, and with lesser powers, than the present Regions. The two other principal parties, the Northern People's Congress and the Action Group, had hoped for a solution on more or less the lines eventually reached; the NCNC gave way to them when it became clear that continued disagreement would bar advance towards independence.

4. The result of this decision was a Federation of an unusual composition, in that one of the three constituent elements was slightly larger in population than the other two put together, while in each of the three Regions it was possible to distinguish between a majority group of about two-thirds of the population and minority groups amounting to about one-third. When the Conference was resumed, in 1954, certain of these minority groups expressed fears about their future in Regions of this kind and asked for recognition as separate states; they were told that these questions were not on the agenda for 1954 and must be raised at the next Conference. In 1957, a considerable number of claims by minorities for separate states were presented to the Conference. The Conference decided to invite the Secretary of State for the Colonies to appoint a Commission of Enquiry into the fears of these minorities and to settle its terms of reference.

5. The Commission was appointed by the Secretary of State on the 26th September, 1957, with the following terms of reference:—

In the light of the conclusions of the Conference Report (Command 207):—

- (1) To ascertain the facts about the fears of minorities in any part of Nigeria and to propose means of allaying those fears, whether well or ill founded.
- (2) To advise what safeguards should be included for this purpose in the Constitution of Nigeria.

- (3) If, but only if, no other solution seems to the Commission to meet the case, then as a last resort to make detailed recommendations for the creation of one or more new States, and in that case:—
- (a) To specify the precise area to be included in such State or States ;
  - (b) to recommend the Governmental and administrative structure most appropriate for it ;
  - (c) to assess whether any new State recommended would be viable from an economic and administrative point of view and what the effect of its creation would be on the Region or Regions from which it would be created and on the Federation.
- (4) To report its findings and recommendations to the Secretary of State for the Colonies.

6. With these terms of reference should be read Paragraph 71 of the Report by the Nigerian Constitutional Conference which runs as follows:—

“The Conference agreed that, since the question of revision of boundaries would be covered by the Commission of Inquiry into minority problems, the matter should not be pursued at the present Conference.”

7. Our first task therefore was to enquire into the fears of minorities, and these were all expressed in regard to the Regional Governments, who in each Region were thought of as a majority group. No minority expressed fears of the Federal Government, partly no doubt because the Regional Governments deal with matters which affect most people much more closely than those which fall within the Federal sphere, but also because the Federal Government is pictured not as one group which will try to arrogate all powers to itself but as a group of interests between which compromise is essential. We are now using the language the minorities used to us ; it is not to be supposed that we ourselves necessarily accept the two widespread assumptions that the present majority groups will always vote as solid blocks or that they will always seek to use power to their own exclusive advantage.

8. We were also concerned with one major boundary dispute between the Northern and Western Regional Governments concerning the Ilorin Division and the Kabba Division ; a number of minor boundary disputes were brought to our notice, but they were clearly matters which required detailed enquiry on the spot and we did not think it was the intention of the Secretary of State or of the Conference that we should undertake work of this nature ; we have listed these minor questions in Appendix IV.

9. There are thus four main questions with which we are concerned—the situation regarding minorities in each Region and the Ilorin Dispute—and we have accordingly arranged our report in four main parts, with an introductory and a concluding part. Each of the three parts dealing with a Region we have divided into a chapter descriptive of the general historical and political background, a chapter outlining the main fears and grievances put forward to us, and a third setting out the arguments for and against a separate State, with our conclusions on this point. We have divided the part dealing with Ilorin and Kabba into a historical chapter and a chapter of discussion. The last part of the report contains our recommendations for allaying the fears of minorities.

10. The fears of the minorities in Nigeria arise from two circumstances, first the division of the whole territory into three powerful Regions, in each of which one group is numerically preponderant, and secondly the approach

of independence and the removal of the restraints which have operated so far. Reference to these restraints was in some areas explicit, in others implicit; it was everywhere the essence of the case put before us that the fears and grievances of which we heard to-day were indications only of trends likely to become much more serious when independence was attained. It is thus with the Regional Governments that we are mainly concerned and therefore we do not propose to spend long in describing the Federation or the powers of the Federation, in which our main interest is the extent to which the retention of powers by the Federal Government can allay the fears to which we have referred; the Federal Government will clearly be the successor in some respects to the responsibilities of the Secretary of State and the question to our mind is how far it can suitably exercise the restraints whose removal is feared. Nor is it relevant to our interest to concern ourselves with the play of parties and the exercise of power within the Federal Government at the moment; things may well be different under the new Constitution.

11. The Federation is unusual, not only in the relative size of the units which make it up, but also in that the Eastern and Western units are self-governing, while so far the North is not. In each of the Eastern and Western Regions, there is a wholly Nigerian Government, responsible to the House of Assembly; within the sphere of its own legislative competence this Government is independent. The Governor retains only certain limited powers in which he may act in his discretion; he may sometimes act on behalf of the Governor-General in a Federal subject, but in all matters which are within the competence of the Regional Government, he acts as a constitutional ruler on the advice of his Government.

12. In the Northern Region, the situation is different. As we explain in more detail in later chapters, when the Protectorate was first proclaimed over the area which is now the Northern Region, the Emirs were promised that there should be no interference with their religion and for this reason missionary activities were for long discouraged. Until recently, the great majority of the schools in Nigeria were founded and administered by missions; the North has therefore been less well provided with schools and for long was dependent on Southerners to fill posts as clerks and overseers and the like. Nor was much progress made in training inhabitants of the Northern Region for higher administrative posts. For this reason the Northern People's Congress, who hold the majority of seats in the Northern Region House of Assembly, were at one time of the opinion that independence should be postponed until more northern Nigerians had been trained to fill the many posts previously held by expatriates or Southerners; in the spring of 1957, however, the NPC decided to ask for self-government for the Northern Region in 1959 and to join the other parties in pressing for independence for Nigeria in 1960. Until 1959, then, the Northern Region will be one stage behind the Eastern and Western Regions in its constitutional development; the Governor presides over the Executive Council and retains powers of enacting legislation which in the Eastern and Western Regions have passed from the Governors to the Governments.

13. It is against this background of three Regions at different constitutional stages that the Federation must be seen. The subjects which are exclusively Federal, and regarding which the Regions may not legislate, include: defence and external affairs, ports, railways, telecommunications, external loans, immigration, currency and banking, and customs and excise. There is also a concurrent list of subjects, on which the Federal House of Representatives has power to initiate legislation as well as the Regional Houses of Assembly; this list includes: higher education, industrial development, labour and statistics. Provision has also been made that police should be a subject on the concurrent list, although the Regions may not legislate:

until it has been decided that they may set up Regional police forces. Regional legislatures have residual powers of legislation in respect of their Regions and the House of Representatives has residual powers in regard to the Federal territory of Lagos.

14. The Governor-General presides over the Federal Council of Ministers, although there is a Prime Minister who is appointed by the Governor-General, in accordance with constitutional practice in the United Kingdom, as the person who appears to the Governor-General best able to command a majority in the House of Representatives; the remaining Ministers are appointed on the recommendation of the Prime Minister. The Governor-General, however, retains a special responsibility for defence and external affairs and he is also empowered, with the approval of the Secretary of State, to issue directions to any Regional Governor to ensure that the executive authority of the Region is not exercised in such a way as to impede the authority or threaten the existence of the Federation. Since the Secretary of State still has the ultimate responsibility for law and order throughout the Federation, the Governor-General keeps in his discretion the use and operational control of the Nigeria Police. Thus three of the most important Federal functions are still reserved to the Governor-General and have not yet been transferred to Ministers responsible to an electorate and dependent on party support.

15. The Nigeria Police is at present a unified Federal force, but contingents are stationed in the Regions. The Conference agreed that no police force in Nigeria should "at any time come under the control of political parties", so far at least as its use and operational control were concerned; it recommended that a Police Service Commission should be appointed by the Governor-General in his discretion to advise him on police establishment matters, including appointments, promotions and discipline and such other matters as he might refer to the Commission.

16. For reasons which will become apparent in the course of our report, we consider that the control of the police is a matter of primary importance to any plans for allaying the fears of minorities, and we shall return to this subject. At this stage, it is necessary only to point out that this is a matter on which there is a difference in outlook between the parties. The Northern People's Congress would like to see a Regional police force in the Northern Region; similarly, the Action Group have pressed for a Regional force in the Western Region in which they form the Government. On the other hand, the National Council of Nigeria and the Cameroons, who form the Government of the Eastern Region, have so far preferred that there should be one Federal force only. The Conference recorded its view that the Federal Government should hold the ultimate responsibility for law and order which now rests with the Secretary of State and that there should therefore always be a Federal Police Force; at the same time the Conference recommended preparations which would make possible the setting up of Regional forces. There are already numerous police in the Northern Region, and some in the West, who are controlled by local authorities.

17. There is a Federal Supreme Court which is the final court of appeal for the Federation and has also certain limited powers of original jurisdiction; apart from this, however, the judiciary is Regional, there being a High Court presided over by a Chief Justice in each Region and in the Federal territory of Lagos. Thus even the Judges and Magistrates with whom the ordinary person is most likely to come into contact are part of the Regional system.

18. It will be seen that wide powers have been conferred on the Regions, and in nearly all the matters which concern the ordinary citizen it is of the Regional Government that he is thinking when he thinks of the Government at all; except in respect of the police, nearly all the fears expressed

to us concerned Regional matters. The most important of the Federal functions for the future, defence and external affairs, are at present exercised by the Governor-General, not the Prime Minister and his Government, and the Federal Government thus tends to occupy a secondary place in the estimation of most Nigerians. This is probably a temporary phase which will change when the Federal Government comes to exercise these important functions; for the moment it is a fact which accentuates the fears of minorities who see the Regional Governments as all-powerful in their own area.

19. Since the Cameroons are Trust Territory administered in trust for the United Nations, we decided not to include them in the scope of our enquiry, nor are they referred to in this discussion; it should, however, be explained that the Northern Cameroons are administered as part of the Northern Region, while the Southern Cameroons constitute a separate territory which is at present included within the Federation of Nigeria as a separate unit with quasi-regional status.

20. It will be convenient for the reader of this report to refer from time to time to the composition of the legislature in the Federation and in each of the three Regions. We have therefore set this out in an appendix where it can be conveniently referred to, showing the present party composition as well as the total numbers. There is a list of the main political parties and the abbreviations commonly used on page vi. In a second appendix we have dealt with the procedure we have followed regarding the hearing of evidence; we have also included in this appendix a summary of the rulings which from time to time we found it necessary to make. Most of these concern procedure and may here be disregarded; three points only are of substance. We thought that the Conference and the Secretary of State had meant us to be concerned with minorities of a permanent nature, ethnic or religious, not with a purely political minority, such as an Opposition. We were therefore not prepared to listen to a political opposition speaking on its own behalf as a political minority. But we were ready to hear an Opposition on the general political situation because their views and their evidence might throw light on the fears of minorities. Secondly, where a group who formed an ethnic majority in the Region as a whole constituted a minority in an area claimed for a separate state, we regarded them as a minority entitled to give evidence. Finally, it was argued that ours ought to be a Commission of Enquiry empowered to hear evidence on oath, the evidence given before us thus becoming privileged; we did not agree that this would be suitable and the Secretary of State supported our view; his decision is recorded in full in Appendix III and we mention it here only in order to state that, in spite of the fact that their evidence was not privileged, witnesses did in fact come forward at all stages of the proceedings and gave their evidence with the utmost frankness. In Appendix III we give a list of the places we visited.

21. Throughout our report, we have used the Census figures of 1952 and 1953; these are not, of course, up to date and indeed in some areas, as is recognised by the officers who compiled the Census, they may not have been accurate when they were compiled. They are however the only figures available and we have no reason to suppose that any inaccuracy which may have occurred affects the arguments we have used. We have for the sake of easy reading in every case rounded the Census figures we quote to the nearest thousand.

22. There are six maps in the pocket attached to this Report which show the three Regions, the area of the Ilorin dispute and tribal and religious distribution.

## PART II

### THE WESTERN REGION

#### CHAPTER 2. HISTORICAL AND POLITICAL BACKGROUND

(For this and the following Chapters in this Part refer to Maps 1, 5 and 6)

From our point of view, the outstanding feature of the Western Region is that rather more than two-thirds of the population are Yoruba. The figures are 4,302,000 Yorubas in a total of 6,085,000. This population is divided on fairly clear-cut territorial lines between six Provinces in which most of the people are Yorubas and two in which there are very few. It is with these two, the Benin and Delta Provinces, that we are particularly concerned ; we shall refer to them for the sake of convenience as the Mid-West Provinces.

2. In the Western Region there were organised African states long before any written records existed. At a time not exactly dated but corresponding to some part of the Middle Ages in Europe, Yoruba Kings ruled at Ife ; the bronze masks of the Ife culture are well known and are said to be technically ahead of any bronze casting being done in Europe at the time ; remains at Ife indicate a political headquarters with large forces of labour at its disposal and with the organisation for defence and for the provision of food which that implies. Ife is regarded as the oldest of the Yoruba kingdoms ; it may once have been the sole kingdom, but by the time Europeans came to the country there were a number of Yoruba chiefdoms all acknowledging in some degree at least the spiritual and traditional authority of Ife, but politically distinct and sometimes at war with each other. To-day, the Yorubas are a vigorous and versatile people with a strong sense of tribal solidarity and a high level of education.

3. The Kings of Benin are generally believed to have come from Ife towards the end of the Middle Ages, but they adopted the Edo language together with customs which are distinct from those of the Yoruba ; in particular the concept of kingship in Benin is different, the Kings of Benin being divine and their rule descending in a direct hereditary line ; thirty-five Kings in succession are named in the genealogies. The chiefs of the Yorubas are selected from a group of families by hereditary king-makers, their powers are more circumscribed and their persons less divine. The Edo language, or perhaps group of dialects, which is centred on the Benin kingdom, is said to be at least as different from the Yoruba language as French is from German.

4. The heart of the Benin kingdom was approximately the present Benin Division but the extent of a King's authority depended on his character and energy and on the power he could muster ; this is in accordance with a pattern often found in an African kingdom, the metropolitan areas being inhabited by people of the same tribe as the King, while there is an outer fringe of others connected in varying degrees by tribal affinity or by conquest, and regarded as fellow-citizens, subjects, slaves or objects at which raids may be directed. This pattern we shall meet again in the North. The outer fringe of the Benin kingdom spread at times over the whole area now covered by the Benin and Delta Provinces and sometimes beyond ; at one time the rule of the King of Benin was acknowledged as far away as Lagos.

5. There are thus two areas in the Western Region in which organised states were built on recognisable cultures, that of the Yorubas and that of the Edo-speaking group centred at Benin. Neither is entirely homogeneous. There are Yoruba groups speaking different dialects and manifesting local jealousies, but their language is basically one, and in religion, in handicrafts and the construction of houses and tools the resemblance between them is more marked than the differences. In the Mid-West area, however, this can be said—and with less emphasis—only of the central congeries of Edo-speaking peoples, which includes the Benin Division, the Ishan Division, a group of tribes to the north of Benin in Afenmai, and the Urhobos. The last are sometimes spoken of as a separate tribe and their form of Edo is said to be unintelligible in Ishan but they are closely linked in sentiment with Benin. In addition to this Edo-speaking group there are within the two Provinces considerable non-Edo elements, notably the big Ibo population in the two eastern Divisions of Asaba and Aboh, and 70,000 Ijaws, most of whom live in the Western Ijaw Division.

6. The population of the two Mid-West Provinces may be summarised as follows:—

<i>Mainly Edo-speaking Divisions</i>					(Thousands)	
Division	Total Population	Edo-speaking	Non-Edo-speaking	*Main Tribal Groups		
				E	Non-E	
Benin ... ..	292	225	67	203 Edo 22 Urhobo	23 Ibo 20 Ika	
Ishan ... ..	192	184	8	183 Edo		
Afenmai ... ..	204	172	32	91 Etsako 47 Ivbiosakon	18 Akoko-Edo	
Urhobo ... ..	323	295	28	33 Edo 218 Urhobo 73 Isoko		

<i>Mainly non-Edo-speaking Divisions</i>					(Thousands)	
Division	Total Population	Edo-speaking	Non-Edo-speaking	* Main Tribal Groups		
				E	Non-E	
Asaba ... ..	212	6	206	—	122 Ibo 82 Ika	
Aboh ... ..	130	19	111	16 Isoko	110 Ibo	
Western Ijaw ... ..	83	18	65	14 Urhobo	56 Ijaw	
Warri ... ..	54	13	41	11 Urhobo	21 Itsekiri 9 Ijaw 8 Ibo	

\* In this table and elsewhere we have followed the Census in using the term Edo for the people of metropolitan Benin and Ishan, who are also sometimes referred to as Binis. But we distinguish the Edo as a separate body within the Edo-speaking group; thus in Ishan there are 183 Edo but 184 Edo-speakers and in Benin Division 203 Edo but 225 Edo-speakers. We have rather doubtfully included the Akoko-Edo among the non-Edo speakers.

7. Here then is a Region of which at least two-thirds is Yoruba while about one quarter of the population have traditional associations with another kingdom that looks back to an ancient history and to a culture of its own. The Benin brasswork cannot equal the best productions of Ife but an ivory mask from Benin changed hands recently for over £17,000 and

this tradition of craftsmanship, together with their ancient military successes, has produced in Benin itself a spirit of pride in the past and of resentment at the idea of subordination to another people. Against this background must be seen the impact of missionary influence and of modern education, which reached the Yorubas long before Benin. Lagos was annexed to the Crown in 1861 and there were British missionaries established among the Yorubas before that. Benin on the other hand was hardly touched by Western influence until the occupation of 1897. The result has been that more Yorubas than Mid-Westerners have reached the secondary stage of education and beyond, and more of them have been employed in government service and in commerce. In Benin itself, there have been Yoruba officials in many departments of government service and Yorubas in the employment of the larger firms.

8. There are, it should be noted, tensions within the Mid-West area as well as between the Mid-West and the Yorubas. Apart from the tribal differences, even within the Edo-speaking group there are both centrifugal and centripetal forces. Ishan, for example, was traditionally ruled by some thirty "Natural Rulers" or Enogie, who, like mediaeval barons in Europe, hoped for as little interference from Benin as possible. Though their subjects shared their fear of Benin, they must sometimes have looked to the King of Benin as a possible counterpoise to the weight of their own ruler's hand. In general, the further he is from Benin City, the more likely is an enquirer to find that it was with apprehension of raids rather than in the hope of support or defence that the centre of the Kingdom was regarded.

9. To the south of Benin lies the Urhobo Division, the Urhobo being a people provincial but solid in their support of Benin; beyond Urhobo, however, the strength of the attachment to Benin rapidly diminishes. There are two peoples here in the south of the Delta Province to whom special reference must be made. The Western Ijaw Division is inhabited mainly by the Ijaw tribe, of whom there are some 80,000 in the West but over 250,000 in the creeks and swamps of the Eastern Region. They are said to be a people who have lived in the area now called Nigeria longer than any other of the large tribes and were probably pushed down into the Delta area in times of which no record has survived. The country in which they live is divided by creeks and inlets of the sea and of the Niger into many small islands, which nowhere rise far above the highest tides and floods; their transport is by water and the construction of roads or railways would be prohibitively expensive. Theirs is a country which, through no fault of man, has been neglected and which is unlikely ever to be highly developed; they are distinct in their language and customs from either the Edo speakers or the Yorubas. Benin claimed overlordship of them at one time but they show no desire to return to it.

10. There is another people whose importance is greater than might be expected from their numbers. They are the Itsekiri, who are claimed by some to be of Yoruba origin and who speak a dialect related to Yoruba but whose customs are more similar to those of Benin and whose Chief, formerly known as the Olu of Itsekiri and now as the Olu of Warri, was probably at one time a vassal of Benin. These people made early contact with the European slavers and traders on the coast; some show signs of European ancestry and many adopted the dress and some other customs of Europeans many years ago. There are only 33,000 of them altogether, of whom about 3,000 live in Warri town and about 18,000 in the rest of the Warri Division. In the Division, though they are the largest single group, they are in a minority, being about 40 per cent of the total. They were



formerly the overlords and aristocracy of the area, having lived once by slaving and later by other forms of trade; they claim that the whole of the Warri Division "belongs" to them in a peculiar sense, in that it is their homeland and their ancient tribal property. In the town of Warri, where they number less than a sixth of the population, they consider it an injustice that other tribes should have a vote or any say in the affairs of the town.

11. We have dwelt on the affairs of this small people, partly because among their number are included a more than proportionate share of the leading people of the Western Region, but more as an example of the difficulties that lie in the way of any proposal that seeks to solve the problem of minorities by territorial division. Most of the Itsekiris claim that as they speak a Yoruba tongue the Warri Division—which "belongs" to them—and all its inhabitants should be excluded from a Mid-West State and should be included in the Ondo Province with the Yorubas. But such a solution would be bitterly resented by the Ijaws, Ibos and Urhobos, who are together a majority in the Division. So strong is the feeling that when the title of the Olu of Itsekiri was changed to that of Olu of Warri, fear was roused throughout the whole Province—known till then as the Warri Province—that the jurisdiction of the Olu would be revived over people who had long regarded themselves as having escaped from his suzerainty. On the other hand to include the Warri Division in a new Mid-West State would be resented by most of the Itsekiris, who are the traditional rulers and who still possess much of the land and the more important posts.

12. Benin was independent until 1897 when a British expedition entered the town. Since then there has been much change and experiment as to the most convenient grouping of the area with others for administrative purposes; this is of little consequence for the purpose of this report and it is enough to say that even those most critical of the British have agreed that their rule was just as between one Nigerian and another. But the approach of independence gave rise, as has been explained in chapter 1, to increasing tribal fears and jealousy and to the birth of tribal and local organisations. Among these the Ibo State Union, a cultural body, was the first; its formation was followed by the inauguration of an associated party, the National Council of Nigeria and the Cameroons, which is now not merely regional but national in its outlook. It was partly the example of this party which led to the formation of a Yoruba cultural union under the name of the Egbe Omo Oduduwa. This, like other cultural organisations, was formed in the first place to give scholarships to Yoruba boys and in general to promote Yoruba interests and the study of the Yoruba language; its founder was Chief Awolowo, who became its Secretary General and who is now the leader of the Action Group and the Premier of the Western Region. The Egbe Omo Oduduwa was founded in 1948 and in 1951 Chief Awolowo founded the Action Group Party. As to the exact relationship between the Egbe and the Action Group, no precise information is available; but the fact that the leader of the Action Group is Secretary General of the Egbe suggests that it is close. The Egbe Omo Oduduwa means literally the Union of the Sons of Oduduwa, who was the mythical ancestor of the Yoruba people; it is frankly a Yoruba organisation. The Action Group, however, has no desire to be exclusively Yoruba; it is a national party and it is vigorously seeking to strengthen its hold in the other Regions.

13. There is a third organisation, Yoruba in origin but like the Action Group not exclusively Yoruba in composition, known as the Reformed Ogboni Fraternity; this is a revival of an old secret society based on the

cult of Yoruba gods. As reformed, it is a society comparable with freemasonry and said to be now compatible with the profession of Christianity. About ten years ago this Fraternity became strong in the Benin area, particularly in Benin Division and Benin City, where it attracted the support of many of the middle classes.

14. Until independence appeared on the horizon—say in the years 1947–1951—it might broadly have been said that politics in Benin lay between the faction who supported the Oba or King and those who opposed him. The Ogboni Fraternity found its strength among those who opposed him and when the two national parties, the Action Group and the NCNC, began to bid for votes in Benin, those who opposed the Oba usually attached themselves to the Action Group interest, while those who supported him were inclined to prefer the NCNC.

15. The widespread influence of the Ogboni Fraternity among Chiefs and officials roused fear and resentment in the population and as a result of this there came into being an organisation known as the Otu Edo which stood for Edo cultural interests, the support of the Oba and independence from Yoruba and Ogboni influence; members were usually NCNC in sympathy. The Otu Edo soon became popular; at the Local Government elections of 1951 it was the Otu Edo, rather than the NCNC, who swept the polls and throughout the two Provinces defeated the Ogboni, rather than the Action Group candidates; the electorate, to whom the idea of voting was new, imagined that their victory gave them the right to oust Ogbonis from office and to insult and humiliate them, if no worse; there was rioting and some loss of life. It will be seen that party affiliations turn on local rather than on national questions and this is one reason why the results of elections do not tell the whole truth about the electorate's views on broader issues.

16. National politics may be said to have begun with the election for the Western House of Assembly in 1951. This was the first election to be contested by the Action Group, who had only just been formed, and the first to a House in which there was an unofficial majority and which had powers to enact legislation. At this election the Action Group won 54 seats, the NCNC 23 seats and there were 3 Independents. Chief Awolowo, the leader of the Action Group, became Minister of Local Government and Leader of Government Business in the House. It was to be expected that there should be some disillusionment when it was seen that the appointment of popular Ministers did not cure all ills; at any rate in 1954, when 42 seats for the Federal House of Representatives were contested, the NCNC won 23 to the 18 of the Action Group and one Independent. In 1956 the second elections to the House of Assembly were held, the Action Group winning 48 seats and the NCNC 32. Sixty-eight per cent of the electorate voted in this election, 48 per cent of the votes being cast for the Action Group and 45 per cent for the NCNC. Thus, although the Action Group's majority in the House is secure, the votes in the Region as a whole were closely divided. But in the Yoruba Provinces the strength of the Action Group is proportionately greater, since they hold 44 seats to 16, while in the two Mid-West Provinces the NCNC hold 16 seats to 4 Action Group. In the Yoruba Provinces there is thus a substantial opposition which is mainly Yoruba. Some of its strength was perhaps due to the personality of Alhaji Adelabu, once the Chairman of the Ibadan District Council and once Federal Minister, who was killed in a motor car accident during our stay in Nigeria; some is derived from local jealousies between sections of the Yoruba tribe; the substantial element which remains is probably due less to any adherence

to the political philosophy of the NCNC than to dissatisfaction with a regime which is on the whole associated with the Chiefs, the middle classes and the possession of wealth.

17. The Action Group as a party supports the traditional authority of the Chiefs but envisages the gradual reduction of this authority as the people become accustomed to the machinery of democratic government. The autocratic rule of the Chief has now everywhere been replaced by the authority of a local council, of which the majority of the members are elected but in which the Chief is in some cases the President or Chairman, while in others he is merely one of a number of "traditional members". The relationship between the new elected Government and the traditional forces represented by the Chiefs is one confronting every Government in Nigeria and has a certain superficial resemblance to the problem which in England faced the Tudor Kings when they attempted to establish a centralised monarchy after the chaos of the Wars of the Roses. There is a House of Chiefs, whose members are to be selected in accordance with rules prescribed by the Governor; there is no absolute right to sit. In the broadest terms, it appears to be the policy of the Government that there should be no further revolutionary interference with the Chief's influence, but that means should exist for rewarding a Chief who is amenable and removing one who is not. The shadow of one great Chief, now deposed and in exile lies across the foreground of every Chief's outlook today.

18. We have dwelt on Yoruba numbers as the biggest factor in the Western Region leading to a demand for separate states. But there is another minority problem in the Western Region, not susceptible of solution by the creation of a state, but potentially dangerous. There are people of three religions in the Region—Christians, Muslims and followers of the animistic beliefs which are indigenous to the country. No one of the three can outnumber the other two; together the Christians have slightly more adherents than the Muslims and the Muslims than the Animists, the figures being: Christians 2,201,000, Muslims 1,971,000, Animists 1,913,000. As has been explained in chapter 1 the Christians have the advantage in Western education and the members of the present Government are predominantly Christian; until recently, politics had taken little account of religious grouping but a National Muslim League was formed in the summer of 1957. After its formation, the whole concept of religious parties was sharply criticised by the leader of the Action Group, and this party has now changed its name and become the National Emancipation League. Some talk of the formation of another Muslim party under the leadership of Alhaji Adelabu came to an end with his death. The religious difference is a possible threat to the unity of the Western Region, but not at present so serious or so clearly formulated as the movement for a Mid-West State centred on Benin.

19. In spite of internal differences and tensions, it is the whole area of the two Provinces of Benin and Delta which is claimed by the Mid-West State Movement. Since the suggestion of a separate state was first put forward, a number of organisations pressing for its creation have appeared. In 1948 the first of these came into being under the name of the Reformed Benin Community, and in 1950 representatives of the two Provinces put forward their claim for a separate state at the Regional Conference which was held at Ibadan to discuss the working of the constitution of 1947. In September, 1953, the Benin Delta People's Party was formed, its leader being the Oba of Benin; he made a statement in the House of Chiefs in October of the same year to the effect that the object of this party was a Benin-Delta State. On 14th June, 1955, a private member moved a motion in the Western House

of Assembly for the creation of a Mid-West State and this was carried unanimously; the motion prayed Her Majesty's Government to make constitutional arrangements for the creation of a separate state. During the same month, the Oba of Benin accepted office in the Action Group Government as a Minister without Portfolio, making a public statement that "the appointment would be used in the best interests" of his people. The Oba thus ceased to be connected with the Opposition and the Otu Edo party, which had been associated with the NCNC; he did not by this act formally abandon his support for the Mid-West State since the Action Group Government were already committed to support for the Movement in some form; he did however cease from now on actively to campaign for the Movement. In May, 1956, the name of the Benin Delta People's Party was changed to the Mid-West State Movement and its leadership was assumed by Mr. Denis Osadebay, at that time Leader of the Opposition in the Regional Assembly. In May and June of 1957 the Constitutional Conference met in London; faced with claims for no less than 15 new states, the Conference decided to invite the Secretary of State to appoint a Commission of Enquiry.

20. Meanwhile the Action Group Government in the Western Region had followed up the resolution of the House in 1955 by a special study of the Mid-West problem. The Minister for Home Affairs, Chief Anthony Enahoro, —who represents Eastern Ishan in the Assembly and is himself a traditional member of one of the local Councils in Ishan—had visited the United Kingdom in order to study the special arrangements in respect of Scotland, Wales and Northern Ireland. In November, 1956, he suggested that the Government should adopt a solution on the lines of the arrangements for Wales, and after the conference of 1957 he discussed proposals for a Mid-West Council and a Mid-West Ministry with a large number of people in the two Provinces. On 20th October, 1957, the Government announced the formation of a Ministry of Mid-West Affairs and a Mid-West Council with advisory powers, Chief Enahoro becoming the Minister for Mid-West as well as for Home Affairs. As already explained, it was on 23rd November, 1957, that we arrived in Nigeria to begin our enquiry. There can be little doubt that this consideration of the problems of minorities has brought into the open fears that were hardly formulated before, and that there has been some active campaigning to whip up minority feeling. Some of this feeling will perhaps die down when independence has been attained and the broad outlines of the new constitution are apparent.

### CHAPTER 3. THE FEARS AND GRIEVANCES OF MINORITIES

In this chapter we consider the evidence led before us by various minorities. It was generally the object of the party giving evidence to persuade us of the necessity of a new state rather than to press for any form of constitutional safeguard; this led to the presentation of a complex case in which not only fears for the future but existing grievances were indicated, usually with the implication that what was uncomfortable to-day was likely to become intolerable to-morrow.

2. We are concerned with minorities that are permanent; in the Western Region these are of two kinds, ethnic and religious. We shall deal in this chapter with both, but first with those which were put forward in order to justify the setting up of a Mid-West State. The movement for this State is much more highly organised than any other body of minority opinion in the West but there is some overlapping; tendencies in the present Government which are regarded with fear, sometimes appear no less formidable to the

Muslims ; we shall therefore not hesitate, as we deal with the Mid-West, to quote where necessary from evidence which arose elsewhere if it best illustrates our point.

### **The Mid-West : Fears of Yoruba Domination**

3. It was perhaps inevitable that the apprehensions of minorities should be formulated with some difficulty and often expressed in the vaguest of general terms. The fear most generally expressed to us was that the people of the Mid-West would always be "dominated" by the Yoruba majority in the rest of the Region. It was the Mid-Westerners' contention that the Action Group party was based on a secure Yoruba majority and that there was therefore no prospect of a change. The actions of the Regional Government, they argued, pointed to a deliberate intention of obliterating the separate language, culture and institutions of the Mid-West or at least—on the most favourable interpretation—of fostering tendencies which would have this result, while they took no steps to preserve the legacy of the Benin Empire.

4. As an example of the sensitivity of the Mid-West and of a certain tactlessness at the headquarters of the Region, we may quote a matter which considered in isolation would be unimportant. A pamphlet was produced by the Western Nigerian Information Service which described the mace presented to the new Parliament at Ibadan on the 22nd of November, 1957. This pamphlet referred to "traditional Yoruba patterns" and to "four ceremonial swords in silver symbolic of the authority of Chiefs in Yorubaland . . ." with other references to Yoruba traditions, worded as though Yorubaland was synonymous with the Western Region and there were no other inhabitants than Yorubas. In fact we were assured that the swords in question are as much symbolic of the authority of Chiefs in Benin as in the Yoruba country, and the Olu of Warri's representative at one of our hearings had just such a sword carried before him. But the wording of the pamphlet was tactless and this was acknowledged in the House, when the Government expressed their regret.

5. Of the same order was the complaint that people from the Mid-West were referred to by derogatory epithets in the Western Region ; the Yorubas, we were told, used the term "Kobokobo" to describe an Ibo and applied the term contemptuously to the people of Benin as well ; it means, we understand, one who speaks unintelligibly. We were told that the Leader of the Opposition, Mr. Denis Osadebay, had been asked to surrender his leadership to Alhaji Adelabu, who was a Yoruba, on the grounds that no one in Yoruba country would vote for a party which might give the Region a "Kobokobo" as a Premier.

6. Once a feeling has arisen that the majority regards a minority as inferiors, the least occasion is taken as an insult. For example, when the appointment of the Commissioner for Western Nigeria in the United Kingdom, a native of the Mid-West, was terminated, it was at once said—and the allegation was widely repeated—that this had been done in order to appoint a Yoruba in his place. He had in fact held his appointment for a period of three years.

7. In the same way sweeping allegations were made that all public boards in the Western Region, including the Scholarship Board, were Yoruba in composition and discriminatory in operation. We considered the composition of these boards in some detail. Since the Yorubas form between two-thirds and three-quarters of the population it would be strange if most of the members were not Yorubas ; in addition, as was explained in the last chapter, the Yorubas have a lead in education. Further, some boards

are instruments of government policy and it is not surprising that these should consist mainly of government supporters. The proportion of government supporters is much higher among the Yorubas than in the Mid-West and one cannot therefore reasonably expect to find many non-Yorubas on boards of this kind. Examples of this kind of board are the Production Development Board, the Finance Corporation, and the Marketing Board; at the time of our enquiry membership of these Boards was as follows:

1. *Production Development Board*

The chairman was an Itsekiri and two of the other members came from the Mid-West; the eight remaining members were Yoruba.

2. *Finance Corporation*

The chairman was Yoruba and of the eight members, six were Yoruba, one an expatriate bank manager and one an Ibo Chief from the Asaba Division.

3. *Marketing Board*

The chairman was Yoruba and of the seven other members, six were Yoruba while the seventh was a Chief from the Afenmai Division.

8. We do not consider that these facts considered by themselves reveal a state of affairs that should reasonably cause alarm; they are however part of a much wider general situation, in which it would clearly be an act of wisdom for the Government to appoint a Mid-Westerner to a board, even of this kind, whenever a suitable candidate is available. This consideration applies still more strongly in the case of boards which are not properly instruments of government policy. An example is the case of Local Loans Boards; here it would be appropriate to aim at impartiality as between different parts of the country. There is certainly justification for the view that the Western Region Finance Corporation acted in a manner likely to give offence when it called on local bodies to put forward the names of persons suitable for Local Loans Boards and then made appointments which bore little relation to the recommendations of the local bodies. It was alleged, but not satisfactorily proved, that the chief qualification for appointment was support of the Action Group; nor was any serious attempt made to substantiate allegations that there had been discrimination in the allocation of funds for loans. In fact, up to 30th September, 1957, loans granted in the Mid-West area represented 22.3 per cent. of the total loans granted in the Region, which is not far from proportionate to the population. We did not however receive sufficient information to form an opinion as to the manner in which these loans were distributed by the Local Loans Boards to individuals.

9. There are three bodies in regard to which we can be more definite, the Scholarship Board, the Public Service Commission, and the Local Government Service Board. Charges of discrimination were made against these three, but they were in the most general terms and could in no way be substantiated. The Scholarship Board has fifteen members of whom one is an Itsekiri and three others are not Yorubas and there are good grounds for believing that appointments to this Board are made on a basis of interest in education. The procedure for awarding scholarships was explained and appears to us unexceptionable. The awards for secondary scholarships number 150 every year; of these, 80 are allotted to the Divisions, 50 are awarded purely on merit irrespective of place of origin, and the remaining 20 are reserved for those Divisions which have been least successful on merit. There are 100 post-secondary awards every year, of which again 80 are awarded by Divisions and 20 only are purely

competitive. It cannot be argued that such arrangements as these are unfavourable to backward areas, though it is surprising to find that so much importance is attached to this question that scholarships for studies beyond the secondary stage must go to the Executive Council for confirmation, while the Minister of Education must confirm secondary awards. We took note that Mr. Osadebay, the Deputy Leader of the Opposition, himself a Mid-Westerner and a member of the Scholarship Board, had expressed in the House of Assembly his satisfaction with the working of the Board. We noted also that from a total of 740 awards for secondary education in the last five years, 180 or 24.3 per cent went to the Mid-West. Allegations that scholarships were allotted unfairly were thus ill-founded, but that they were so frequently made is evidence of the suspicion felt in the Mid-West.

10. As to the Public Service Commission, out of 138 posts which we took into account, during 1957, 44 or 31.9 per cent went to non-Yorubas, and no allegation of discrimination was pressed to a positive statement.

11. The Local Government Service Board makes appointments to the unified service which provides officials for various local authorities, and again no allegation of discrimination could be regarded as specific; the members of this Board consist of a High Court Judge as chairman with three members, one of whom is not a Nigerian, and another of whom is an Urhobo, a composition which seems admirable. Members will in future be chosen by the Governor acting on the advice of his Ministers; that is to say, by the Government; it is of course possible that after independence persons might be appointed to both these bodies who were likely to act in a discriminatory manner, but we have no ground for supposing that this will occur.

12. The position of government servants is at present protected in a variety of ways. Their appointments are made by the Public Service Commission or by the Local Government Service Board; they have rights to pension and there are procedures governing their promotion, transfer and dismissal regarding which they can, if they believe their rights infringed, have their appeals considered by the bodies who appoint them. At the same time, their conduct is governed by strict rules. None of this is the case in respect of the employees of corporations and statutory boards, which may become an extension of government service in which the officials are freed from restraint as well as from protection. Boards, again, are sources of patronage as well as instruments of policy. These are among the reasons why the multiplication of boards and corporations is regarded by minorities as a danger and why it is particularly important that where possible their membership should appear impartial.

13. This anxiety about boards is one aspect of the general fear of "domination". Another, which we have described in Chapter 2, is the Reformed Ogboni Fraternity. This organisation derives from its parent cult oaths of secrecy, and its exact objects are not known to outsiders, but it is believed that they include the duty of helping brother Ogbonis. When the Fraternity spread among the minor officials of the Benin and Delta Provinces, it was widely believed that membership of the Fraternity was a certain way to favour at their hands; this contributed to the general apprehension regarding the future. What is feared is a permanent Action Group majority in the Western House of Assembly, the Action Group drawing its inspiration from a Yoruba society, the Egbe Omo Oduduwa, expressing itself as one of its manifestations through the Ogboni Fraternity, controlling the boards, corporations and commissions, eventually even the magistracy and judiciary, and aiming at the obliteration of all that is not Yoruba. This is what is meant by Yoruba domination. But there are other facets still to be described.

### The Maintenance of Public Order

14. Fears and grievances regarding the maintenance of public order were expressed to us not only in the Mid-West but wherever there were minorities. We have already referred (in chapter 1) to the policy of the Northern and Western Regions in respect of the police and it is here necessary only to say that in the Western Region the Nigeria Police, who are at present federally organised and controlled by the Federal authorities, work side by side with Local Government Police forces serving local authorities. In each Province there is a contingent of the Nigeria Police, and the officer commanding this contingent is frequently in effective control of the Local Government Police in his area for purposes of training and discipline. But the Local Government Council is the appointing authority for the Local Government Police and pays them. The Local Government Police in this Region are generally regarded at present as an extension of the Nigeria Police, and since the control of the latter is still essentially Federal, no allegations were made to us that the police had been used in any way improperly. But there can be no doubt that the fears expressed to us by our witnesses would be greatly enhanced if the kind of Government which they envisage for the future in the Western Region had also complete control of the police.

15. As an example of the kind of difficulty that would arise if the police were controlled entirely by a Regional Government based on a political party, we may refer to various bodies described to us in a variety of ways, as "hooligans", "thugs" and "strong arm parties". In the Western Region, these are not uniformed and organised bodies; in fact there is regional legislation banning the wearing of uniforms and badges. But we heard on a number of occasions of the arrival of cars, usually Land Rovers or Jeeps bearing the Action Group Party symbol of a palm tree, from which men with sticks emerged with the intention of influencing a meeting or an individual by at least the threat of physical force. In the course of public evidence, the clearest description of an incident of this kind arose not in the Mid-West but in relation to a meeting called by the Muslim League. This meeting was visited by a Regional Minister and another leading member of the Action Group, who were themselves Muslims and who came to the meeting to explain the Premier's objection in principle to the formation of religious parties; this was a reasonable proceeding. But other people came, from the local party headquarters, who were assumed by those at the meeting to have come with the intention of breaking it up. They were described in terms now familiar to us as "hooligans" and as coming in Land Rovers bearing the party badge. Those who had arranged the meeting went to report the danger of a breach of the peace and brought a party of Nigeria Police from over twenty miles away. The Minister and his companion themselves gave evidence and minimised this danger of physical intervention, though they admitted the presence of "a few organising secretaries"; they spoke of giving orders to their sympathisers to go home and not make trouble. We were left with no doubt that, apart from their peaceful intervention, arrangements had also been made (no doubt by local party organisers and possibly without authority from headquarters) for an intervention which might have become violent had it not been for the presence of the Nigeria Police and of the Minister. The relationship between those known to be at the disposal of the Regional Government party for the purpose of physical intimidation and the Federal Police is delicate enough in the circumstances we have described; with a Regional Police it might become impossible.



16. It need hardly be stressed that the existence of such bodies and their use as instruments of policy is an important factor in the fear, which we found to be widespread, that a Government of the future might have no intention of permitting criticism or giving place to a rival party unless expelled from office by force.

#### **Discrimination in the Economic Field**

17. There is a difference of interest between the Yoruba Provinces and the Mid-West. The most important single crop of the former is cocoa, of which the annual value is over £20,000,000; the Mid-West area has a higher rainfall and the soil is less suitable for cocoa; the principal exports are rubber, timber, and palm products. We were told that the Western Region Government was spending large sums of money on developing and assisting the production of cocoa and on research in cocoa husbandry, while the rubber, palms and timber of the Mid-West were neglected. Not only this, but an active attempt was being made, we were told, to introduce rubber into the cocoa-producing areas and thus ruin the Mid-West.

18. There can be no doubt that the rubber plantations of the Mid-West were over-tapped during the war and most of them are in need of rehabilitation. The Government has planned certain large State-owned rubber plantations and we were told by Government representatives that it was difficult in the Mid-West to find anywhere an area free for development and of a sufficient size for a Government estate, which, to be economic, needs, we were told, at least 4,000 acres. Experts assured us that the large estates which have been chosen for this purpose were chosen because the conditions were suitable and that no comparable area in the Mid-West was to be found; we were not, however, equally certain that the policy of large Government plantations might not have been supplemented by subsidies to small owners of rubber plantations which they replanted with improved seedlings after getting the land back into good heart. Further, in the present political circumstances, we suggest there can be few better ways than this of convincing the Mid-West of the Government's good intentions. We note from the evidence of the Chairman of the Production Development Board that the search for means of developing rubber is continuing and commend this method to the attention of the Government. We are however bound to add that we were told that the Mid-West contained a number of small rubber farmers who were both casual and inefficient.

19. In view of the importance of cocoa to the Region, the amounts spent on cocoa research cannot be regarded as excessive and it must be borne in mind that the value of rubber produced in the Region is so far little more than a tenth of the value of cocoa. It was also objected that while a Cocoa Marketing Board had been of great value to cocoa producers, no similar board had been introduced for rubber. It cannot be held that it was due to tribal jealousy that cocoa was given a marketing board and rubber was not, because the Cocoa Marketing Board was set up in the time of rule by the Governor; the reason was obviously because of the much greater volume of cocoa exports. The chance was missed when prices were high and we were told that there are to-day far greater difficulties in setting up such a board for rubber, for which the prices fluctuate very widely. All the same, if the technical difficulties can be overcome, to introduce such a board would be another means of allaying Mid-Western anxiety.

20. It was even alleged to us that a rubber factory at Ikpoba near Benin, on which the Government had spent over £100,000, had been designed with the deliberate intention of failing and thus ruining rubber production in the Mid-West. The intention of the Ikpoba factory was to process latex bought

direct from rubber farmers in association with a co-operative scheme; it broke down through mismanagement and in particular through the management's failure to obtain the confidence of the local farmers; but to suppose that this breakdown was intentional seems to us absurd in itself and unsupported by evidence.

21. The last piece of discrimination alleged in the economic field concerns the port of Koko. The Government of the Western Region had set aside £100,000 for preliminary investigations of the possibilities of developing this port, which lies on the Benin river some 30 miles below Sapele. Before the decision was implemented, however, the International Bank Mission made other suggestions. They pointed out that a road was soon to be completed from Lagos to Benin city; Benin is well connected by road with Sapele on the Benin river which can be reached by deep water vessels; there was also a proposal to expand wharfs at Lagos and at Sapele and, the Bank Mission argued, it might prove that the completion of this road together with development at Sapele would meet the needs of the Mid-West better than the development of Koko. Their recommendation was received in September, 1954, and in December, 1954, the Government of the Western Region announced their decision to hold the £100,000 in suspense. It was alleged in the Mid-West that this decision was an instance of political discrimination and was made, not because of the Bank's recommendations, but because the Action Group candidate had recently been defeated in an election in the Koko area. We were assured that the Government's motives were discreditable by a witness who had himself taken part in their deliberations and subsequently changed his Party; the source of this evidence thus threw some doubt on its validity. In the face of the Bank's recommendations, a responsible Government would have required very strong reasons for proceeding with expenditure at Koko; it may however be true that in the Mid-West the decision was attributed to political vindictiveness.

#### **Discrimination in the Provision of Public Services**

22. We were told that the Regional Government deliberately neglected the Mid-West in the matter of roads, water supplies, hospitals and schools. Here, as elsewhere in the course of our enquiry, we found that the allegations were usually vague and generalised, and where they were at all specific, exaggerated, while the Government's replies were factual and to the purpose. In both Provinces, but particularly in the Delta, expenditure on roads will not produce as much for the same money as in the Yoruba territory. The rainfall is heavy in both Provinces, and in a great part of the Delta Province the very low lying nature of the country and the rapid rise and fall of the rivers and creeks puts up the cost of building roads out of all proportion to the expense in areas which are better drained. In addition, there is no stone in the Delta Province and hard core and ballast must be brought from elsewhere. We had good evidence at first hand of the difficulties of road construction in these low lying areas, even in the course of our own travels, which were necessarily confined to the more important roads.

23. The estimated total cost for the construction of new roads was, we found, slightly in excess of the proportion due to the population, but actual expenditure on the road development programme up to 31st March, 1957, was only 15 per cent of the estimates, compared with 50 per cent outside the two Provinces. Work on construction had, we were informed, lagged for a variety of technical reasons, but the projects would in fact be completed. Actual expenditure on maintenance during the five years, 1952-1957, was slightly less than in the rest of the Region, being £157 per mile in the Mid-West to £166 in the Yoruba country; this difference is not such

as to indicate deliberate neglect but does not on the other hand display any extra effort to meet the cost of keeping roads in repair in the Mid-West. If the Government of the Western Region were convinced that it was necessary for them to keep the good will and the votes of the Mid-West, we believe that they would have been well advised to spend rather more per mile on maintenance in the Mid-West than elsewhere.

24. As to urban water supplies, it must be remembered that the Yoruba areas contain a far greater urban population. But three out of seven urban water supply installations completed in the Region during the last five years were in the Mid-West area.

25. It is the policy of the Regional Government to provide at least one Government hospital for each Division and there was nothing brought before us to suggest that in implementing this policy priority had been given to the Yoruba areas. There are however good grounds for spending more money in the Ijaw area, where both roads and hospitals present particular difficulties, and to this point we shall return.

26. The Regional Government's policy of providing universal primary education has been vigorously carried out throughout the Region and there were no complaints of discrimination here, not even from the Ijaws who have undoubtedly been neglected by previous administrations. Though it was suggested that in the field of secondary education provision was inadequate in the Mid-West, two of the four Government secondary schools in the Region are in the Mid-West, one in each of the two Provinces. That there should be a greater number of secondary schools provided by voluntary agencies in the Yoruba areas is due to the fact that missionary societies started to build schools a century ago and that their efforts were mainly in Yoruba country; this was because with limited funds and staff they could not cover the whole country at once. It is now the policy to promote the starting of schools run by local or voluntary agencies only where some local organisation can raise £4,000 towards the capital cost and provide not less than 40 acres of land; these are reasonable conditions though they are difficult to fulfil in the Delta Province.

#### **Parliamentary Seats**

27. Much evidence of a somewhat confusing nature was led, of which the purpose was to show that discrimination had taken place in the past, and was likely to be greater in the future, in the matter of drawing the boundaries of constituencies and determining the number of members they should return to the Legislature. The Constitution Order in Council provides for 80 elected members in the Western House of Assembly; when this Constitution came into force, in October, 1954, an all-party committee of the House of Assembly met to make recommendations for the distribution of these 80 seats; the committee eventually agreed to an allocation of 20 seats to the Mid-West, 60 going to the Yoruba areas. This is in general accordance with the proportions of the population; a slightly lower proportion (10 out of 42) were allocated for the Federal House of Representatives, and recently an all-party committee to consider new electoral arrangements for the Federation reached unanimity on the allocation of 15 seats out of 62 (or less than one quarter) to the Mid-West.

28. The broad decision that the Mid-West should have a quarter of the seats has however resulted in some curious local results. The Urhobo Division, with a population of 323,000, previously held six seats, which must have been more than their due proportion and is said to have been due to inaccurate population statistics. As a result of the decision that there should be twenty seats for the Mid-West, this figure of six was reduced to

three ; it had been agreed that each Division should have at least two representatives and since there are eight Mid-West Divisions sixteen seats were thus taken up, leaving only four for distribution to the larger Divisions. The result is that each Member for Urhobo represents over 100,000 constituents while for instance in the Western Ijaw Division each Member represents 40,000. There are similar anomalies among the Yorubas and it cannot be said that the Mid-West as a whole is under-represented as against the Yorubas.

### **Conduct of Elections**

29. It was also alleged that local government officials and police were employed on official duties during elections and used their positions to influence the electorate improperly. There is a great shortage of literate persons suitable to act as officers in charge of polling stations and it is inevitable that officials should be used in this way ; no specific instance of improper behaviour at an election by any official in the Western Region was brought to our notice and we consider that the charge was unfounded. We note, however, that the Regional Government, anxious to establish the impartiality of the arrangements for elections, propose that this responsibility should be placed in the hands of an independent Electoral Commission, as agreed for the Federal elections at the last Constitutional Conference ; we understand that they contemplate that one Commission should serve both Federal and Regional purposes and we consider this would go some way to allay the fears of minorities.

### **Chiefs and Local Government Councils**

30. Before 1952 Local Government Councils in a large part of this Region consisted of Chiefs and their Councils, the Council consisting of traditional and usually hereditary office-holders ; the Councils acted on the advice and with the assistance of administrative officers. Since 1952 local government has been by elected Councils, in which the Chief and the traditional members are in a minority. It may thus happen that the Government in power in the Region belongs to one party and the local Council has a majority from the Opposition. This is a situation which may arise in any democracy ; it becomes however particularly acute in an area where a separate language is spoken and where there is local pride and hostility to the majority group. These difficulties are reinforced by the fact that the machinery of democratic Government has only recently been introduced into Nigeria and that there is still much misunderstanding of the powers of Government and the processes of election. We heard many allegations that where it found a local government body in sympathy with the Opposition in the Regional House, the Regional Government took steps to win over enough members to secure a majority, or, if this was impossible, either obstructed the wishes of the local council or suspended the council entirely.

31. In a country in which democratic processes are new and in which Western education is not widespread, it is often difficult to find enough people with the experience and education to make a democratic system of local government work successfully ; Colonial Governments have frequently had to fall back on their powers to suspend and to resume the functions of local government councils. When Colonial Governments have done this in the past resentment may have been caused and the Government may have been regarded as reactionary, but discrimination was not alleged. To-day however such an accusation seems almost inevitable, even where the Government have exercised their power for perfectly proper reasons. The difficulties which arise may best be illustrated by recounting the course of events in Benin, as between the Regional Government and the Benin Native Authority Council.

32. In Benin, the Divisional Native Authority Council elections of 1951 resulted in a victory for the Otu Edo party which, as has already been explained, was formed primarily for the purpose of contesting the influence of the Ogboni cult and which was associated with the NCNC and hostile to the Action Group. Soon after these elections the Divisional Native Authority Council decided not to renew the engagement of a number of members of the local police, many of whom were N.C.O.'s. The grounds for this action were not clearly stated at the time but were, we understand, that the Council believed that the police officers affected were members of the Ogboni Fraternity and had allowed their membership to influence their conduct. Membership was not then contrary to Local Government Police Regulations, but it is now. The engagement and periodical re-engagement of local authority police was the responsibility of the Council but one in which they were expected to act upon the advice of a Superintendent of the Nigeria Police. This officer investigated the case, and found nothing against the men concerned, while he considered that the efficiency of the force would suffer severely if they were not re-engaged. The Council persisted in spite of his advice; three Ministers of the Government came to Benin to discuss the matter with the Council, whom they invited to reconsider their decision. This the Council refused to do and the Benin Divisional Native Authority was dissolved by the Regional Government on 15th March, 1955, the District Officer being appointed sole Native Authority for the moment. On 29th March he was replaced by a provisional Native Authority Council nominated to take the place of the old elected Authority. This continued in office until 30th September, when, after fresh elections, a new Divisional Council was established.

33. This was a matter in which the Regional Government acted very much as a Colonial Government would have done in support of its officers and they appear to have been justified, though it may well be that the Council were in possession of information regarding their police of which the Superintendent was not aware. On the facts before us it cannot be said that the Government acted with malice towards an ethnic minority; in fact they sent Ministers down to talk the matter over with the Council and to endeavour to persuade them not to victimise their officers. But since the Council was politically opposed to them, the worst construction was put on all they did.

34. A somewhat similar difference of opinion arose between the Benin City Council and the Regional Government. The Council recommended to the Minister of Local Government the dismissal of its secretary, who stood in the Regional Service in the grade of Assistant Secretary; he was charged with disobeying the orders of the Council, altering an item in the estimates without sanction, and becoming implicated in politics. He was, it may be added, regarded as a supporter of the Action Group and a prominent Ogboni, though this was not brought against him as a charge. The Minister, before exercising his discretion, obtained the advice of the Local Government Service Board. This was that dismissal was too severe a punishment and that the Secretary should be reprimanded only. This advice coincided with that already given by the Local Government Adviser (a function and title which replaced that of District Officer) and was accepted by the Minister. The Council was informed that the Minister had decided that reprimand was a sufficient punishment. Unfortunately, the letter from the Ministry of Local Government inadvertently referred to the Secretary to the Council not as "Assistant Secretary", his proper designation, but as "Deputy Secretary" and this, though it was purely a slip of the pen, was taken locally to mean that the Council's recommendation for his dismissal had been turned down and that he had instead been promoted.

35. As another example of what was alleged to be a discriminatory attitude of the Government towards a council of a different political persuasion, we were told that in a speech made on 3rd April, 1957, the Premier in the House of Assembly had said that the Benin City Council faced bankruptcy unless it substantially increased its rates. So far this statement was correct, but unfortunately the Premier's assessment of the amount by which the rates ought to be increased was based on incorrect information and again a genuine misunderstanding was taken to be due to malice.

36. Another example of difference between the Regional Government and the local authorities arose over the allocation of land in Benin. Under the Native Authority Ordinance of 1943 all Native Authorities had the power to control and manage land held in common, and in Benin the Native Authority was formerly the Oba in Council. When a council with an elected majority was appointed, it claimed to have inherited the power to allocate land, but the Regional Government supported the Oba in holding that this power had not been vested in the Council. In June of 1955, the Oba became a Minister without Portfolio and gave his adherence to the Action Group Government. The Council regarded this as a matter in which they should properly have taken over the Oba's functions and it was implied before us that the power had been withheld from them and transferred to the Oba as part of the price of his political allegiance.

37. The question of land owned in common is one of great delicacy and complexity. The Regional Government recently introduced a measure, now entitled "The Communal Lands Rights (Vesting in Trustees) Law, 1958", which is designed to set up trustees for communal land. A "traditional authority", to be nominated by the Government, will hold this trusteeship; the "traditional authority" will normally be the Chief or Chiefs in a particular area, but that will rest in the hands of the Government. It may well be that before long the whole question of the common tenure of land will need reconsideration and radical alteration; in the meantime the question is one very close to the heart of local feeling and it is probably desirable that for some time to come the traditional ruler should either himself constitute or at least be closely associated with any body of trustees. But ultimately control must surely pass to a democratic body, and to provide that the powers shall be vested in an authority to be nominated by the Government, which may even consist of a single individual, is not a measure likely to reassure minorities who are apprehensive of the all-embracing power of Government.

38. Another example of suspicion of an act for which there were good administrative arguments arose in Ishan. The Ishan Divisional Council was dissolved as part of a widespread re-organisation of local government councils, of which the object was to simplify the structure. In this case there had previously existed both a Divisional Council and a number of District Councils beneath it; the measure was, we were told by witnesses on behalf of the Government, merely a redistribution of powers and functions which were previously duplicated and resulted in an expensive and top-heavy administration; the Divisional Council was abolished and its power passed to the District Councils. The dissolution of the Council was an administrative measure reasonable in itself and parallel with similar action in Yoruba areas; there is no reason in the decision itself to indicate that it was a measure of political discrimination, though it was probably regarded in this light by the members of the Council and generally in Ishan; it may well have been a coincidence that a majority of the Council were supporters of the NCNC.

39. More disturbing was the history recounted to us of a number of Local Authority Councils in Ishan and Afenmai in which, after the local government election, there was an NCNC majority but in which within a few months the majority had gone over to the Action Group. There were in the two Divisions twelve Local Authority Councils; immediately after the election nine of these had NCNC majorities; within a few months only five remained to the NCNC, the rest being controlled by the Action Group. We are not aware of the considerations which induced these changes of party; but those who changed included a number of traditional rulers who in a special sense are sensitive to Government favour or its withdrawal. A particular case brought to our notice was the removal of the Enigie of Okun and Idoia from the Ivie-Uda-Esaba District Council. These two Enigie were appointed as traditional members of the Council in 1955, but the other three traditional members claimed that they were not traditional rulers of the same order as themselves. The elected members of the Council supported the Enigie in their claim for recognition but were overruled by the Regional Government and in 1956 the instrument establishing the Council was amended, deleting the names of these two. One of them, the Onogie of Idoia, was thus forced to forfeit his seat in the House of Chiefs. It was alleged that the Government took this action against these two because they were NCNC supporters who were resolute in their political affiliation. The Government, on the other hand, explained that they had followed their established policy, that the qualification for chieftaincy should be a matter for decision by other Chiefs; this policy has since been given legal expression in the Chiefs Law of 1957. The incident illustrates not only the clash of interest between the Regional Government and the local councils but also the interplay between local jealousies and national politics.

40. The position of Chiefs in general was frequently raised; as we have indicated in chapter 2, we believe that any Government in Nigeria to-day must steer a difficult course between the dangers of disregarding and upsetting traditional rulers, whose influence is still considerable and is often used for the benefit of their people, and on the other hand of delaying the growth of democratic institutions. We believe that on the whole the Action Group Government in the Western Region is steering a course between these extremes with wisdom. They have not however been equally happy in the matter of permitting Chiefs to follow a policy of neutrality in politics, still less to differ from the Government. We were often told that it was desirable that a Chief should not concern himself with politics, yet it is difficult to see how taking sides in politics can be avoided. Local politics in every small chieftom, as in Benin, turned on support of the Chief or opposition to him and over this basic pattern was imposed a network of jealousies between clans and chieftoms; allegiance to national parties has followed the divisions imposed by these local politics.

41. It is significant that in the House of Chiefs, whose total membership is 52, there is now only one member who is not a supporter of the Action Group. As has already been mentioned, the example of one great Chief, the Alafin of Oyo, who was deposed in 1956, could not be forgotten by any Chief in the Region. The influence of the Chiefs is still great, and if a Chief is sucked into the vortex of politics it is inevitable that his views should tell at an election. One instance is the Olu of Warri, who summoned a meeting of his people, the Itsekiri, and formally told them to vote for the Action Group; this was exceptional, and it was not usually necessary for a Chief to proceed so openly as this. In this particular case an election petition brought on the ground of improper use of influence was not established, but there was no serious attempt before us to dispute the facts. It was suggested

by Opposition witnesses that the Olu's support for the Government was part of a long series of events, in the course of which his title had been changed from the Olu of Itsekiri—with a purely personal application to the people of that tribe—to the Olu of Warri, with the implication of a wider territorial jurisdiction. During the same period he had also settled to his satisfaction a question regarding rents for property in Warri town. In fact, the previous Olu had long ago leased this land at a nominal rent to the Regional Government for 99 years; the value of the land had increased and the Government, who had sub-let to commercial firms for rents out of all proportion to those originally agreed, had as an act of grace allowed him 25 per cent of the sums they were receiving. Again, this was a decision for which, considered in isolation, there were cogent arguments. In the associated circumstances, however, adverse comment was inevitable.

42. These are some instances of friction between the Government and local councils and of allegations of influence being brought to bear upon Chiefs by the Government and by the Chiefs in their turn on their subjects; they are inevitable in the present situation, in which a self-governing Region is part of a Federation on the verge of independence and every example of decisive rule is taken as evidence of a partisan spirit.

### Legislation

43. Our attention was drawn to certain laws which, it was argued, tended to increase the fears of minorities. In considering these it is, we suggest, only partly relevant to argue that some of them continue unchanged what was in fact the law under the Colonial system of administration. The Governor acting in his discretion was then responsible for carrying out many provisions of law; as we have said, even the most bitter critics of the old system admit that it was impartial as between Nigerians, and this was perhaps largely because the Governor was not responsible to any section of the Nigerian public. Since 1954 the Governor, though formally the authority from which action proceeds, has been required to act in most cases on the advice of Ministers who are responsible to an electorate. In future this principle will apply in all cases; the electorate will consist of groups held together by interests which may be tribal, religious, local or economic, each of whom will be thought by other groups to be pressing Ministers in their own interests. Responsibility to an electorate has thus changed the system substantially and has made it necessary to introduce safeguards which are common in other democratic countries. It cannot be too often repeated that in Nigeria politics are still local, and that (as has been pointed out by the Delimitation Commission) in general no one who has not resided in an area has much hope of election. Each politician is therefore likely to be regarded as bound to favour the electors on whose votes he depends.

44. The first law to which our attention has been directed is the Chiefs Law, 1957. By this, responsibility for the appointment and recognition of Chiefs properly recommended by local kingmakers is vested in the Minister of Local Government; the Bill was approved, before it was passed, by a Council of Obas and Chiefs. The ultimate sanction for the office of Chief must, we agree, rest with the Government; no sovereign power could tolerate local potentates who were irremovable and irresponsible. But it is surely advisable that the Government should normally act on the advice of some intermediary body, not purely local, who would consider appointments and removals. It was also complained that this law was drafted in such a way as to be primarily applicable to Yoruba Obas rather than to the more



absolute tradition of Benin, but we did not consider that there was much substance in this complaint; where there are no "kingmakers" the words applicable to them will not apply.

45. Section 19 (2) of the Local Government Law, 1957, provides that no person shall be qualified to be elected to any local government council if within five years of the date of the election he has been found by a court of law or by a commission of enquiry to have acted dishonestly as a member, official or employee of any council. It was suggested to us that this section was retrospective in effect, was directed at a particular individual and was unduly harsh; it was said, however, by the Minister of Justice that the section had no retrospective effect and could not therefore be directed at an individual person. The provision itself does not seem to us unduly harsh or unreasonable.

46. The Riot Damages Law, 1956, empowers the Governor in Council to recover a contribution towards the cost of damage or Government action arising from a riot from anyone resident or owning property in an area where a riot has taken place, even in their absence. It was suggested that this would make it possible for the Government to act against their opponents by selecting them for vindictive compensation. We have, however, no doubt that some provision for payment of this kind for the expenses involved in riot is essential. Provision is made in this Act for damage and compensation to be assessed by a Commissioner, with the benefit of whose advice the Governor (in future, the Government) would take a decision. The object of the Act is, we believe, proper and the method reasonable; the ultimate safeguard for the public in a matter of this kind is the Government's own good sense and the fact that they depend on the votes of those they rule.

47. The Electoral Regulations of 1955 raised the residential qualifications of electors; they must now be resident in their constituencies for two years instead of one and some witnesses suggested that this was a retrograde measure. Since however we have received many suggestions against the flooding of an area by newcomers, and since strong feelings are still held in many areas that inhabitants who have not moved for several generations have some almost mystical right to enjoy all privileges within a certain area, we regard the provisions as not unreasonable. Many suggestions were made to us that it should be considerably increased, sometimes to a period as long as ten years.

48. A Bill to amend the Criminal Code was published in the Western Region Gazette on 23rd September, 1954. This Bill among other things made it an offence to bring the person of a Regional Minister into hatred or contempt or to impute a dishonourable motive to a Regional Minister in the discharge of his duties. We agree that such legislation would impede the working of a democratic system and be a threat to liberty but we were informed that the Bill was drafted to meet special circumstances of political unrest which no longer exist and we are glad to note that the Government did not proceed with it.

### Conclusion

49. There is therefore no single piece of legislation which taken by itself would seem to us to justify serious alarm regarding the rights of the individual. Nor is the cumulative effect overwhelming. So long as it continues to be the Government's intention to seek re-election by popular vote, there is reason to hope that it will increasingly become its object to show that it is impartial.

### Fears of Religious Minorities : the Muslims

50. The Muslims, being slightly fewer than the Christians and slightly more than the Animists, are a minority in the Region. But though they are mainly to be found in the Yoruba country and are perhaps thickest in the old Colony area round Lagos, they differ from the minorities of the Mid-West in that they are not concentrated in any separable area. Again, the Muslims of the Western Region differ from the Muslims of the North in that although they have accepted the Koran and the Koranic confession of faith, they have not accepted the whole Koranic way of life, in particular they do not observe *purdah* for their women and the *Shari'a* law. This has meant that it has been much more possible for Muslims and Christians to live amicably together than in the North and we were told of Muslims and Christians living together in the same family and partners in the same enterprises.

51. The Muslim organisations who appeared before us did not claim to speak for all the Muslims of the Region nor did they present a united front among themselves ; in fact they are clearly divided not only politically, as to the wisdom of supporting the Action Group, but also on religious matters, the main division being between the more and the less orthodox in respect of Arabic teaching. It can hardly be said too often that at the moment there is a general struggle for power in Nigeria and that any group with a corporate feeling can be the vehicle by which a politician reaches power ; there is therefore a tendency on the part of the ambitious to work up party feeling where it was hardly formulated before. The organisations which made representations to us are both of recent origin ; they are the National Muslim League and the United Muslim Party. The Association of Proprietors of Muslim Schools was called by the Government.

52. It was in the summer of 1957 that the Muslim League was formed. This was the first party in the Western Region of which the basis was avowedly both political and religious and, as already mentioned, it produced a sharp reaction on the part of the Premier of the Western Region. The Premier's first speech on this subject was made on 12th October, 1957 ; he is reported in the Daily Service, the paper of his own party, to have said :—

“ It is absolutely intolerable—indeed unthinkable—for a group of co-religionists to essay to get themselves into power so that they might lord it over those who do not belong to their faith. It is an indirect means of destroying freedom of religion and coercing those of different religions to embrace the faith of the party in power. It is for all these reasons that we of the Action Group, Muslims, Christians and others, must leave no stone unturned to combat what is really a diabolical threat to the peace and tranquillity of this country, and a calculated assault on the freedom of religion.”

Many of the fears that were expressed related to this speech and others which followed it or to action taken in accordance with these views. But it will be convenient to deal first with the fears or grievances which the Muslims alleged that they felt before the formation of the party, and the consequent reaction of the Government.

53. These related mainly to education. It was alleged that the Government was discriminatory in its provision of funds for Muslim schools and secondly that it had discouraged or prevented the teaching of Arabic in schools and made insufficient allowance for Koranic instruction. The first of these allegations can be dealt with quickly. The schools of Nigeria were started in the 19th century by Christian missions who covered the greater part of the

Western Region with their schools. The Colonial Government, as elsewhere in Africa, found that the cheapest and most effective way of providing education was to subsidise the missions and it was their policy to provide subsidies for any school which reached the required standard. These schools admitted Muslim pupils and most of the leading Muslims of the Western Region were educated at schools which were owned by Christian missions. The schools which began under Christian auspices had a long start; it is only quite recently that schools owned by Muslims were begun, some being started by the proselytising Islamic sect, known as Ahmadiya, which was founded at Qadian in the Punjab. To-day there is a body known as the Proprietors of Muslim Schools, whose representatives appeared before us and by no means associated themselves with all the complaints which had been made by representatives of the more orthodox wing of Islam. But the Muslim schools are still comparatively few; in the Western Region, before the expansion of schools to provide primary education for all, there were 3,224 schools, of which 157 or 4·9 per cent were Muslim; at the time of our hearing there were 447 out of 6,708 or 6·7 per cent. When the Action Group Government decided to expand the programme of primary education they decided to continue the policy of helping voluntary schools wherever possible. They decided to offer each community the chance of building schools in proportion to those already owned. But conscious of the disparity in numbers between Christian and Muslim schools, they offered the Muslim schools 10 per cent of the total number of schools in addition to the 4·9 per cent to which they would otherwise have been entitled. This was conditional on their accepting the offer, building additional schools and receiving additional numbers. The Muslim Proprietors were unable to avail themselves of this offer. This conclusively disposes of the allegation that there is discrimination against Muslim schools in the provision of financial aid.

54. The second group of complaints concerned the teaching of Arabic and religious instruction. There are two aspects of religion in schools. A parent may wish his child to go to a school where the outlook on life and general philosophy are derived from his own religion, or he may wish for dogmatic religious instruction at set periods. As to the former, the Muslims in the West are undoubtedly at a disadvantage and are likely to continue to be so, but the Government are not to blame for it. As to religious instruction, a period is laid down in the curriculum of all schools for religious instruction, which is at the discretion of the proprietors of the school; those who are not of the majority religion may keep their children away from school during such periods and make other arrangements. In practice it may sometimes happen that this policy will be locally disregarded, but the legal position and instructions by the Government seem unexceptionable. As to Arabic, we heard evidence that the question had been discussed at great length by a committee on which the Proprietors of Muslim Schools were represented and it was generally agreed that the attempt to teach Arabic as well as English and a vernacular language at the primary stage was to ask too much of young children; this view would be in accordance with general educational doctrine to-day; it had the agreement of the Proprietors of the Muslim Schools, who stipulated that at a later stage the Koran should be taught, but in Roman characters not in the Arabic script. This facilitates learning the Koran by heart for children who have not mastered the script. There is thus no provision at the elementary stage at the Government's expense for the teaching of Arabic script and language. If however a school wishes to provide an Arabic teacher, this may be done, but no grant will be made towards the cost unless he is qualified; and at the elementary stage there will be no place for him in the curriculum. We heard in evidence Arabic teachers who

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said they had been dismissed but it proved in every case that they were unqualified and that the Government had therefore refused to contribute to their salary.

55. We reached the conclusion that the grievance regarding the teaching of Arabic was confined to a small group of the more orthodox Muslims and was not a general matter of concern.

56. To sum up, we do not believe that there is at present widespread fear on the part of the Muslim community of the Western Region of a Government predominantly Christian. Nor, more particularly, do we consider that it was in response to widespread feeling that the National Muslim League was formed; there can however be little doubt that the speeches of the Premier after its formation aroused fears in those who had started it. With the Premier's objection to parties based purely on religion we are inclined to agree; his language was however extremely uncompromising. We heard at length evidence of attempts that were made to persuade a meeting of the National Muslim League to dissolve and pursue the matter no further; some aspects of this meeting have already been mentioned in the section of this chapter dealing with the maintenance of order. The methods employed were persuasion by a Minister, to which no exception could be taken, but there was a good deal more than a hint of force in the background. The Muslim League has now changed its name to the National Emancipation League but it remains essentially Muslim in character.

57. In general, we believe that their numbers are the surest warranty of fair treatment for Muslims; since they make nearly one-third of the Region it is unlikely that any Government with democratic intentions would take action that would seriously antagonise them. The general provisions in the Constitution which we suggest elsewhere are, we believe, the proper safeguards for a community of this kind.

#### CHAPTER 4. PROPOSALS FOR NEW STATES

In the two previous chapters we have considered the general background in the Western Region and, more specifically, the fears and grievances put to us on behalf of minorities. Except to a limited degree in the case of the Ijaws, the representatives of all the minorities who came before us saw in a separate state the remedy for the dangers they feared; most, when questioned, replied emphatically that nothing else but a separate state would serve their purpose. It is therefore proposals for a separate state that we consider in this chapter.

2. We can quickly dispose of two suggestions for separate states within the Yoruba country. These were for a Central Yoruba State, which would cover the Provinces of Oyo and Ibadan, and for an Ondo Central State, which would cover the Ondo Province only. In none of these three Provinces is the population less than 85 per cent Yoruba; they contain the main strength among the Yorubas of the NCNC opposition to the Action Group. Although in their hostility there is an element of local and sectional feeling, this is really political opposition on party lines, and for the Opposition to ask for a separate state would make nonsense of parliamentary democracy. We could not regard either of these movements as representing an ethnic minority and at a very early stage in our proceedings we decided (as has been recorded in Appendix II) that we were concerned with minorities of a permanent nature and not with such temporary minorities as result from political opinion. We therefore regarded these two proposals as outside our terms of reference and did not hear the evidence of their supporters.

3. It was also suggested that there should be a Lagos and Colony State including the municipal area of Lagos, which is now Federal, and the three Divisions of the old Colony. The formation of a new state of this nature, representing no discernible minority interest, seemed to us quite outside our terms of reference, nor, as is elsewhere explained, did we think that the proceedings of the Conference would justify us in reopening without specific instructions a question so recently settled as that of the boundary between the Federal Territory of Lagos and the immediately surrounding area. There remains the Mid-West, which undoubtedly comes within the scope of the enquiry for which we are appointed.

#### The Mid-West State

4. Here we are confronted with a curious situation in that three separate main interests appeared before us, each represented by counsel, and each pleading for a Mid-West State. They were the Government of the Western Region, and the Action Group, who were separately represented although their interests were not always easy to distinguish, and thirdly the Mid-West State Movement. All these interests advocated the creation of a Mid-West State, though with differing degrees of warmth and with different definitions of its area.

5. The area claimed by the Mid-West State Movement was the simplest. It was their contention that the new State should consist of the two existing Provinces of Benin and Delta; a slight boundary adjustment would add to the Benin Division the villages known as Sobe and Ijagba to which we refer elsewhere. The case put forward by the Action Group was based on the principle that bodies of people who form a distinct ethnic group should where possible be politically united; they applied the test of language as the first criterion of ethnic difference and their case was therefore that all Edo-speaking peoples should be united in one state, while the Ibos of Asaba and Aboh should be united with the Ibos of the Eastern Region, the Ijaws of the West with the Ijaws of the East, and the two minorities who use a Yoruba dialect should remain in the West and should form part of the Ondo Province. These two Yoruba-speaking groups are, they claimed, the Akoko-Edo of Afenmai and the Itsekiri of the Warri Division in the South. There was an inconsistency in the Action Group case in that counsel for this party appeared, at any rate at the beginning of our enquiry, to consider that the Ishan Division should be excluded from the proposed state, not apparently on ethnic grounds but mainly because it contained Action Group supporters; on similar grounds and at various stages of the enquiry they suggested that the southern parts of Afenmai should also be excluded. What was to become of these areas was not clear, and although the Action Group brought evidence to show the strength of opposition to the proposed state in Ishan and Afenmai, the Government of the Western Region did not support their view and apparently consider that Ishan and Afenmai should be part of the Mid-West State.

6. Apart from this obscurity, the position of the Government was similar to that of the Action Group. The Government accepted the principle that ethnic difference justified political division and recommended a separate state for the Edo-speakers, the Ibos and Ijaws going to the East and the Akoko-Edo and Itsekiri going to Ondo. Their advocacy of a Mid-West State as a matter of principle was clear and consistent; as the evidence was brought before us, however, it appeared that in the minds of many witnesses, and of some members of the public present at our hearing, the Western Government's enthusiasm for a separate state was blurred by the pains they took to show that they had treated the Mid-West area without discrimination. It was hard

for them to insist on this point without contesting the evidence of discrimination brought by the partisans for the new State and thus giving the impression that they opposed the State ; this may be one reason why some doubt seemed to be felt as to the sincerity of the Western Region Government's recommendations. We, however, were left with no doubt that the Western Region Government wished to retain the good will of their supporters in the Mid-West and at the same time to meet as sympathetically as they could the criticisms of their adversaries ; they thus had a delicate task to discharge.

7. To their arguments the Mid-West State Movement replied with some heat that a Mid-West stripped of all its outlying areas would be no state at all ; the Ijaws they could spare, and though they did not accept the contention that the Itsekiris and Akoko-Edo were Yorubas, their loss would not be fatal. But without Asaba and Aboh they would not have a state worth having. And to suggest such a state was, they argued, a subtle attempt to discredit the whole idea.

8. It was our task to consider the arguments for and against a Mid-West State as they were presented to us by these varying interests. In doing this we had to consider what weight should be attached to the grievances alleged as a reason for forming the State, whether the formation of a new state would in fact meet these grievances, what was the state of public opinion, and how far the setting up of a new state would create new minorities which in their turn would be dissatisfied.

9. In the broadest general terms, we formed the impression that although this area had been neglected in certain respects, not only by the present Government but by its Colonial predecessor, there was no evidence of deliberate and vindictive discrimination or even culpable neglect. There are few countries in the world of which the areas nearer the headquarters of Government are not more highly developed than outlying parts and, as we have already said, in the Delta Province and the Western Ijaw Division the nature of the country makes development expensive and in some cases impossible. The best protection for a remote territory against governmental neglect or discrimination is the voting power of its inhabitants, and we have discussed elsewhere the extent to which the development of democratic institutions and of a party system not mainly tribal can strengthen this safeguard. It may very likely happen that a new Government will feel that it is justified in giving priority to development where it is most strongly supported ; on reflection, it may come to the conclusion that it is just in those areas where it has least support that it can most profitably give assistance. If therefore grievances and fears were the sum total of the case for a separate state we should have no doubt that those recounted to us—all of which proved to contain large elements of exaggeration—so far from justifying the creation of a new state could in fact be better remedied by other means. There are however intangible qualities such as national pride and love for a national language which contribute to the desire for a separate political organisation, and we think it necessary to examine in detail the feeling of the various sections of the area in relation to the proposal.

10. In this task of assessing public opinion we have taken account of election results but it cannot be assumed that support for the NCNC means support for the Mid-West State and that a vote for the Action Group is a vote against the State. In the first place party allegiance is frequently decided by local considerations ; it is because a man belongs to the Otu Edo that he supports the NCNC, because he is a member of the Taxpayers' Association, with its Ogboni backbone, that he supports the Action Group, but neither of these national parties is opposed to the proposed state. Our assessment, therefore, though taking into account the results of elections, is based also

on the evidence we have heard, the memoranda we have received (which are confidential) and the conversations we have had.

11. In general, it is our view that desire for the State is strong in Benin City and Benin Division, the heart of the old Benin kingdom, and that the idea has progressively less appeal as one moves outwards from this centre. Ishan is divided. Of the two Ishan constituencies one, the smaller, returned Chief Enaharo in the Action Group interest, and throughout the area we heard evidence of bitter rivalry both between and within clans and districts; whatever party was in power would find a lively opposition in this area, and although the Division is an essential part of the old Benin kingdom there are elements in it which regard Benin with as much apprehension as liking and there would be some dismay as well as rejoicing if the State came into being.

12. The Afenmai Division is divided into three Districts, the most northerly and remote of which is now known as Akoko-Edo; there is apparently some desire in the District to change the name, which was only recently adopted. The Yoruba language is widely spoken in this area and forms a lingua franca, which is used in schools and courts and increasingly by the younger people, though we were informed that various Edo dialects are spoken in the home. The District returned an Action Group candidate at the last regional election and it is probable that a majority of public opinion would prefer to be aligned with the West rather than with a separate Mid-West State. There would undoubtedly be administrative difficulties, as the area is divided from the Ondo Province by a river, but no doubt these could be overcome.

13. In the two remaining Districts, Etsako and Ivbiosakon, opinion is divided. There is a record, as in Ishan, of local jealousy and rivalry, of clan divisions and of changing allegiances. Although opinion is divided, it appears that at the moment it is on the whole in favour of a Mid-West State rather than against it, but we do not consider that the weight of public opinion in these areas is such as to warrant the cost, disruption and administrative effort that would be involved in setting up a new state.

14. The remaining Edo-speaking Division is Urhobo, which, as has already been said, speaks an Edo dialect and is favourable to the Benin tradition. This is a singularly homogenous Division—the Itsokos are, we understand, closely allied to the Urhobos—and the opposition to the idea of a Mid-West State is negligible. On the other hand we do not consider that the strength of opinion is vehement; if pressed, most of the inhabitants would probably admit to a preference for a new state rather than the present Yoruba Government, but we believe that many would not take the trouble to go to a polling station to express those views.

15. There remain the four non-Edo-speaking Divisions. The first of these is Asaba with 122,000 Ibo and over 80,000 Ika, who are a tribe speaking a language similar to Ibo. There has for many years been discussion in this area on the desirability of some affiliation with the Eastern Region. It does not appear to us that this is a strong feeling at present. There is some support for the Mid-West State Movement and Mr. Denis Osadebay, who comes from this area and is one of their representatives in the Western House of Assembly, is Leader of the Mid-West State Movement; no attempt was made to show us that the Ikas share this sentiment. In the 1956 regional elections the Division returned three adherents of the NCNC. In this Division, however, it is even less safe than elsewhere to assume that support for the NCNC means support for inclusion in the Mid-West State; it may indicate either a preference for the Eastern Region, or dissatisfaction with the present Government. In the last few months in local government elections Action

Group candidates have been returned ; but again it would be unsafe to assume that this means a change of opinion in favour of the Action Group policy of attaching Asaba to the Eastern Region. We do not believe that in this area the strength or unanimity of public opinion—apart from other considerations—would warrant any change.

16. Aboh is almost entirely Ibo and strongly NCNC. We are satisfied that the majority of the population in this area would welcome a change but we are not sure that all of them would prefer the Mid-West State to a return to the Eastern Region. In both Asaba and Aboh there is probably some hope that a Mid-West State would produce a situation in which the active and intelligent Ibo people would secure a large number of appointments and a considerable share of political influence. Fear of such a result was expressed to us by a number of Edo-speaking witnesses, who for this reason did not align themselves with the popular demand for a state.

17. There remain the Warri and Western Ijaw Divisions. We have already discussed at some length the peculiar situation in the Warri Division, where the small but important Itsekiri community reject the idea of a state with great vigour, while the Urhobo element are here more actively in its favour than we believe they are in general in the Urhobo Division. Among the Ijaws of the Western Ijaw Division we found no support for a Mid-West State, but an almost unanimous desire to be reunited with other Ijaws, by whatever means this could be achieved.

18. On the whole, then, if all difficulties could be overcome and a Mid-West State could be created overnight, we believe that it would be received with delight in Benin Division and welcomed, though with more moderation, in Urhobo ; in Afenmai (excluding Akoko-Edo), as in Ishan, there would be almost as many who would be disappointed as would be relieved. This would be true of Asaba and Aboh, and in the Edo-speaking area as well some would prefer that these two Divisions should be excluded. In Warri and the Western Ijaw Division dismay would be much more prevalent than pleasure.

19. The report of the Constitutional Conference did not rule out the formation of states with lesser powers than the present Regions. But it would be unrealistic to suppose that the present Regions would willingly give up powers they already possess and it is hard to picture the successful working of a Federation in which there were first-class and second-class states. Nor would the latter long be content with such a status. We consider therefore that in practice it is states comparable with the present Regions that we are asked to consider.

20. We were instructed to recommend the creation of a new state only as a last resort and if there appeared to be no other means of allaying the fears of minorities. If we made such a recommendation we were to consider, among other questions, the viability of the proposed state. Since we make no such recommendation, it is unnecessary to discuss in detail the exact meaning of the term viability or the resources which would be at the disposal of a Mid-West State ; we think it is enough to say that in the estimates of the fiscal and economic position of such a state which we have seen we believe that the estimates of revenue are optimistic, because it has been assumed that the revenue of the present Western Region should be divided on a basis proportionate to the population, while not only the cocoa farmers but the big urban concentrations are in the Yoruba area. At the same time estimates of the cost of setting up a headquarters and a separate administration have, we think, been put too low.

21. We conclude that even if public opinion were taken as the sole criterion it would not be justifiable to set up a Mid-West State in the form



demanding by the Mid-West State Movement, which would include some actively protesting minorities and others whose enthusiasm was extremely moderate. A smaller Mid-West State consisting of the Edo-speaking Divisions only could hardly compete on equal terms with the other Regions in the Federation ; and indeed the Mid-West State Movement themselves reject this idea. There remains the question of a state consisting of the Edo-speaking area together with Asaba and Aboh ; we do not think it would be reasonable to divide these two. Though such a state would contain some dissentients and more who were lukewarm, the majority, we believe, would at first welcome it. But the tensions within it would soon develop, and as soon as the struggle for power was won we believe that an even more acute dissatisfaction would arise. To achieve this unsatisfactory result it would be necessary either to increase taxation or to reduce the scale of amenities, while the administrative difficulties, in a country already extremely short of experienced administrators, would be immense. Furthermore, there is the wider consideration that to set up a separate state would accentuate and underline tribal divisions which a wiser statesmanship would seek gradually to obliterate.

## PART III

### THE EASTERN REGION

#### CHAPTER 5. THE HISTORICAL AND POLITICAL BACKGROUND

(For this and the following Chapters in this Part refer to Maps 2, 5 and 6)

The Eastern Region may for our purposes be regarded as a rough quadrilateral, not exactly oriented, with the sea to the south, the Niger to the west, and the Cameroon mountains to the east. Within this rough square there is a smaller square in the north-western corner which is rather more than half the size of the whole and contains about two-thirds of the population. This square consists of higher ground and has poorer soil and lower rainfall; it may be thought of as the Ibo plateau, though it nowhere reaches a height of more than 2,000 ft. above sea level.

2. More than 98 per cent of the people who inhabit this area are Ibo and speak one language, though of course with certain differences of dialect. There are nearly five million of them and they are too many for the soil to support; they are vigorous and intelligent and have pushed outwards in every direction, seeking a livelihood, by trade or in service, in the surrounding areas of the Eastern Region, in the Western Region, in the North and outside Nigeria. They are no more popular with their neighbours than is usual in the case of an energetic and expanding people whose neighbours have a more leisurely outlook on life.

3. The Region is thus in one respect similar to the Western Region. One tribal group is outstandingly the largest and includes two-thirds of the population. And, again as in the West, this is a vigorous and expanding community. The Ibos however differ from the Yorubas in that they are a village people, who have never gathered in large towns as the Yorubas have, and before the 20th century had no large political organisation of their own; there are no large Chiefs and no record of any great kingdoms comparable with Oyo and Benin. There is an element of jealousy within the tribe between the Ibos of Onitsha in the north and those of Owerri in the south, but for all this the Ibos are a singularly homogeneous and closely knit people.

4. To the east of the Ibo plateau lies the valley of the Cross River, which is fed by streams from the Cameroons as well as from the plateau; this forms a broad vertical strip containing people who are not Ibos. Across the south of the Region, from the Niger in the west to the mountains in the east, stretches a broad horizontal belt of swamps, creeks and low-lying country. These two strips, the coastal belt and the Cross River valley, together make a piece of country, the shape of a rather sprawling reversed "L", which encloses the Ibo plateau. In the swamp and creek country of the south-west there is an area in which the predominant tribal group is that of the Ijaws, who in this Region number about a quarter of a million; we have already referred to the 80,000 Ijaws of the Western Region. Towards the mouth of the Cross River are the Efiks, who number 71,000, and the Ibibios of whom there are 747,000. Further north on the Cross River are many tribes, intermingled in a confusing multitude which we shall not attempt to particularise. We heard of languages spoken by no more than 50,000 people; there are 17 major languages and some 300 of lesser importance in the Region.

5. In the Northern and Western Regions the Muslim and European civilisations met in conflict with each other as well as with the African cultures. But the Eastern Region is almost wholly free from one of these complicating factors; the sweep of Islam across the Sahara Desert and along its southern fringes hardly touched the East and the total number of Muslims is negligible. There are no more than 23,000 of them against 3,612,000 Christians and 3,580,000 Animists. The influence of Europe however—though not in a form in which a European can feel much pride—made itself felt from the middle of the 18th century; there had of course been still earlier contacts, particularly with the Portuguese, but that influence had not penetrated far inland and was already dwindling by the end of the 17th century. But in the 18th century the regular arrival of slaving ships, of which many were English, transformed the life of the coastal belt and particularly the harbours, such as Bonny, Brass and Old Calabar. Here the sale of a few slaves for trade goods might well turn a petty headman into a capitalist who could command the services of a force with which he could obtain more slaves; thus all along the coast small chiefdoms of a new kind came into existence; they were more powerful if less permanent than neighbouring chiefdoms inland and wielded a political influence which depended as much on commerce as on military force, and which was personal rather than territorial or hereditary. The heads of these Houses, as they came to be called, were middlemen resolutely determined to prevent direct contact between the people of the interior and the traders who came from the sea. The slave trade was prohibited by Act of the British Parliament in 1807 and although this did not make an immediate and total end of the trade, other countries were gradually forced by active pressure from the British to follow suit. The slave trade died away but ships continued to come for palm oil and ivory, particularly palm oil.

6. On the coast conventions grew up; the captain of a vessel knew how much he had to pay as a kind of harbour due to the Chief or Duke or King of the harbour he entered and how much had to be paid as a kind of customs duty on each barrel of oil; he dined in state with the Chief on his arrival and between Africans and Europeans there was some slight exchange not only of goods but of ideas as to clothes, food and behaviour. These exchanges may not always have been happy; bad customs were exchanged as well as good. But the ship's captain on the whole left Africa alone; he made no attempt to convert, to teach or to rule. The ships however were soon followed by missionaries and the missionaries did teach; they spread up the Cross River and to-day the highest concentration of literacy in the Western script in Nigeria lies in the Calabar Province. Later, other missionaries went up the Niger and from Onitsha pushed out southwards and eastwards onto the Ibo plateau. Thus the Eastern Region, which had suffered a heavy drain on its strength by the coming of the slavers, began now to draw a new strength from the books of the missionaries.

7. Though there had been no great kingdom or indigenous culture in the Eastern Region, the coastal Chiefs grew rich on their trade with the ships and they adopted customs, clothing and housing more advanced than those of the peoples of the interior on whom they had at first preyed for slaves. They came during the 19th century to regard the people of the interior as backward and ignorant, and it was therefore a blow to their pride, as well as to their pockets, when the Ibos began to push outward into the surrounding fringe of country, and particularly into the Calabar area, to take up land, to grow rich, to own houses and lorries and to occupy posts in the public services and in the service of the large trading firms.

It was among the Ibos, formerly despised by the people of Calabar as a source of slaves and as a backward people of the interior, now feared and disliked as energetic and well educated, that the first political party was formed.

8. The Leader of Government Business in 1951 in the Eastern House of Assembly was Professor Eyo Ita of Calabar, not an Ibo by tribe, and there were a number of Efiks and Ibibios in the party at first. Early in 1953, however, serious controversy broke out within the party and there was fresh occasion for disagreement at the Constitutional Conference of that year, when the NCNC abandoned its original policy of a strong central Government and a considerable number of states, none of which would be strong enough to dominate the others and which as far as possible would contain only homogeneous tribal elements. This policy was abandoned to meet the wishes of the other two Regions; only the small party which later became the United National Independence Party (UNIP) led by Dr. Udoma refused to accept this change of front. At the elections of 1953 the NCNC won 72 out of 84 seats, the rest going to four different opposition groups. In 1954 there were elections to the House of Representatives; of the 42 seats, the NCNC won 30, UNIP 3, the Action Group 4 and Independents 5. In March, 1957, there were elections to the Eastern House of Assembly at which the NCNC won 63 seats out of 84, the Action Group 15, UNIP 5, and there was one Independent. (These figures have been brought up to date since a recent by-election in Eket, where the original elections had been declared invalid.)

9. Although at this last election the question of separate states was mentioned in varying forms by all the parties, the election took place as a result of the finding of the Foster Sutton Commission of Enquiry, which made serious criticisms of Dr. Azikiwe in connection with the African Continental Bank. This enquiry and its report were the cause of the election and in general they provided the principal issue; here then, perhaps even more than elsewhere in Nigeria, it is difficult to draw conclusions as to the wishes of the people regarding separate states from the results of elections. The Action Group and the UNIP were in alliance and in general agreement as to policy, with the broad distinction that the Action Group is a national party while UNIP is mainly a party of Efiks and Ibibios; no doubt each candidate used the bank enquiry and the separate state issue at his meetings as occasion dictated. But since a multiplicity of states in the Federation was part of the official policy of the NCNC, there has always been talk of separate states within the Region. Proposals were put before us for four different states, with which we shall deal in detail later.

10. The first was for Ogoja, comprising the former Ogoja Province, that is, the north-eastern corner of the Region; the second was for the Cross River State, which would include the Calabar Province and part of the Ogoja Province; the third was for the Rivers State, which would consist of the Rivers Province with certain small additions; the fourth, and the most keenly urged before us, was the COR State, these letters standing for Calabar, Ogoja, Rivers. The area proposed for this state would include these three Provinces except for the two Ibo Divisions of Abakaliki and Afikpo. Thus, from the three Provinces which are not Ibo in population, four groupings have been suggested; a state for Calabar, Ogoja and Rivers; a state for Calabar and Ogoja; a state for Rivers alone; and a state for Ogoja alone.

11. Of the three Provinces, little more need be said of Ogoja than that it is remote, poorly served by communications and, except for the

two western Divisions, Abakaliki and Afikpo, divided into many small tribes. These western Divisions are mainly Ibo-speaking, but the Ibo spoken is distinguishable from Enugu's; in the rest of the Province no single group predominates. It is important to remember that of this Province's 1,082,000 inhabitants, 723,000 are Ibos, almost entirely in Abakaliki and Afikpo, while the census classifies 350,000 as "Other Nigerian Tribes."

12. In Calabar, on the other hand, the principal tribe in numbers is that of the Ibibios, of whom there are 710,000 out of 1,540,000, but the Efiks hold a place of great importance. It was the Efiks who formed most of the great trading Chiefdoms and Houses of Calabar; it was their language which was used up and down the Cross River as a means of communication between different tribes; it was their language that was used in the schools and into which the Bible was first translated. They were, too, in one sense the proprietors, in another the Grand Masters and Directors of Ceremonies, of a secret society known as Ekpe, admission to which was "bought" by other tribes up the Cross River and in parts of the Southern Cameroons; we were told that a kind of justice was administered and a kind of rule was widely exercised by this society. Thus the Efiks of Calabar were a coast aristocracy; the Ibibios who surrounded them provided the numbers they lacked, the men for their raiding parties and war canoes. The two tribes, who together make half the population of the Province, are at present broadly in agreement in resenting Ibo domination and in wishing to restore the glories of the Calabar commercial empire; they are also grouped together in the minds of their neighbours, some of whom regard the prospect of such a revival with a good deal of apprehension.

13. The Rivers Province was a recent formation and was designed to meet the long-standing complaint of the people of this area of creeks and marshes that the problems arising from the peculiar nature of the country were not understood at an inland headquarters. It includes the two Divisions of Brass and Degema, both overwhelmingly Ijaw, and the Ogoni Division, inhabited almost entirely by a tribe of the same name. The former Rivers Province also includes over 300,000 Ibos of whom 250,000 are in the Ahoada Division and 45,000 in Port Harcourt. Port Harcourt is a town of recent growth and of rapidly increasing importance; it is built on land that belonged originally to an outlying branch of the Ibo tribe, the Diobus, but is largely inhabited by Ibos from the interior who have come to trade or seek employment. It forms the tip of a tongue of Ibo territory which divides Ogoni from Brass and Degema; thus those who are not Ibos are split into two parts physically, while much of Ahoada is not the swamp country cut up by creeks typical of the Rivers Province. Of the total of 747,000 in the Rivers Province, 305,000 are Ibos, 240,000 are Ijaws and 156,000 are Ogonis.

14. Thus to the east of the square block of the Ibo plateau lie the two Provinces, Calabar and Ogoja, linked by some common use of the Efik language, by the Ekpe society, and by a share, diminishing as one leaves the coast, of a derived culture, linked too by resentment of Ibo leadership and divided by tribal differences and in particular by some suspicion of the Ibibios and Efiks. The strip to the south of the Ibo block is physically divided by a strip of Ibo territory, tipped by the important Ibo town of Port Harcourt, and tribally divided between the Ijaws and the Ogonis.

15. In the whole of this non-Ibo area there is present in varying degrees some fear of being over-run, commercially and politically, by the Ibos; this fear has found political expression in votes against the NCNC, which may

take the positive form of votes for the Action Group or the UNIP. The Action Group has made a determined bid for power in this Region and has used all its resources of energy and organisation; the results are interesting. There are 49 seats in the Regional House of Assembly for the square block of Onitsha and Owerri Provinces with Abakaliki and Afikpo Divisions. These seats constitute at present an impregnable fortress, a solid centre. Of the 35 seats for the rest of the Region, the Opposition at the time of writing hold 18 and the NCNC hold 17. If Ahoada and Port Harcourt, which are really Ibo, are considered with the solid centre of the Ibo population, there are 54 seats for the Ibo area and 30 for the COR area. Of these 30, 12 are held by the Government and 18 by the Opposition. Thus even in the area most favourable to their claims, the Opposition by no means have everything their own way.

## CHAPTER 6. THE FEARS AND GRIEVANCES OF MINORITIES

### Fear of Autocratic Government

As we have explained in chapter 5, the outstanding feature of the Eastern Region from our point of view is the predominance of the Ibo tribe. All those minorities who appeared before us were ethnic, not religious, and all expressed a fear of "domination" by the Ibo majority in the Region, which they identified with the NCNC Party. They suggested that there was never any hope of anything but a solid Ibo majority behind the NCNC. This had been confirmed, they pointed out, by the last election when, in spite of the findings of the Foster Sutton Commission, the Ibo people had rallied to the support of Dr. Azikiwe and given him a vote of confidence. The point was sometimes taken a stage further; it was not unknown, it was argued, for an Efik or an Ibibio to be guilty of some financial impropriety, but if he was detected his supporters would turn from him in shocked disapproval. Not so—it was said—among the Ibos, who had rather acclaimed Dr. Azikiwe once more as their tribal champion.

2. As compared with the Western Region, where a somewhat similar contention was put before us, there was less insistence on the dangers of cultural domination and more on political. Faced with the prospect of being perpetually in opposition, the minorities were prepared even to reject the hope of independence, asserting that colonial dependence had been preferable to what was now before them. We propose to examine some instances of what was claimed to be dictatorial conduct by the NCNC or the Ibos.

3. In the first place it was suggested that the Government paid no respect to the Opposition, nor for that matter to Parliament or the electorate at large. Meetings of the Legislature were infrequent and the Opposition was allowed little time for debate. From the Budget Session of 1957, which lasted fourteen days and was held in March and April, until our meetings in the Eastern Region in January of 1958, the House met only for three days on the occasion of the Princess Royal's visit. The Opposition had asked for time to debate the Government's financial policy and their important proposals for local government reform (published as Sessional Paper No. 2 of 1957), to which we shall refer later, but it had not been allowed. It is fair to add that a Session which had been summoned for January of 1958 was postponed by the Speaker on account of our sittings and was held soon after we left.

4. An additional instance of contemptuous treatment of Parliament and the public was said to be the delay in the publication of the official reports of proceedings, which sometimes did not appear for over a year. We were told that the first report of the Marketing Board, covering the period up to December, 1955, had not been laid on the table of the House until November, 1957 and that the Development Corporation had so far published only one report dealing with the year ending in March, 1956. The report for the next year was said to have been delayed owing to an enquiry into the proceedings of the Board, but the result of the enquiry had not been announced. The Board had been dissolved, but no explanation of this action had been given in Parliament. What was worse, some parts of the policy set out in Sessional Paper No. 2 were already being put into effect, although the House had never had an opportunity of discussing it.

5. All this, it was argued, was evidence of a dictatorial attitude on the part of the Government, which was based on the strength of a party which, because of its Ibo backing in the solid centre, could afford to take decisions in a party caucus and despise not only the Opposition in Parliament, but opposition in the constituencies and opinion in minority areas. Again, the provisions of the White Paper, Sessional Paper No. 2, were said to display a contemptuous attitude towards all not within the inner circle of the Party. It was proposed to reorganise local authorities radically and yet the proposals had never been discussed with the Local Authorities. Nor had those measures which concerned the administration of justice been discussed with either the Judiciary or the Bar. These would seem to us instances of tactless procedure but they cannot be regarded as discriminatory against a minority, since they applied just as much in the Ibo areas as in the rest. They should not however be considered in isolation but as part of the whole picture of the Government and the Party.

6. It was also argued that the conduct of Dr. Azikiwe in asking the Convention of the NCNC Party of October, 1957, to give him power to expel any member of the Party by his personal decree was an indication that he was bent on making himself a dictator. It was, however, pointed out in answer to this contention that the Convention did not give him the powers he sought.

#### **Public Posts and Services**

7. It was suggested that it was the deliberate object of the Ibo majority in the Region to fill every post with Ibos. The Legislature, the Executive Council, Parliamentary Committees—all were criticised. In the first place, we consider the House of Assembly. Here, so long as the present intensely local attitude towards elections continues in Nigeria, it seems to us most unlikely that an Ibo will be elected for any constituency in which Ibos are not the majority, and the present allotment of seats seems to be fair. The Sessional Paper to which reference has already been made, suggests a disproportion by which smaller minorities would be given a representation greater than their numerical strength would justify. This appears generous and will be a subject of Ibo complaint, but it does not really alter the position; there will still always be a safe Ibo majority so long as Ibos vote on tribal lines.

8. On the Executive Council there are three unquestionably non-Ibo members, which, with the arguable addition of one from Afikpo, would become four. As in the Western Region, it seems to us inevitable that a majority party should place its own supporters on most of the boards which are instruments of government policy and it is not therefore surprising to find that on such boards there is a strong Ibo majority. When however we

came to consider specific complaints about the composition of public bodies, we found them in many cases exaggerated or unreasonable. For example, it was suggested that the Privy Council should include representatives from different tribes and areas. The sole purpose of the Privy Council in each of the Regions of Nigeria is to assist the Governor in reviewing sentences of death. It is argued that such review often depends on interpretation of local custom and that an Ibo cannot for example be expected to know the customs of the Efik country. This argument in a Region such as the East, with many small tribes, might lead to a most unwieldy Privy Council; if special information is required about local custom it can be obtained from an appropriate source, but the membership of the Council at present does not seem to us open to reproach, nor do we believe that its composition is a general grievance.

9. The allegation was put forward by counsel that the Judiciary (when not European) was predominantly Ibo, with the implication that this caused fear among those who were not Ibos. But it was clearly stated in evidence by Dr. Udoma, the leader of the UNIP, that no occasion could be adduced of the Judiciary acting with partiality. The fact is that the legal profession is largely Ibo—and the reasons for this do not seem to be Government action; it is therefore inevitable that there should be an Ibo preponderance among the Judges and Magistrates. Further, it is the declared policy of the Government that the Judiciary should be Federal and this does not indicate a desire to control it. Again the operation and composition of the Public Service Commission here, as in the West, appeared to us in no way open to reproach.

10. In the police, which in this Region alone is wholly Federal, the number of Ibos in the higher appointments is not out of proportion to the Ibos in the Region. The force is now federally controlled and although there are a large number of Ibos in the lower ranks, this is due to the fact that it has for long been a tradition among Ibos to offer themselves for recruitment in this Force in far greater numbers than any other tribe. Although fears were expressed to us of the police force becoming an instrument of Ibo oppression, no instances of improper conduct proved on investigation to be well grounded, and we have no reason to suppose that the police are influenced by the fact that many of them are Ibos. This conclusion, however, arises from a situation in which control is still in Federal hands, and we fear that it might be different should the control of the police be completely transferred to a Government dependent on a political party.

11. We were shown long lists of contracts awarded for works and in connection with prisons; we cannot of course state that each of these contracts was properly awarded, since we have no knowledge of the firms. The procedure for awarding contracts however appears to us unexceptionable and no attempt was made to prove that on any particular occasion the procedure had been disregarded.

12. The award of scholarships, as in the West, is a matter which arouses the keenest interest, and we considered the working of the Regional Scholarship Board in some detail. Here, as in the West, secondary scholarships are given in the first place on a Divisional basis, that is to say, so many are awarded to each Division. This leaves a surplus which is awarded on the basis of compensating the more backward Divisions. The same applies in the case of post-secondary scholarships, 70 per cent of which are allocated on the basis of Divisions and 30 per cent only purely on merit. Where a Division is unable to find a candidate of suitable quality for a post-secondary award, three secondary awards in addition to the usual quota are given to that Division. If this procedure is open to criticism, it is certainly not on the ground of discrimination against minority areas.



13. We noted that in the five years, 1952 to 1957, from a total of 412 secondary scholarships, 216 were awarded to persons living in the COR area, while the figures for post-secondary scholarships were 211 out of 623. The latter is about the right proportion of one-third, the former considerably in excess. It was suggested that the scholarships awarded to non-Ibos were of an inferior kind and that the best scholarships went to Ibos, but we were unable to see that this claim held any validity. On the evidence before us, we conclude that the allegations of discrimination in the matter of scholarships are unjustified.

14. It was suggested further that loans by the Eastern Region Finance Corporation, the Eastern Region Development Board and the Eastern Region Development Corporation were made with some degree of preference to Ibos. It did appear that most of the loans made by these bodies were to Ibos, but that is not to say that this was necessarily improper. Ibos constitute two-thirds of the population of the Region and have a bigger share of financial and commercial responsibility than their numbers warrant; we had not at our disposal the detailed information which would have been necessary for any criticism of these loans, but once more, few of the many witnesses who appeared before us were able to specify particular cases which they regarded as improper. Three examples only are worth consideration.

15. Frequent references were made to the first of these cases, which concerns the allocation of £530,000 to the Onitsha Urban District Council for a market. This is of course a large sum, but Onitsha is an important centre of trade between the Regions and the decision to provide the money was taken when the Government was not responsible to an electorate and when there could be no question of favouritism between tribes. The instalments of interest and principal are being punctually paid; it was justified from a financial point of view, and the only criticism to which it appears open is that there might have been a higher rate of interest than three per cent.

16. The second and third examples concern loans of £100,000 and £200,000, which were made respectively to the Nigerian Engineering and Manufacturing Company and the Eastern Region Printing Corporation, the former being a private company established to manufacture cement, the latter a public corporation to undertake both public and private printing. Since, when we were in the country, the one had not made cement in any commercial quantity, and the other had done no printing, these loans are certainly open to criticism, on grounds not so much of discrimination as of carelessness with public funds.

17. Here we should refer, as we did in the West, to the danger of a multiplicity of Boards and Corporations, which threaten the liberty of the individual and the unhampered operation of democracy in two ways. In the first place, they provide a means of controlling the party by rewarding fidelity; in the second, they provide a body of officials dependent on the goodwill of the Government and neither controlled nor protected, as are government servants who are appointed by the Public Service Commission. And they may also be a danger in another way; they may provide an inexhaustible leak in the public purse. For all these reasons, they are for minorities in the Eastern Region an alarming element in the general situation.

#### **Economic and Social Discrimination**

18. In the case of the Rivers Province, we felt that real difficulties existed for any government. Communications are very difficult in an area divided by creeks and rivers, in which there is a tidal rise and fall and a more considerable seasonal rise and fall owing to the fluctuations of the Niger, which

risers by as much as 30 ft. at certain times of the year. Such an area requires expenditure not so much on roads and bridges as on the prevention of erosion, on clearing snags and other obstacles from waterways, and on constant dredging. Building is very expensive and we were told that in the creek area a 40-bed hospital which elsewhere might have cost £1,000 a bed had cost £69,000, nearly twice as much. Behind the examples given us of special problems of this kind lay a deep-rooted conviction that the difficulties of this difficult stretch of country were not understood at the headquarters of the government; this was voiced by the Western Ijaws as well as by their fellow tribesmen in the East; one Ijaw witness described to us the mocking response which a complaint of his had received in the Western House of Assembly, and we had no doubt that a feeling of neglect and of a lack of understanding was widespread among the Ijaws in both Regions. We consider that a case has been made out for special treatment of this area, and we shall return to this subject in a later chapter.

19. The suggestion was made to us, but not pursued, that there had been discrimination in the matter of hydro-electric development, and in particular that a scheme for the development of a hydro-electric scheme at the Kwa Falls had been abandoned. Such schemes are extremely expensive and no country is in a position to finance everything that may be desirable; choice has to be made, and on grounds which are often extremely complicated and a matter for experts; we were given no reason to suppose that this particular scheme was abandoned for any improper reason. That there should be modern street lighting in Onitsha, and not in Calabar, was also quoted as an example of discrimination; it proved however that the Onitsha Urban District Council had financed this measure from their own resources.

20. The question of land was repeatedly raised, it being resented by the Efiks and Ibibios that the Ibos should acquire land at all in their territory while the methods by which it was obtained were also questioned. There is no doubt that on the Ibo plateau there is insufficient land for the people; the Ibos are thrusting outwards into the surrounding areas and where possible they do acquire land and use it either for cultivation or for building. Where land is held communally, as is usually the case, they cannot acquire freehold; what is probably most usual is that they obtain possession as a favour or for some trifling consideration and are then hard to evict. This is a matter which will require legislation sooner or later and it will be delicate to handle, but the economic process is in itself healthy and we had little sympathy with a witness who remarked that there was much undeveloped land in his district and he was anxious that it should not fall into the hands of Ibos. On the other side of Africa, a Royal Commission has unanimously reached the conclusion that one of the greatest obstacles in the way of prosperity is just that kind of restriction on free movement and the purchase of land which this witness would clearly have liked to introduce. We believe that Governments in Nigeria should be careful not to try to protect minorities by introducing measures that would restrict development.

21. What would be open to serious objection as discrimination would be measures which made it possible for Ibos to acquire land in preference to anybody else, but this was not directly alleged, though it was suggested that there was some sinister motive of this kind behind Section 187 of the Eastern Region Local Government Law, 1955, which provides that land may be acquired by a Council outside its own area. The law is however explicit that this acquisition must be for a public purpose; it is clearly meant to cover the case of a Council which requires land in the immediate vicinity for, say, a water supply; this section has, we were told, only once been used and then properly. Nigeria is going through a period of transition from the old tribal

system of land tenure towards a more modern system in which land is owned by individuals, and such change is bound to involve resentment ; we have not however been shown any example of discrimination in this matter on the part of the Government, and we note that the same kind of accusations were brought by the people of Diobu against those of Ikwerre, who belong to the same tribal group ; and by Quas against Efiks ; it is a kind of resentment which is bound to occur in an expanding economy.

22. A group of miscellaneous grievances and charges against the Ibos from Calabar may be treated together ; we were told that the Ibos did not observe local customs in the markets, that they expected their own religious customs to be treated with a respect they did not accord to those of Efiks and Ibibios, and, finally, that where an Ibo interest was threatened, they resorted to a boycott to punish the offender. As to the first of these charges, we formed the impression that jealousy of Ibo success in the markets was the main factor ; as to the second, we heard evidence on both sides and it seemed that charges of this kind could be proved against either party. The third, however, was substantiated and, indeed, counsel for the Ibo State Union clearly thought that such action was justifiable.

23. In one case there was a dispute about a piece of land, which had been bought—so it was alleged—by a group of Ibos in order to build a church ; the sale was contested by a non-Ibo who claimed to have a prior claim to the land which rendered the sale invalid. While this question was sub judice, the Ibo State Union in Calabar issued instructions for a boycott of the other claimant. A second example of the same kind shows the solidarity of the Ibos as a community in Calabar, their resentment of any failure to meet their wishes, and the strength of feeling on both sides. A group of Ibos had arranged to hold a dance in order to collect money for a charity ; a certain Mr. Andrew Bassey was said to have passed round the word that he did not think Efik girls should go to this dance, whereupon the Ibo community again issued a printed notice, entitled an Ibo State Union Boycott Order, that no Ibo was to frequent Mr. Bassey's shop or restaurant and that no Ibo porters or taxi drivers should handle his goods. We heard of the predicament of a dance band for Mr. Bassey's restaurant, who were stranded with their instruments and luggage on a wharf at night as a result of this order. Such incidents obviously invite retaliation, which takes forms steadily more violent ; feeling thus becomes progressively embittered. This process is already taking place, and we saw examples of violent propaganda against Ibos.

#### **Local Government and Chiefs**

24. A number of fears were expressed to us regarding the future of the Local Government system ; it was suggested that it was a tendency of the present Government, which would no doubt be accentuated later, to centralise power in their own hands and gradually to resume to themselves all the powers of local government. The Eastern Region Finance Law, 1956, imposed a regional income tax, and in order to prevent an undue burden being placed on the tax-payers, the Government fixed an upper limit for the rates which might be levied by local government authorities. The loss of revenue to the local authorities which this occasioned was made up by grants to them by the Regional Government. This would certainly appear to strengthen the hold of the Regional Government on the Local Government Councils, but in the first place no suggestion was made that this was done to the detriment of non-Ibos and secondly—though this point may well be outside our terms of reference—we are far from sure that it may not be desirable for the Regional Government in the Eastern Region to establish, at any rate to begin with, a somewhat firmer hold on local authorities.

In the same way, it was suggested to us that the White Paper, Sessional Paper No. 2 of 1957, although ostensibly designed to meet the fears of minorities and to devolve power locally, in fact threatened the exact reverse. It was pointed out that the measure offered to the local council, powers limited to debate and discussion and no opportunity to initiate action, that by abolishing the old county councils and concentrating on the smaller district councils, no authority would be left in a position to dispute any decision of the Regional Government; that real power would rest in the hands of the Provincial and County Inspectors and Commissioners, all of whom would be appointed by the Regional Government. It was clear that these proposals were in an early stage and that they would require much further working out before they became law; they were debated shortly after we left the Region and we were unofficially informed that they would be discussed with the local councils before they went further. That they did arouse suspicion and fear in the minds of some representatives of minorities cannot be questioned. There were other signs, we were told, of the same attitude. We were shown a letter from the Minister of Local Government to local authorities which, it was represented, not merely announced a decision without any discussion with the local authorities concerned, but embodied a retrograde and dictatorial attitude. The letter announced that forthcoming elections to Local Government Authorities would be held, not on the basis of electoral rolls prepared in the usual way to give effect to adult suffrage, but on the existing tax-payers' lists. It was explained to us on behalf of the Government that the local government elections were already overdue and that the preparation of electoral rolls would take many months and involve considerable delay as well as expense; it had therefore been decided to use the tax lists as a makeshift, but we were told that it was the intention to introduce adult suffrage on properly prepared electoral rolls as soon as possible. Here again there is no evidence of discrimination between Ibos and non-Ibos, nor do we believe that the letter indicates an intention to set up a reactionary or undemocratic form of Government so much as a lack of tact.

25. Again, it was complained that the Government paid insufficient attention to the position of Chiefs. As we have said, the Ibos themselves were originally a village people and were not organised in large states or military organisations; they had no great Chiefs, except at Onitsha where the form of kingship is clearly derived from Benin. In the Western and Northern Regions, where Chiefs were already established, they were taken over as the main instruments by which authority was exerted in the Colonial period; the application of this principle in the Eastern Region was difficult because, at least in the Ibo area, there appeared to be no Chiefs with anything like a sufficient degree of authority. The same difficulty arose in certain tracts of the Northern Region, notably among the Tivs. The present Government therefore inherited from the Colonial period a difficulty to which only a partial solution has been found; authority had been given by the Government not always in a form that was understood by the people, and not always to the individuals whom the people regarded as entitled to authority of that kind. On top of this came the difficulty, universal in Nigeria, of adapting a system of Government based on tribalism to the needs of modern society.

26. The NNC Government are clearly aware of these difficulties. They recently appointed Mr. G. I. Jones, a Cambridge anthropologist with experience of the Eastern Region, to enquire into the status and position of Chiefs and to make recommendations; this he has done and he has recommended that Chiefs should be given a larger part in the machinery

of local government. The Government have accepted his recommendations in principle but have not yet put them into force. It appears to us that when they do so this criticism will be reasonably met.

### Changes in the Legal System

27. There were various criticisms of changes proposed in the system for the administration of justice. In particular, Sections 3 and 4 of the Customary Courts Law, 1956, give the Minister power to appoint, dismiss or suspend members of County and District Courts; this, it was urged on behalf of the minorities, indicates a control of the Courts by the Government which causes them apprehension. We suggest that this would largely be met if responsibility for appointments to these Courts were vested in an independent body such as a Judicial Service Commission.

28. Two proposals made in Sessional Paper No. 2 of 1957 are no doubt designed to help the poor and friendless to obtain justice, but, partly perhaps through a failure to consult all concerned, may have the opposite effect and have aroused some fear. The first is the institution of trial by jury and the second the introduction of a post of "Director of Public Defence", who will be responsible for undertaking the defence of accused persons who have not the services of counsel. In circumstances in which men are thought of first as free individuals, and only secondly as members of a group, such as tribe, guild or caste, trial by jury has usually been regarded as a means for the protection of the friendless, but this is far from being always the case when certain classes, tribes or religions have obtained control of most positions of influence or indeed whenever strong feelings exist between groups. A Jacobite or a Roman Catholic could hardly have hoped for a fair trial before a London jury in the 18th century, nor a Jew before a German jury in the 1930's, nor—for certain offences—a Negro before a white Southern jury in the United States at the same period; to-day an Efik might well fear an Ibo jury in Owerri, and an Ibo an Ibibio jury in Calabar. It may be therefore that this suggestion is premature; certainly it was unwise to include it in the proposals of the White Paper without previous discussion with either the Bench or the Bar. The objection to the Director of Public Defence is that he will be a Government official and "under the direct supervision of the Attorney General". It was argued that accused persons would be better defended if it was left to judges and magistrates to secure counsel for those who were unrepresented, and if adequate funds were placed at their disposal for this purpose.

### Public Order

29. Here, as in the Western Region, we heard of intimidation by adherents of a political party. In this Region there is a difference in that there exists an organised body known as the "Zikist National Vanguard". We were told by members of the NCNC party that this was the militant wing of the party; it was described, during our stay in Nigeria, by two Federal Ministers who belonged to the NCNC party—and who could not therefore be accused of unfriendly bias—as "Zik's private army". The secretary of the Calabar branch of this organisation appeared before us in evidence on another matter and in the course of his evidence revealed that the last election had been known in his organisation as "Operation Scorpion" and that the scorpion had been chosen as the emblem of his organisation because of its sting. We heard evidence of members of this organisation, sometimes dressed as cowboys, arriving by Land Rover with the clear intention of intimidating political opponents. The President General of the movement is Mr. Adewale Fashanu, who is Dr. Azikiwe's political secretary and also chairman of the Eastern

Region Printing Corporation ; in spite of references before us to both the organisations he controls, he did not come forward to give evidence.

30. It is not surprising that the existence of such an organisation as this, which can hardly be argued to be outside the knowledge and control of the leaders of the Government, should cause fear among the critics of the Government ; indeed, that appears to be its intention. Nor is it surprising that it should provoke a reaction on the other side. The COR State Movement has also formed a militant branch, which has taken the lion as its emblem ; there can be little doubt that among the Ibos of Calabar, who in that area are in their turn a minority, there is a reasonable fear of what might happen to them if a COR State were to be formed.

31. We have spoken already of the danger which these "strong arm groups" would become if the police in a Region were entirely controlled by a Government formed from the political party which controls the groups. At present the police are the only protection against such bodies, and that only because they are Federal Police. That some degree of Federal organisation and control should remain seems to us therefore much the best protection that minorities can have and we shall refer to this again.

32. Some of the more excitable of our witnesses occasionally suggested that the police, and even the magistracy, being largely Ibo in origin, had allowed this fact to influence their conduct ; any aspersion on the magistracy was however unequivocally denied by Dr. Udoma, the leader of the COR State Movement, and only one allegation of partial conduct against either police or magistracy could be regarded as in any way specific. We were told that shortly before the last election the houses of ten active supporters of the COR State Movement had been searched by the police and that various papers relating to the election, including a list of electors legitimately obtained, had been removed and not returned for some days, thus hampering these persons in the conduct of the election. We found that information had been laid before a magistrate that these persons had in their houses forged voting papers of which it was intended to make improper use ; the information was properly attested and the magistrate in question had no reason to refuse permission for a search to be made ; there is no indication that the police behaved in any way improperly. Nothing incriminating was found and it seems that this was a device for influencing an election for which local supporters of the NCNC must be held responsible, but it reflects on neither police nor magistracy.

33. If no single item of the grievances and fears mentioned in this chapter—except the Zikist National Vanguard—appears formidable by itself, the sum adds up to a feeling of apprehension and resentment of whose reality no one who was in Calabar when we were there could have any doubt. Those who expressed these sentiments emphatically rejected any solution except a separate state ; in the next chapter we shall consider in turn the proposals for the four separate states which were put forward.

#### CHAPTER 7. PROPOSALS FOR NEW STATES

As we explained in chapter 5, we heard arguments in favour of four new states in the Eastern Region. These are an Ogoja State, a Cross River State, a Calabar-Ogoja-Rivers State (always referred to as the COR State) and a Rivers State. All these projects were represented before us by counsel, as was the Government of the Eastern Region. The Government adhered to the view, which has always been the doctrine of the NCNC Party, that Nigeria needs a strong Federal Government and should consist of an increased number of smaller states with lesser powers than the present Regions ; if this principle were to be accepted and other Regions were to be treated in the

same way, they would agree to the creation of smaller states within what is now the Eastern Region. They insist, however, in the first place that this process must apply equally to all Regions, and secondly, that no State should be created unless it satisfies the following four principles:—

- (a) the principle of self-determination; each state should wish to be separate and to be one single state;
- (b) the principle of ethnic relationship; each state should be as nearly as possible homogeneous;
- (c) the principle of geographical contiguity; each state should consist of one continuous and compact piece of territory;
- (d) the principle of viability; each state should be large enough to administer itself and as nearly as possible should be a self-contained economic unit.

2. Applying these principles, the Government of the Eastern Region would see no serious objection to the formation of an Ogoja State, nor of a Rivers State, nor of a Cross River State, provided only that similar states were created from other Regions. They must however object in the strongest terms to the formation of the COR State, which satisfied none of the first three principles, was inspired only by a negative dislike for the Ibo tribe, and would do much harm to the rest of the Region. Like the Western Region Government the Government of the Eastern Region found itself in something of a dilemma in relation to states to whose creation it saw no objection in principle; without opposing the creation of these states, its representatives were concerned to show that there had been no discrimination against them, and this created an appearance of opposition which was freely attributed to insincerity. In relation to the COR State, no such embarrassment arose.

3. We need not spend long on the consideration of two of these states, the Ogoja State and the Cross River State. The Ogoja State proposed to us would include the former Ogoja Province, whose population of slightly more than one million includes more than 700,000 Ibos. In such a state, the minority element which, as we have said, consists of many small tribes not separately enumerated by the Census, would still be in a minority. It does not on the face of it seem likely that there would be any strong opinion among these tribes in favour of a separate state, of which the main intention would be separation from the central body of Ibo population, but in which they would still be linked together as a minority with their Ibo neighbours in Abakaliki and Afikpo. We heard conflicting evidence of opinion on this point, into the details of which we need not go, but nothing to induce us to believe that there is any strong and united body of opinion in favour of such a state, either among these tribes or for that matter among the Ibo majority.

4. There does exist a body known as the Ogoja Provincial Union, a cultural organisation now more than ten years old, which in 1953 passed a resolution that if Nigeria was to be split into a number of separate states, Ogoja should be one of them. But it seems to have taken no active steps to press for Ogoja as a separate state. A majority of the evidence we heard from Ogoja was to the effect that they preferred the present situation to any association with Calabar, and that they were at least as much afraid of domination by Efiks and Ibibios as by Ibos. There was nothing to indicate any enthusiasm for an Ogoja State in itself, and what support there was came mostly from Ibos, not from the smaller minority tribes. We are left however with no doubt that in this corner of the Region there is a feeling

of neglect and a wish for a greater share in roads, schools, hospitals and water supplies.

5. The Cross River State is another which has no history of continuous pressure or strong popular support behind it. At various times the NCNC has suggested a number of combinations of different areas into states, and this was one of the fourteen states mentioned in the election manifesto of the NCNC for the 1957 Regional Elections. We received however no evidence of any support for the proposal from Ogoja. Counsel on behalf of the Cross River State and the signatories to the memoranda we received came from Calabar and were supporters of the NCNC Party. The arguments in its favour were based on what we have referred to in Chapter 5 as the commercial empire of Calabar and the influence of trade and missionary penetration up the Cross River; it laid stress on the unifying influence of the Efik language and the Ekpe society. Asked whether the Government approved of the proposal for this state, its principal exponent replied that he had the personal approval of Dr. Azikiwe, the Premier of the Region; we were shown a telegram from the Premier: "Memorandum Cross River excellent go ahead". We asked to see the covering letter with which this memorandum had been sent to Dr. Azikiwe, and found that it stated that the motive for submitting the memorandum was: "to break that atmosphere in the unanimity of the COR demand on the one hand and to save our faces with our people on the other hand". We believe this to be the truth.

6. For the COR State, on the other hand, there was undoubtedly strong support in Calabar, and what might be called the homeland of the Calabar commercial empire, that is, among the Efik and Ibibio people. The movement had its origin, as was explained in Chapter 5, after the 1953 Constitutional Conference when the UNIP took its stand on the original NCNC principle of a strong centre. Perceiving the dangers inherent in a strong Region in which one tribe was bound to take the lead, this party held that the NCNC's agreement to the setting up of three strong Regions with a weak centre was a betrayal of principle and in December of the same year, soon after the Conference, inaugurated the movement for the COR State; pressure for the State has continued intermittently ever since.

7. As already explained, the state proposed would consist of the Calabar, Rivers and Ogoja Provinces excluding the two Ibo Divisions of Abakaliki and Afikpo. The population of this area is 2,649,000, and the following would be the five largest tribes:—

Ibibio	...	...	...	...	717,000
Annang	...	...	...	...	435,000
Ibo	...	...	...	...	428,000
Ijaw	...	...	...	...	251,000
Ogoni	...	...	...	...	156,000

As already explained, the small but important Efik tribe number 71,000 and there are many other groups of various size and importance. It was argued that in such an area no one tribe could dominate the others, but it must be emphasised that the Efiks and Ibibios are closely allied and may be regarded as one group for most purposes; until fairly recently this was also true of the Annangs; indeed, this group for long shared with the Ibibios a cultural union for the provision of scholarships. The Ibibios, Annangs and Efiks would constitute a body of over a million, outnumbering any other likely combination; however, the Annangs and the Ibibios appear recently to have fallen out, and in evidence before us many Annang leaders expressed themselves as hostile to the idea of the State. The Ibos



would constitute a large minority within the State where, as has been explained, they are highly unpopular.

8. We must first give attention to the considerations advanced by the Eastern Region Government regarding this proposed State. It would, in the first place, be an extremely awkward if not impossible unit to administer, shaped as it is as a sprawling reversed "L", of which the vital connecting point, Calabar, is poorly served by any communications with the remoter areas at either extremity. It is far from homogeneous, and many of the other tribes expressed at least as much fear of Efiks and Ibibios as of Ibos. It would, further, leave the Ibos of the Ibo plateau surrounded by a state whose reason for existence was hostility to themselves; the Ibos are an expanding people and it would surely aggravate rather than relieve tension if they were surrounded by a state which would be likely to exclude them from the public service and from other outlets for their energy and ambition.

9. In spite of these considerations, there might be circumstances in which it would be necessary to overcome all these difficulties. We turn therefore to consider the degree of support for the idea of the COR State which we believe to exist in the various sections of the proposed State. It seems best to consider the area in three parts, corresponding with the three former Provinces, taking first the Province of Calabar and within that Province, first, the central section nearest to the town of Old Calabar. Here there are three Divisions, Calabar, Uyo and Eket, in which the overwhelming majority of the people are Ibibio, and in which we have no doubt that the majority of the population are in favour of the COR State. There is a more doubtful outer fringe within Calabar Province; this consists of Enyong, Ikot Ekpene, Abak and Opobo Divisions. In these four Divisions the Ibibio element is much less strong, there being a majority only in Enyong and Opobo, in each of which the Ibibios are slightly over half the total. We are not convinced that in Enyong or Opobo the tribes who are not Ibibio are in favour of a separate state. In Ikot Ekpene, the Ibibios are 99,000 and are outnumbered by 183,000 other tribes including 175,000 Annangs, while in Abak the Ibibios are negligible, almost the entire population being Annang. In both these Divisions there is an important body of public opinion against a separate state and in the evidence before us this seemed on the whole to be stronger than that in favour. But among the Annangs there have been recent changes of opinion and there is no reason to suppose that they are final.

10. Thus, if the Calabar Province is taken as a whole, there are only three Divisions in which one can say with confidence that opinion is solidly behind the proposal. In the Ogoja Province, as we have already noted, we found virtually no support for the COR State. In the Rivers Province, again, there is extremely little evidence of any strong favourable opinion. There were witnesses, who claimed to be representative, who stated that the people for whom they spoke, if they could not obtain a separate Rivers State, would accept a COR State as second best, but even these were a minority. Except in the Ogoni Division, there were virtually none in Rivers Province who put the COR State as their first choice.

11. As in the Western Region, we do not think it necessary to discuss at any length the question of viability, which would arise only if we found the arguments for a separate state much stronger than we do. It is enough to say that the Eastern Region is naturally the poorest of the three, and has embarked on a programme of universal education which is widely regarded as beyond its means. The difficulties in which the Region finds itself at present would obviously be intensified if there were two Regional capitals, with all the duplication that that implies. The situation may be changed if the oilfield

on which development is now beginning proves to be rich, but we understand that for some years to come there will be uncertainty as to its value and extent.

12. To sum up, we have no doubt that the great majority of the Ibibio and Efik tribes, located in the three Divisions of Calabar, Uyo and Eket, wish to see a separate state and would like it to be as large as they can make it; the only tie however between the various peoples whom they suggest for the COR State is that they are not Ibo, and apart from this central section, we believe that the majority would view the prospect of a COR State with as much apprehension as a continuance of the present position.

13. We turn now to the Rivers State. Here the argument is somewhat different. The first point raised by the Rivers Chiefs and Peoples is historical and legal; it is their contention that when the British first came to this area they made treaties of trade and protection with local Chiefs; these were of a special nature and differed from the treaties made with other Chiefs inland. The British Crown undertook to provide protection and to deal with foreign powers, but the treaties did not provide that the Chiefs should surrender to the British Government a sovereignty which could be transferred to any other authority. If Her Majesty's Government saw fit to end the treaties, then the Chiefs of this area were morally entitled to revert to their original status. We did not feel called upon, nor indeed were we qualified, to form conclusions on any legal or moral obligation of Her Majesty's Government which might arise from these treaties; we have, however, borne in mind the historical and social consequences of these treaties in their relation to the subject matter of the enquiry.

14. The movement for a Rivers State began after the Constitutional Conference of 1953, when the Council of Rivers Chiefs prepared a memorandum for the resumed Conference of 1954; as in the case of the COR State, consideration of this memorandum was postponed until 1957, when the Conference was attended by a special representative of the movement, now known as the Rivers Chiefs and Peoples Conference. Apart from the historical and legal argument, the case for the Rivers State was that the people in this area shared a way of life dictated by the physical circumstances of the country in which they lived, and that they were united by fear of neglect at the hands of a Government who did not understand their needs and who in any case put the needs of the interior first. The area claimed for the Rivers State consists of the whole of the Rivers Province, that is the Divisions of Brass, Degema, Ogoni, Port Harcourt and Ahoada, together with the Western Ijaw Division from the Western Region, and two small sections in the Eastern Region from outside the Rivers Province, Opobo and Andoni being one, Ndoki the other. To this they would add as many other Ijaws as might conveniently be included by adjustment of boundaries. Substantially, this is the Rivers Province, plus the Western Ijaw Division; the population involved is something over 900,000, made up as follows:—

Rivers Province ...	...	...	...	...	747,000
Opobo and Andoni ...	...	...	...	...	43,000
Ndoki ...	...	...	...	...	35,000
Western Ijaw Division ...	...	...	...	...	83,000
					908,000

together with other Ijaws who might conveniently be included.

15. We were impressed by the arguments indicating that the needs of those who lived in the creeks and swamps of the Niger delta are very different

from those of the interior. We agree that it is not easy for a Government or a Legislature operating from far inland to concern itself, or even fully to understand, the problems of a territory where communications are so difficult, building so expensive and education so scanty. That, however, is not to say that a separate state is the best means of attaining the ends desired by the people of the creeks.

16. There are grave objections to such a state. In the first place, the Ogoni Division is divided from the Brass and Degema Divisions by a broad arm of the sea which runs up to Port Harcourt, and by a long stretch of Ibo territory which culminates in this town. Port Harcourt is an Ibo town; it is growing rapidly and the indigenous branch of the Ibos who were the original inhabitants are already out-numbered by Ibos from the hinterland. Port Harcourt has consistently voted NCNC and has shown a continued attachment to the present Regional Government; the main body of Ibos would be most reluctant to lose it.

17. The people of Ahoada, a Division of which a part runs down to meet Port Harcourt, appear at one time to have favoured the idea of a Rivers State, but have changed their views and before us expressed themselves as strongly against it. Comparatively few of them live in the low-lying swampy country of the coastal strip and they have voted for the NCNC consistently. They said themselves that a main factor in their change of front had been the inclusion of the Western Ijaws in the proposed state. So long, they said, as the Rivers State was to consist of the Rivers Province only, the Ibos would have been the most numerous tribe within it; but the inclusion of the Western Ijaw Division put them at a numerical disadvantage beside the Ijaws and they therefore preferred to stay out. Whether or not this was a line of reasoning that really had a wide appeal the fact remains that before us they were opposed to the idea of the state. This is not surprising, because their problems are different from those of the Ijaws.

18. In Ogoni, we formed the impression that there was rather more support for the Rivers State than for COR, but here, as in most of the Rivers State Area, we consider that the prevailing sentiment is one of dissatisfaction with the present rather than any enthusiasm for any considered or constructive proposals for the future. In Brass and Degema, where the main support for the state is to be found, we believe that what is really desired is an area in which the Ijaws could be together and could be sure of getting the attention which they think has so far been lacking. But to sever themselves from the wealthier parts of the Region is surely not the way to get the schools and floating dispensaries they want.

19. We are suggesting in another chapter arrangements which we think might go some way to help the Ijaws and others of the coastal strip to receive sympathetic consideration in their peculiar problems. Here it remains to be said that only in the Brass, Degema and Ogoni Divisions was there support for the State, and that a state consisting of these three Divisions together with the Western Ijaws would number less than half a million and would besides be divided into two parts by Port Harcourt and the arm of the sea which runs up to it. To create such a state would cut off the inhabitants from their most probable sources of supply. To include within a Rivers State Ahoada and Port Harcourt would, we believe, create a problem as acute as that with which we are asked to deal at present and would be sharply resented by the Ibos of the central plateau.

20. For these reasons we are unable to recommend any new state in this Region; our recommendations as to other means of allaying fears are contained in later chapters.

## PART IV

### THE NORTHERN REGION

(Map 3 shows the Northern Region and the proposed Middle Belt State ; Maps 5 and 6 show the distribution of tribes and religions.)

#### CHAPTER 8. THE HISTORICAL AND POLITICAL BACKGROUND

##### The Northern System

In the Eastern and Western Regions it was possible for us to point to one aspect of the general situation which from our point of view was of over-riding importance. This was the numerical preponderance of one ethnic group in the Region as a whole and as a consequence in the Government and in other positions of influence. In the Northern Region, however, such a generalisation needs modification ; if there is a predominant group it is of a more complicated composition, and no single factor can be pointed out as from our point of view dominating the scene. But it is possible to single out two factors which must be borne in mind in any consideration of the problems of the North ; only the first of these can be regarded as simple.

2. There is first the size of the Region in comparison with the rest of Nigeria ; the Northern Region is more than three times the area of the Eastern and Western put together and its population of over 16 million is more than half of Nigeria. The second factor is more complex and has several aspects. The Northern Region and, in particular, the northern part of the Northern Region, is part of the area known to historians and geographers as the Western Sudan ; this is an area into which, from the beginning of what in Europe would be the Middle Ages until recently, there has been a constantly renewed infiltration of people from the north-east, who have moved along the southern fringe of the Sahara desert, bringing with them memories of the civilisations of Egypt and of Western Asia and later the faith, the law and the learning of Islam. They formed states, which rose and fell in power, which expanded and retracted their spheres of influence ; for our purpose, the details of their history do not matter, but it is important that there had arisen among them the idea of a City State—a city with organised control over the population of a territory which might vary considerably in size, but which produced a ruling class and a system of administration even before the coming of Islam. When Islam was superimposed on this civilisation, bringing written law and a cadre of judges, a fiscal system and administrative officials, there resulted something far more like the society of the Middle East than anything to be found in Forest Africa or among the Bantu of East or Central Africa. British rule influenced and modified but at the same time preserved and entrenched this society.

3. In the Northern Region to-day this Islamic society has its home in the great Emirates of the northern part of the Region and extends in varying degrees towards the south and east. There is the faith and the law of Islam ; there is a tribal grouping, the combination of the Fulani, the Hausa, the Nupe and the Kanuri, all formerly ruling tribes, most of whom have long been adherents of Islam ; there is the Hausa language, widely used as a lingua franca ; there is a system of administration based on the Emir and a feudal pyramid below him—all these elements fusing to make what may for convenience be called the Northern System.

4. There are, however, sections of the population which the Northern System has touched little, round which rather than over which it has flowed, which have never been absorbed into the System but merely enclosed within it. There are sections of the country where the inhabitants are still pagan, where the Hausa language is little used, where Islamic law is hardly understood; these areas occur more and more frequently as one moves southward and eastward; Maps Nos. 5 and 6 show the distribution of the Muslim population and of the four great ruling tribes, Fulani, Hausa, Kanuri and Nupe within the Region; it is on these tribes and on Islam that the System and all that goes with it are based and it is strongest in the north-west and weakest in the south-east.

5. There is one more aspect of the Northern System to be borne in mind. By the time that British influence, and eventually sovereignty, became established in this country, the doctrine of Indirect Rule was in the process of development; Lugard more than any one man—except perhaps Goldie—was responsible for the establishment of that sovereignty and Lugard was the high priest of Indirect Rule. And the Northern System appeared to provide the perfect vehicle for Indirect Rule. When the Protectorate was proclaimed, the Emirs were assured that their religion and customs would not be interfered with; the assurance has been observed with scrupulous fidelity and the whole Northern System until recently has been sheltered from outside influence; since the introduction of missions and schools would in the early days undoubtedly have been regarded by the Emirs as interference, the missions and schools are to be found where the System is weakest. In the broadest terms, Western education has been most developed in the areas which fifty years ago were the most backward, because they were the least touched by Islam.

6. That is why the Northern Region, though it contains more than half the population of Nigeria, is far behind the two southern Regions in the number of persons educated in the English language; that is why it was until recently usual to find Southerners throughout the Northern Region in posts as clerks, overseers, artisans, ticket collectors and the like; to-day there is sharp resentment at their presence. They are regarded as foreigners and are now being discouraged, sometimes by very positive steps, from taking or even keeping employment of this kind—a process greatly to the advantage of those whose homes lie within the Northern Region but who were least under the influence of the Northern System and most exposed to missionary influence. These are the minorities with whom we are concerned; they are both ethnic and religious and it is the claim of some of them that their best hope for the future lies in the carving out from the Northern Region of a Middle Belt State.

7. One minority of a special nature may conveniently be mentioned here. There are some half a million persons of Yoruba stock in the Ilorin and Kabba Divisions, some of whom have been absorbed into the Northern System, while others have been much less influenced. With this minority and the different problems which it raises, we propose to deal in another part of this report.

8. This is the general background. Of the 16,148,000 of the territory, 8,441,000 are Fulani and Hausa; there are 1,175,000 Kanuri and 347,000 Nupe. Thus, if the four tribes who at different times ruled over wide areas are taken together, there is in the North, as in the East and West, a majority group, which in the main supports one party, which has a tribal basis, and which may be thought of in contrast to a number of minor ethnic groups; it would however be easy to exaggerate this parallel, because Islam has to

some extent blurred the sharp edges of tribal differences and because in the North the Islamic way of life is probably a more important factor than tribal affiliations. There are 11,322,000 Muslims, 4,279,000 Animists and 547,000 Christians.

9. The history of the Region is important because of the results it has produced, but we do not propose to describe it in detail. Most of the main tribal groups came into the country from the north-east; in the Middle Ages the centre of the northern part of the territory of the Region was held by a loose confederacy of Hausa City States, occasionally at war with each other but usually linked in an intermittent alliance. There were seven Hausa States known as the Hausa Bakwai, or the Seven Hausa States, and seven associated states, known as the Banza Bakwai, a somewhat derogatory term which means the seven states which are only imperfectly Hausa. Islam had come into this area towards the end of the 14th century and there were many Muslims among the Hausa states but there was no uniformity; not all professed Islam and many of those who did were lax in their observances. At the beginning of the 19th century there arose among the Fulani, a nomadic people who had come into the territory more recently than the Hausa, a man of learning and piety, Othman dan Fodio, a reformer and zealot for Islam, who acquired great influence in the Hausa state of Gobir. A stage was eventually reached when there was no room in the state for his authority beside that of the pagan Chief of Gobir, whom he was forced to defy, and there broke out a civil war which is often referred to as a *Jihad*, though it seems at first to have been a reforming revolution and only later an external war against unbelievers. It was not purely tribal; although the Fulani element in Othman dan Fodio's party was strong, there were many Hausa with him; it seems to have been a struggle between strict Muslims on the one hand and on the other pagans and those who were lax in their observances. The immense prestige of Othman dan Fodio turned the scale and by the end of the first decade of the 19th century the orthodox and predominantly Fulani party of dan Fodio was widely successful; he himself became Sarkin Musulimi or Leader of the Faithful and established his capital at Sokoto, when he divided his dominions between his son and his brother, retiring himself to a life of teaching and contemplation.

10. The result of this revolution was that in all but one of the fourteen Hausa states a Fulani ruling house was established and each of the fourteen rulers accepted a green flag as a token of spiritual allegiance to Sokoto. In the north-east, the great Emirate of Bornu was able to repel Fulani attacks and alone was unaffected by the revolution; this had long been a Muslim state and the Kanuri dynasty had a long history, having once ruled a wide empire. In Hausa territory, Islam was established as the almost universal religion and in a much purer form than before; Islam spread southward and eastward from Sokoto. The states of the north were loosely linked, at first those of the Fulani and Hausa combination only, later Bornu as well, by adherence to Islam and to some extent by blood and history; they looked southward and eastward for slaves and both for sport and profit raided their neighbours. This was the situation throughout the 19th century until the arrival of the British.

11. When the Protectorate was proclaimed, there were areas into which the administration of the Emirs had never been able to penetrate successfully, because of the inaccessible nature of the country or the stubbornness of the inhabitants; there were others in which existing leaders had come to terms and secured comparative immunity from raids by the regular payment of tribute, usually in slaves; there was a third type of area in

which no serious attempt had been made to convert the people or to establish a permanent jurisdiction, but which had been regarded as convenient raiding grounds. In the great Emirates themselves, Lugard found established systems of administration with a judicial body of Alkalai (the Hausa form of the Arabic *el Qadi*) and a fiscal system of some complexity. With these administered areas, as well as with the tracts and fragments which had remained outside the Northern System, Lugard had to come to an arrangement, and he adopted different means in each of these kinds of territory.

12. When there was an Emir with centralised authority it was easy to apply the theory of Indirect Rule; the Emir was given a letter of appointment and it was thus made clear that he was a dependent ruler, subject to the law and to the supreme authority of the Crown; at the same time British officials were instructed that they must not take the place of the Emirs but guide and control them in the early years. In such areas the Emir ruled through District Heads who were appointed by him and were officials.

13. A mainly pagan area which formed part of an Emirate (as in southern Zaria and southern Ilorin), was usually knitted into the System by the appointment of District Heads, usually Fulani or Hausa but sometimes a local traditional Chief, and not much change was needed here. This method however was scarcely applicable to large areas where there had been no Fulani or Hausa administration, as for example among the Tivs or Jukuns. Here it took some time to find out where authority had resided and various experiments were made which were not wholly successful. As in the Eastern Region, authority of the wrong kind was sometimes conferred on the wrong people; but sometimes, as in Igala, it became possible to find a Chief with centralised authority over subordinate hereditary Chiefs who were heads of clans and who, with the help of traditional or hereditary councils, could operate in the same kind of way as the District Heads of the Fulani territories. There is no uniformity in the methods by which these local difficulties were met; in fact, we were impressed everywhere in the Northern Region by the extreme variety and complexity of the arrangements for Local Government. Here it should be explained that, in the Northern Region, for most of the people "Government" means "Local Government"; the division of powers between the Regional Government and the local authorities is such that the Emirate constitutes a state within a state.

14. The British officers who succeeded the first administrators under Lugard were scrupulous to observe his promises and the Northern Region has remained behind the protective wall of the Colonial Government as an Islamic society, singularly unaffected by change in the rest of the world; Islamic law of the Maliki school is administered, purdah is observed by women and Western innovations are in some quarters regarded with disfavour. Yet with this Muslim orthodoxy has grown up a concept of the Northern Region as one country, and one in which minorities are to have a share, and it is the professed object of the Northern People's Congress, the Government Party, that there shall be "One North, One People". There are twenty African members of the Executive Council, of whom four are Christians, seven are neither Fulani nor Hausa, and seven come from the areas claimed for the Middle Belt State or mainly outside the System. It is argued by the NPC that the tradition of the North, in which Islam and the Hausa language both play a part, is a unifying element; tribal parties are formed to represent local interests, but they ally themselves, it is claimed, with the Northern People's Congress.

15. There are however three elements of opposition to the Government, to the NPC and to the Northern System. There is first the Northern Elements Progressive Union, a Hausa party with its headquarters in Kano, but on the whole a party of artisans and peasants, whose leader at least has a belief in democratic ideas and wishes to modify the autocratic rule traditional in the North. NEPU has been allied with the NCNC but it should be noted that as a Hausa party it is opposed to parting with any of the Northern Region. Secondly, there is the United Middle Belt Congress, which was formed in 1955 from two smaller parties representing the minorities which have been described as lying outside the Northern System; its object at present is the creation of a new State which would include that part of the Northern Region which was least a part of the Northern System, the southern areas to which they have given the name "Middle Belt"; this is a pagan and Christian party of which we shall have more to say later in this chapter. The third element of opposition is the Yoruba group in Ilorin, and to some extent Kabba, who advocate the transfer of their areas to the Western Region; with these we deal in Part V of our report. There are also a number of tribal unions which are mainly local, most of them allied with the NPC but in Ilorin and Kabba Divisions with the Action Group. The Action Group has made a wide bid for support in the Northern Region, not on any discernible platform of its own, but by supporting the local parties in Ilorin and Kabba and the UMBC in the Middle Belt area.

16. There have been two elections to the Northern Region Legislature, in 1951 and 1956, and there has been an election to the Federal Legislature in 1954; at the first of these three elections, we are informed that there was little interest in national politics and the successful candidates were people well-known in their constituencies. In 1954, party politics first made their appearance seriously, when the NPC won 84 out of 92 seats, the UMBC and its allies won 7, and the Action Group one. In the 1956 election the NPC won 100 seats out of 131, losing 11 seats to the UMBC and 6 to the NEPU, with a number to independents and to various small local parties; the Action Group won only one seat under its own name, though it supported some of the other opposition parties.

17. Although for long the Northern Region remained unaffected by movements of opinion in the world outside, in the last five years there have been changes which ten years ago would have seemed revolutionary. Since 1951 a beginning has been made with elections to a Parliamentary system; elections however are usually indirect and in the primary stage often by show of hands. The Emir has become the Emir-in-Council and in most Emirates an elected element has been added to his Council. In some Emirates there is an Advisory Council which meets to discuss matters referred to it and give an opinion; sometimes the Advisory Council elects members to the Native Authority, that is to say the Emir-in-Council. At the time of writing, 28 out of 64 Native Authorities have elected majorities but in all except Ilorin, where it is by secret ballot, election is by indirect voting and show of hands.

18. The NEPU is a purely political opposition and we are concerned with it only in so far as its views throw light on the fears of minorities. With the question of Ilorin and Kabba we shall deal elsewhere; it is with the ethnic and religious minorities of the Middle Belt area that we shall be mainly concerned. A number of organisations appeared before us to represent particular minorities, but only one claimed to cover a field wider than the purely local. This was the UMBC which is the most recent expression of the movement among these minorities for a Middle Belt State.



19. The history of the movement goes back to 1950, when a Non-Muslim League was formed at Jos, the capital of the Plateau Province. It was shortly afterwards re-named the Middle Zone League. The party was still based at Jos and most of the leaders came from the Plateau Province. Soon afterwards, in October, 1954, the Middle Zone League allied itself with the Northern People's Congress; this might seem a curious arrangement, but it had not then, apparently, decided that its immediate object was to break away from the Northern Region. It was our impression that the terms of the alliance were more a matter of mutual forbearance at the coming elections for the House of Representatives (the Federal Legislature) than a matter of principle, but that in so far as there was an agreement on principle the MZL had agreed that they would not press for the immediate creation of the separate state, though it remained an object towards which they would move eventually. We need not discuss the details of the party moves which followed; there was a split in the Middle Zone League; the League accused the NPC of breaking the terms of the alliance by putting up its own candidates against the MZL, and as a result of this quarrel, the MZL turned to the Middle Belt People's Party, with whom they united to form the United Middle Belt Congress. To how slight an extent principles were involved in these manoeuvres is shown by the fact that the Middle Belt People's Party had previously been allied with the NCNC. Undeterred by past experience, the new Party again made an alliance with the NPC, promising that they would not "ally themselves with other parties that demand the disintegration of the North". The elections to the Northern House of Assembly followed in 1956; it was in preparation for these elections that the alliance had been formed, but once again the Northern People's Congress was accused of breaking its undertaking and this time the breach seems to have been final.

20. The election manifesto put out by the UMBC for this election of 1956 is of interest. It was drawn up, of course, when they were still allied with the NPC. In this manifesto the Party said ". . . we feel that the creation of a separate Region, though desirable, is for the present, unpracticable. We are of the opinion that with a reasonable number of representatives in the Regional Legislature we shall be in a position to take active participation in running the Government and that the interests of the peoples of the Middle Belt shall be adequately protected. . . ."

21. The break with the NPC, followed by the latter's decision to ask for self-government in 1959, was, we were told, responsible for the UMBC's decision to press for the creation of a separate state before independence. At first the Ilorin and Kabba Divisions were included in the area for the Middle Belt State, but soon after the Conference held in London in 1957 the UMBC and the Action Group came to an understanding; the Action Group promised support to the UMBC, who agreed to exclude Ilorin and Kabba from their proposed state. The area of the proposed state was then increased by claims to which we shall refer in detail later.

22. Thus the broad picture emerges of the Northern System, as yet hardly challenged in the northern half of the Region, a system hardly changed from Lord Lugard's time until 1950, slowly becoming aware of profound change elsewhere in the world, moving very slowly to meet it, and at the same time challenged in the southern part of the Region by a movement for a separate state which would be based on different principles.

#### CHAPTER 9. THE FEARS AND GRIEVANCES OF MINORITIES

The principal fear expressed in the Northern Region is that after independence the more conservative tendencies in what in the last chapter we

called "the Northern System" will gain the upper hand, while recent moves in the direction of democracy will be abandoned, together with that tolerance of non-Muslims and all minorities which is at present a part of the NPC's political philosophy. What is feared, in short, is a swing back towards Islamic conservatism and the autocratic rule of the Emirs. In this chapter we examine these fears and consider how far they are either genuine or well-founded.

2. One matter may be quickly disposed of. In the other Regions much of our time was spent on allegations that the minority areas were neglected in the matter of schools, hospitals, roads and other public services. In dealing with such allegations, it was necessary to remember that the areas in question were remote from the centres of the Region and that development usually spreads outwards from a capital or a port; in the Northern Region, however, it is the minority areas which have the advantage in this respect. The presence of missionaries in the southern or minority areas led to far more being spent on both schools and hospitals than in the Muslim North, while the mileage of roads in proportion to the population is also greater in the South. The Northern Region Government put before us impressive figures which we consider prove conclusively that there has been no neglect of the South in the matter of public services; indeed, rather the reverse is true and the South has had more than its share of Government expenditure. No serious attempt was made by the representatives of minorities to question this point and we do not propose to spend any more time on it.

3. An important aspect of the minorities case concerns Muslim Law; this seems to us a question which may conveniently be dealt with separately; it therefore follows immediately after this chapter, before our discussion of the claim for a separate state. What remains is a series of allegations that in the pagan and Christian areas of the South the present system operates to the prejudice of personal freedom and may be expected to become harsher still. It is these we now examine.

#### **Fears and Grievances Regarding Traditional Rulers**

4. There are some areas, predominantly pagan or Christian, which form part of the Emirates, particularly the southern parts of Zaria and Ilorin. In both areas it has sometimes happened that large groups of non-Muslims have been ruled by District Heads who are officials and are appointed by the Emir, and it was represented that this was contrary to the traditions of people who had been accustomed to the rule of traditional Chiefs of their own. There seems little doubt that although the Native Authority is no longer the Emir but is now the Emir-in-Council, the Emir himself retains by tradition a certain prerogative right in this matter and that in practice he does make the appointments. It was stated as a grievance that these minor traditional leaders were either disregarded entirely by the Northern System, which recognises only greater Chiefs, or that they were treated as District Heads, who are officials not Chiefs at all, and are subject to dismissal or retirement. This we believe to be a genuine grievance in some areas, though it is not one of recent origin, and it is one regarding which we shall mention among our suggestions.

5. It was also a matter of complaint that among the greater Chiefs the predominance of Muslims was marked and excessive. Since however there were few organised states except the Muslim Emirates when the Protectorate was proclaimed, this seems inevitable. The Government has recently created one First Class Chief, the Tor Tiv, who is not a Muslim; the other fourteen First Class Chiefs are Muslim; there is a reasonable representation of Chiefs from the Middle Belt area in the House of Chiefs. To regulate matters of chiefship, the Government has appointed a Council of Chiefs who will deal

with the appointment, recognition and grading of Chiefs. This seems a wise step.

6. On the whole, however, the most important question is whether Chiefs are to become less powerful or more. It seems that development is at present in the direction of the Chief coming to occupy a position much nearer that of a constitutional monarch than at present, and if this process continues, questions of this nature will become less important.

#### Social Fears and Grievances

7. These fears regarding Chiefs and the Administration were coupled with a number of allegations regarding the use of contemptuous expressions and social practices. It was alleged that the stricter Muslims would not eat with non-Muslims, that they referred to them by contemptuous names, and that it was feared that Muslim practices such as the observance of purdah and the prohibition of alcohol would be extended and made compulsory. It is of course a fact that a strict and orthodox Muslim will not eat meat unless he knows that it has been killed in the prescribed way and with the prescribed invocation; he is therefore careful not to eat at the house of an unbeliever. But in other parts of the Muslim world this custom, like the observance of purdah, is becoming less rigid than it was, and it may be that when the Muslims of Northern Nigeria are no longer protected by the colonial system, an increased contact with other Muslim peoples will lead them in fact to become less rather than more conservative in matters of this kind. As to expressions of contempt, we do not suppose that they are used only by Muslims, nor is Northern Nigeria the only place where people speak contemptuously of each other.

8. Among some tribes the consumption of native beer is regarded not only as a pleasure but as a religious duty and is also said to be an important element in diet; it seems to us that to prohibit this among pagan people is a move not likely to be taken by a Government which intends to retain elections or democratic procedure.

9. Complaints were made that the teaching of Hausa in schools was compulsory, that minorities were therefore in danger of losing their mother tongue, and that this was part of a deliberate plan to strengthen Hausa and Fulani influence throughout the Region. We do not believe that this criticism is justified. Hausa is a language widely used in trade not only throughout the Northern Region but in the two southern Regions of Nigeria and in many parts of West and even East Africa. As a lingua franca it has much value as a unifying influence; it seems to us inevitable that the smaller languages will increasingly be used only in the home and in the village.

10. We received representations regarding the position of women in the Northern Region of the future. At present, it is customary among the wealthier Muslim families to observe purdah; women suffer certain disabilities in the law courts under Muslim law (to which we refer in the next chapter) and throughout the Northern Region women are unable to vote. In the non-Muslim communities, this distinction between the sexes is regarded as unnatural. In non-Muslim West African communities, women have always taken an important part, having rights of their own to property, frequently trading in their own right, having sometimes succeeded as Chiefs and rulers. It is unlikely, we believe, that the desire for the vote is widespread among women, since it is a comparatively new idea for men in the Northern Region. But we believe there is a genuine fear in some communities that a hardening of the Northern System would mean further restriction on their women. It may be on the other hand that independence will mean travel and a wider contact with other Islamic countries in which purdah is becoming less and

less observed ; it seems far from certain to us that independence will mean an intensification of the restrictive attitude which at present exists in certain quarters in the North.

### **Fears of Political Influence**

11. More serious were allegations regarding the impartiality of the Native Authority police and of the Alkalai. The legal aspect of the system of Muslim Law we shall deal with in the next chapter, but the allegations to which we now refer concern the use of their position by the Alkalai to influence the political scene. It was said that Alkalai had sometimes acted at polling stations as agents for a political candidate, and had influenced elections by their manifest preference for one party. It was also alleged that the Native Authority police had shown their preference for the Northern People's Congress and on one occasion had worn party favours on their bicycles.

12. The Alkalai, as we shall explain in more detail in the chapter regarding legal systems, are at present appointed by the Native Authority ; they are certainly associated closely in the popular mind with the Native Authority. The Native Authorities are empowered at present to establish local police forces, which are under their operational control unless they have conferred power on a police officer of the Nigeria Police to exercise this authority. They are advised by officers of the Nigeria Police on the strength, discipline and training of their forces but need not follow such advice. Their forces are thus very closely associated with the Native Authority and that that Authority supports the existing order, and therefore the Northern People's Congress and the Northern System of Government, is everywhere taken for granted. It would therefore be surprising if the Alkalai and local police were not believed to be usually in sympathy with the NPC and we have little doubt that in the mind of the general public their support is taken as a matter of course. It is not necessary to discuss in detail the various allegations, some of which are no doubt exaggerated. Such a general opinion is bound to influence elections and to cause minorities to believe that criticism is unlikely to get a fair hearing. We make elsewhere suggestions regarding the appointment and administration both of Alkalai and Native Authority Police which we hope may contribute towards allaying this anxiety.

13. We also heard in more than one Emirate evidence that the Emir's bodyguard was used as a means of intimidation, not only to compel respect for the Emir's person and office but also to prevent political criticism. In Kano it was also alleged that a "strong-arm group" was used for the same purposes, this group being not in uniform nor officially recognised. We did not however hear evidence of such "strong-arm groups" elsewhere in the Northern Region to the extent that we had in the East and the West. That the Emir's bodyguard is sometimes used to compel respect for the Emir we have little doubt ; indeed, it is largely for this purpose that it exists. And it would be surprising if members of a bodyguard never exceeded the exact limits of their proper authority.

14. The question, we think, must be considered in the light of the whole situation. The Northern System of Government is in a state of transition ; in the past power was entirely in the hands of the Emirs ; in the last fifty years they have been guided and advised in the use of their power by British Residents. But the Residents will now change their functions, if they remain at all, and it will be for the newly elected Government of the Northern People's Congress to guide and advise the Emirs ; change is bound to come and one may suppose that there will be gradually established within the Party a balance of power between the Emirs and the elected politicians, many of whom have served an apprenticeship in public affairs in administrative posts

under the Native Authorities. From the point of view of allaying the fears of minorities and confirming the unity of Nigeria—which is the point of view to which our terms of reference direct us—it seems to us desirable that the trend of change should be towards an increasing control of the forces of law and order by Federal and Regional Governments rather than by Native Authorities; but this must be a gradual process and we would not wish to see a sudden change in existing arrangements at a moment when independence is close and when so many other changes are inevitable. But change, when it does occur, should be in the direction of confining the Emir's body-guard to ceremonial functions.

15. As part of the general picture which critics of the Northern System tried to establish before us, allegations were made that the children of those who criticised the Government or voted for opposition parties were included in the tax rolls and their fathers thus forced to pay what amounted to a punitive tax. That children were sometimes included wrongly in the tax rolls was established by evidence but there was no instance in which it was proved to be due to malice. Mistakes of this kind are as likely to be due to inefficiency or idleness on the part of junior officials as to political bias.

16. Prisons were also a subject of complaint. There are at present 3 Federal and 65 Native Authority prisons in the Northern Region. The Native Authority prisons are at intervals inspected by a Federal Prison Staff who are responsible for their supervision; they are also inspected by administrative officers. We heard allegations that prisoners were sometimes ill-treated by the staff of a Native Authority prison, particularly if they belonged to an opposition party and were serving a sentence for some act of defiance or criticism of established authority. There is no part of the world free from the danger of prison staff becoming callous and brutal; where political feelings run high, it seems likely that in a local jail a prisoner of the opposition party may sometimes be treated roughly if supervision becomes lax. There are therefore strong arguments for removing as soon as possible the control of prisons from local authorities. At present there are Central Prisons which are Federal. The aim should be, we suggest, first to strengthen control and inspection by an authority which is not local and gradually to increase the number of prisons which are Federal or, if that presents difficulties, Regional. Some such changes as these are the more desirable since with the steady increase of other duties officers of the general administration will find it increasingly difficult to carry out the functions of supervision which they have performed in the past.

### **Fears Regarding Foreign Policy**

17. From a number of witnesses we heard allegations that the Government of the Northern People's Congress had exhibited a sympathy with nations of the Middle East—particularly with nations of the United Arab Republic—which resulted from a common allegiance to Islam and which after independence might cause a grave divergence on foreign policy between different elements in Nigeria. It may be that this evidence was put forward in part to sow distrust of the Northern People's Congress in the minds of the Commission; on the whole, a more natural alignment for the Northern People's Congress would be with the Sudan rather than with Egypt, where laxity in Muslim observances is shocking to visitors from Northern Nigeria. Nor do we believe that this is a widely held fear among the pagan minorities of the Middle Belt area.

18. But in spite of these considerations, differences of outlook on foreign policy may well be a dividing factor in the new Federation, and we believe that this real danger is one to which thinking people among the minorities

are alive. Foreign policy will be a matter for the Federation ; if it were true, after independence, that the Northern People's Congress held views on foreign affairs quite different from the rest of Nigeria's, they would need control of the Federal Government to put them into effect, and they can hardly control the Federal Government without the support of their own minorities. If the NPC could compel the minorities to vote for their candidates, and give them control of foreign policy, then the minorities might have cause for fear. It is surely more likely that they would have to modify their policy to win the votes of non-Muslims.

19. This is a point with wider implications, affecting policy not only on Federal matters but on those domestic to the Region. At present the NPC has an overwhelming majority in the North and from a purely Northern point of view need not perhaps concern itself much about minority votes. But when the importance of the Federal Government increases, as is likely after independence, the NPC will wish to win votes at the centre. It can only hope to provide a federal government not based on a coalition in one of two cases ; either it must secure a substantial footing in other Regions, which does not at present seem likely, or it must win almost all the seats from the Northern Region. If it is to do this it will be necessary to conciliate the pagan and Christian areas.

#### **Relations with Native Authorities**

20. During the past three or four years there has been an advance towards democracy in the field of local government ; as we mentioned in the last chapter the Native Authority is no longer the Chief but has become the "Chief in Council", and in Ilorin there is an elected majority which is intended to function on the pattern of an English County Council through committees. The fear was widely expressed to us that with independence the movement towards democracy will cease and what has been granted may even be withdrawn. To illustrate this fear reference was made by several of our witnesses to a passage in a speech made to us by the Premier of the Northern Region, the Sardauna of Sokoto. What the Premier actually said was this :

"In Ilorin, the North has experimented with a democratic endeavour equal to, if not advanced beyond, any other existing in Nigeria. If, as a result of this experiment dismemberment of the Region follows, then I fear greatly that the taste of experiment and democracy will become so bitter that similar opportunities which now present themselves will stand little chance of coming to fruition and that the democratic advancement of the Region as a whole may suffer a shattering setback."

21. It will be seen that the Premier was thinking of the "dismemberment of the Region", that is to say, the boundary dispute regarding Ilorin and Kabba with which we are dealing in a separate part of this report. The boundary dispute, however, is inextricably linked with the desire of the people in this area for a greater say in local affairs ; indeed, one of our difficulties in assessing the situation in Ilorin has been to disentangle the two. There has been trouble between the Regional Government and the Native Authority at Ilorin which might be thought to have little to do with the boundary dispute ; we understand that the staff of the old Native Authority were associated in the minds of many people with the Northern People's Congress, whereas the new elected majority are in sympathy with the Action Group and the ITP alliance, and it is over the treatment of these public servants that difference of opinion has been most acute. It is not for us to comment on such differences of opinion except in so far as

they contribute to a feeling of apprehension throughout the Region on the part of minorities. Though we have no doubt that this apprehension exists, we can only applaud the expression of policy of the Northern Region Government of 7th December, 1957, which states with clarity and correctness the position between a Regional Government and local bodies. In this statement the Government of the Northern Region recognise that the law defines separate fields for the Regional Government and Native Authorities, and they continue:

“ Within the field of local government, the Regional Government is ready to grant Native Authorities complete freedom of action provided always that certain essential conditions are observed. These conditions are that Native Authorities should retain the confidence of the great mass of their people, that they should discharge adequately the duties and responsibilities assigned to them, that they should conduct their financial affairs in a prudent and responsible fashion, and that they should maintain the standards of honesty and impartiality required in a country approaching independence. The Regional Government, which is ultimately responsible for law, order and sound administration, must however reserve to itself the right to intervene in local government matters if these conditions are not met.”

22. The Government goes on however to say that their right to intervene cannot be arbitrarily exercised, and continues:

“ Native Authorities are constituted under and safeguarded by legal processes and any Government which sought to suppress them or encroach upon their statutory rights would have to proceed according to law. Such a move, whether justified or not, would be reported in the Press and could be made the subject of a debate in the Regional Legislature. Consequently any Government which took action against a Native Authority for improper motives would risk exposure at the bar of public opinion.”

23. These are the declared views of the Government; so long as they proceed in this spirit, the fears of minorities are groundless. It is difficult to suppose that any constitutional provision will force a government to act in a particular spirit if it is determined to do otherwise.

24. More particularly it was suggested to us that the Native Authority Amendment Law, 1958, was too wide in that it gave the Government power to remove elected members of a council and to replace them with their own nominees. Section 19 of the previous Native Authority Law gave the Regional Government power to remove persons after one month's notice; the new provision provides that the removal shall be “after due enquiry” but not after one month's notice, and it gives the power to replace the persons removed. What is here provided for might appear less extreme than the power of superseding the Council, a power which any government might need to assume; that for many years to come the Government will need this power to supersede a local authority we do not doubt. But to remove individual members and replace them by nominees is a less obvious and therefore more dangerous use of power; it is open to misuse for political purposes and even if it is used for reasons which have nothing to do with party politics, it will arouse suspicion and probably resentment. We believe it would be wise if the Government reserved to itself the power to supersede, but renounced the power to pack, a local authority.

### Fears of Religious Intolerance

25. In the Northern Region as a whole the population is divided between the three main religious groups, Muslim, Animist and Christian, as follows:—

Moslems	...	...	...	...	...	11,322,000
Animists	...	...	...	...	...	4,279,000
Christians	...	...	...	...	...	547,000

Both Christians and Animists expressed fears to us regarding the future; once again, these fears were not particularly impressive when marshalled item by item, but that a general feeling of apprehension exists we have no doubt. We should however say at the outset that those who appeared before us as representatives of Christian bodies stated clearly that they did not wish for any political separation; they did express the hope that the new Constitution would embody a statement on human rights which would give religious minorities the freedom to practise their religion and which would specifically lay down that there should be no obstacle to a person changing his religion. We shall deal with statements of principle of this kind in a separate chapter.

26. It was stated that Muslims in the Northern Region had on occasion expressed hostility towards Christian Missions; there have been isolated instances of this, in the Northern House of Assembly and elsewhere, usually however expressed with some qualification. We have little doubt that there has been intolerant behaviour on both sides and that some of the Christian Missions have provoked retort, but we suggest that exceptions of this kind should be forgotten on both sides. The general attitude of the Northern Region Government has been expressed in their statement of policy made on 14th November, 1957, which contains the following passage:

“Subject only to the requirements of the Law and public order the Regional Government has no intention of favouring or advancing any religion at the expense of another.”

The Government continues with the warning that provocative behaviour might involve taking action to prevent a breach of the peace, irrespective of the religion which was held to have inspired the behaviour, but they go on:

“With regard to proselytisation and missionary activity amongst all shades of denomination in the religious groups which make up the Region, the Regional Government has demonstrated, time and time again, both by word and by deed in the form of very considerable financial assistance, that it welcomes vigorous and extensive enterprise in the educational and social fields. Subject only to the considerations referred to previously, the Regional Government does not intend to place any curb on the religious activities of missionaries or on their right to receive converts amongst other Religions.”

This is the declared policy and we have no reason to suppose that it is not the intention of the Government to carry it out.

27. It was stated that whereas Christian Missions had difficulty in obtaining permission to build churches, Muslims could set up a mosque wherever they liked. It would not seem to us unreasonable that permission to set up a church should be refused in an area which is predominantly Muslim, but we were unable in fact to find any case of permission being refused absolutely. In the few cases in which specific allegations were made, we found, on pursuing the matter, that the Mission had been offered an alternative site which they had either refused or failed to take up. Apart



from the general considerations of public order and the avoidance of occasion for dispute, there has sometimes been a legal difference, in that special permission from the Government is required under the Land and Native Rights Ordinance for a grant of land to a body of persons foreign to the Northern Region; this has in the past usually applied to the Christian Missions, and has affected their applications, not only for churches but for sites on which they could set up some building for "a class of religious instruction" (which apparently usually means a class of religious instruction for adults). No permission is necessary to hold such classes; it is only for land that permission is required. Requests for land are investigated in the first place by the District Head and delay at this level may occur and may occasionally be deliberate.

28. It was suggested to us that restrictions are placed unnecessarily on the sale of religious literature and on permission to preach the Gospel. We did not think that either of these statements was justified in general terms. It is right that a Government should retain the power to prevent the circulation of inflammatory literature and in one case the publication from its title alone appeared to be highly provocative; we heard also of at least one occasion when a preacher had uttered words that were provocative and insulting. He had been fined for doing this and we did not think that his punishment was by any means excessive. There are general prohibitions in certain areas against public preaching in Muslim towns but we were informed that permission was usually given to preach at a public place which was not felt to be dangerous, being refused only to a person known to be likely to use immoderate language. This seems reasonable.

29. It was suggested that it was discriminatory that the Government College at Zaria should be reserved for Muslim students and that the Christians, even from the neighbourhood of Zaria, should be sent to the College at Keffi; but when there are two institutions there are good reasons for concentrating Muslims in one and Christians in the other, since provision can thus be made for religious instruction and for different food.

30. Some criticism was made to us of the allocation of time for religious broadcasting. Broadcasting is a Federal subject but we were told that as regards the Northern Region it was the intention that the Corporation should be advised as to its religious broadcasts by a Muslim and a Christian advisory committee, and we did not think that the allocation of time gave any reasonable cause for complaint.

31. It was implied rather than alleged that the Government brought pressure to bear on Chiefs to change their religious allegiance but in the only instance which anyone was able to specify the Chief concerned appeared before us and indignantly repudiated the suggestion. As to general intolerance, one of our witnesses, a Chief, asked to be allowed to read a passage from the Koran outlining the attitude of Muslims to those who do not accept the faith of Islam. He read a passage, undoubtedly one of the more militant, and, although we were later supplied with a translation which indicates that it was open to a less provocative interpretation than his, we have no doubt that the view he took is one generally held and that there are many Muslims in the North who regard it as a duty to convert unbelievers. Islam is a dogmatic and proselytising religion—but not the only one. There are intolerant people on both sides of this controversy and there will always be instances of intolerant behaviour; nevertheless, at the moment the declared attitude of the Government of the Northern Region is one of tolerance. This is a matter in which legislation can only point the way; we can only make recommendations regarding principles to be included in the Constitution.

which we do in another chapter. It should be added that pagans complained of a contemptuous attitude on the part of Christians as well as of Muslims ; this was put forward by pagans of the Middle Belt as an argument against the creation of a separate state but is not to be taken very seriously because the pagans would in such a state outnumber the Christians very considerably.

#### Fears of the Law

32. Muslim Law being a subject of some complexity we have dealt with it in a separate chapter. One aspect of the law however hardly falls under this head. A number of witnesses pointed out that prerogative writs, other than *habeas corpus*, no longer lay to Native Courts. They argued that this restriction was part of a deliberate policy aimed at destroying individual liberty. We found that this amendment to the law was in accordance with a recommendation of the Brooke Commission, who took the view that the use of these writs constituted a complexity unnecessary in the conditions of the time ; it was argued by representatives of the Government before us that the writs had been used to impede the operation of justice. But the Commission qualified its recommendation with the proviso that the restriction should last only "so long as the present safeguards in the control of Native Courts continue". These safeguards must include the powers of revision of administrative officers, which, as we shall explain in the next chapter, are unlikely to continue. If powers of revision are withdrawn, the application of the prerogative writs or some comparable procedure should be reconsidered ; if not, a danger to the liberty of the subject is likely to arise, which will be particularly acute in respect of individuals who belong to minority groups.

#### CHAPTER 10. MUSLIM LAW

Many witnesses have referred to their fears of Fulani-Hausa domination, and though the meaning of this phrase was not always expressed in terms, or even consciously analysed by those who used it, it clearly implies a system of rule and of society of which an important ingredient is the operation of Muslim Law. Some witnesses have specifically referred to this system of law as an object of fear.

2. Northern Nigeria is peculiar in that there are at work side by side three distinguishably different systems of law ; in the first place, Nigerian law based on the Common Law of England as modified by Nigerian and British Statute ; Native Law other than Muslim Law ; and finally Muslim Law, which in its turn is divided into the strictly Koranic Law known as *Shari'a* and the law arising from the prerogative of the ruler, which is known as *Siyasa*. To enquire into the relationship between these different systems in any detail would be a task for a special Commission ; neither our terms of reference nor the time available to us would permit such an examination, even if we were competent to undertake it. But some consideration must be given to the nature of those fears regarding the law which are felt by minorities.

3. These fears are in the main of two kinds. There are those arising from the fact that Muslim Law makes a distinction between Muslims and non-Muslims, and there is also a group of fears based on the belief that the judiciary is at present closely associated with the executive and that in the future this association may become closer. As to the first of these sets of fears, we are aware that in many Muslim courts the distinctions are not observed and we have been impressed by the fact that more than one Emir or Chief has spoken to us of being the father of all his people, not exclusively

of those of his own religion or tribe, while it is the declared ideal of the Government of the Northern Region to be "One North, One People" and to make no distinction on account of religion or tribe. We are aware that the Northern Region Government have arranged for the despatch of delegations to other Islamic countries in order to study the modifications of *Siyasa* Law which have been undertaken there and we believe that the Government intend to consider what can be done to remove the inequalities in the law's operation. It is in the hope that we may be of some help to the Northern Region Government in this task that we draw attention to those aspects of the law which have impressed us as contributing to the fears of minorities.

4. It is in procedural rather than substantive law that the distinction between Muslims and non-Muslims is most clearly made. In theory—though as we have said, courts do not always insist on this—the evidence of a male Muslim is of greater value than that of a woman, a Christian or a pagan; indeed, in some traditions the only evidence that is admissible in any degree is that of an adult male Muslim who is regular in his observance of religious duties. Some courts, we understand, do observe this distinction at present, and, since there is no doubt that it does form part of the legal tradition, it is understandable that minorities should be afraid that its observance may spread. Secondly, it is open to the court to give a Muslim accused the option of swearing on the Koran that he is innocent; if he accepts this challenge he is discharged, being left, if he is really guilty, to the vengeance of Heaven. This alternative, however, is not in theory open to a Christian or a pagan, although there are, we understand, some courts which admit a similar oath on the Bible or on a fetish. But this is irregular and is frowned on by the orthodox.

5. There is a further distinction. If homicide is proved or admitted, the court normally asks the nearest relative of the deceased whether he wishes a life to be exacted for a life; if the relative decides to waive the right of exacting a life, the punishment may be as little as one year's imprisonment, 100 "symbolic" lashes, and the payment of compensation to the relative. This compensation varies from Emirate to Emirate and although it has recently been increased, is widely regarded as in any case too low, even if the deceased is a Muslim. But if the deceased is a Christian, the texts of the Maliki school prescribe that the compensation shall be half as much as for a Muslim, while if the deceased is a pagan, the amount is one-fifteenth.

6. There is another class of anomaly which arises not from the distinction made by Muslim Law between persons but from the operation of two systems of law in the same country. The Muslim law of homicide takes no account of intention or provocation, while, under the Common Law, and under the Statute Law of Nigeria, provocation may reduce the offence from murder to manslaughter and intention is an essential part of the offence. As to intention, medical evidence of the health of the deceased or the nature of the injury may provide valuable evidence and may even indicate that no offence was committed. If A strikes B and B dies, that in Muslim Law is homicide, for which the penalty will be death if the relatives wish it. Thus an act committed with no intention to kill, or even with no criminal intention at all, but followed by death and appearing to cause death, might lead to a man's execution if committed in the jurisdiction of an Emir whose court is "Grade A Unlimited", while if it had been committed two miles away in the jurisdiction of a court with lesser powers, it would have been sent for trial direct to the High Court and would have fallen under the Nigerian Code, where it might be found to be no offence at all. A ruling of the Supreme Court of Nigeria that no offence may be

punished with a more severe punishment than might have been inflicted under the Nigerian Criminal Code has in theory reduced the likelihood of this anomaly resulting in injustice, but in practice has created an additional confusion, because it means that Muslim Courts must take into account two systems of law, in one of which they have no training; indeed, the resulting situation has been described to us as "unworkable". And if a mistake is made, it does not follow that there will be an appeal, as would be probable in more sophisticated communities.

7. It is fair to add that this last confusion has not been specifically put to us as a cause of fear by representatives of minority groups. But it is one example of a number of anomalies which taken together must help to create a feeling that the law is unpredictable and it is hard to believe that it does not contribute to the uncertainty and apprehension as to the future which many have expressed.

8. Again, we recognise that in practice injustice arising from these various anomalies has occurred less often than might be expected and that most of the courts have not acted rigidly according to the letter of the law. This however is partly due to the presence of a body of executive officers, from the Resident downwards, whose outlook is based on the Common Law of England and who have enjoyed wide powers of revision. But it is surely in itself anomalous, and indeed objectionable, that the judicial system should depend for its efficient working on the interference of the executive and it seems likely that an autonomous government would wish to modify this system. Again, from a practical viewpoint there is likely to be at first a shortage of experienced executive officers in the Nigeria of the future and the Government will wish to reduce their burdens as far as possible. It seems therefore probable that powers of revision will be reduced or removed and that this important factor in the practical working of the present system should therefore be discounted.

9. We believe that among non-Muslims there are genuine fears that in future Muslim law will be interpreted more strictly than in the past. At present, the Supreme Court has ruled that one system of criminal law must be held to prevail in any given area; in parts of Ilorin Division, for example, the prevailing system of law is Muslim and this is applicable to Christians and pagans. Thus Christians and pagans are liable to be tried under a system of law which in theory does not recognise the validity of their oaths or the value of their evidence unsworn. We understand, however, that the Government of the Northern Region have under consideration a provision whereby an accused person or a defendant who is not a Muslim might claim the right to be dealt with in a non-Muslim court. This we believe would go far to allay the fears to which we have referred.

10. We come next to the group of fears which concerns the close association of the judiciary with the executive. This arises in part from the very nature of the *Siyasa* jurisdiction. The *Shari'a* deals with an extremely limited number of offences, being designed for an ideal state of society; in the earliest days of Islam it was found necessary for the great Islamic rulers to exercise their prerogative in respect of other offences and it is from their early decisions rather than from the Koran that the great schools of Islamic Law have grown up; of these, Northern Nigeria follows the Maliki school. The Emirs as rulers are the inheritors of this early tradition; like the first Khalifas, they express in their decisions the disciplinary powers which it is their duty to exercise. They preside in court and certain *Siyasa* offences cannot be tried in their absence.

11. This is not generally felt to be a cause of fear among the law-abiding, except in respect of cases which concern the prerogative and prestige of the ruler and which in other systems of law would be regarded as marginally criminal. Under the *Siyasa* tradition, the penalty for speaking evil of a ruler is unlimited, but it is laid down that it shall be severe. A case has been brought to our notice of an Emir himself deciding a case in which the charge was that the accused had scandalised the Emir. The sentence in this case was upset by the High Court after discussion with Muslim assessors, but it is not every case that goes to appeal. Further, the ground on which this appeal was allowed was that the Emir had been personally involved; had the sentence been inflicted by a court subordinate to the Emir the appeal would probably not have been successful, yet, as we shall show, such courts can hardly be regarded as wholly independent. Punishments for this offence of which we have heard have been from six months' to a year's imprisonment, sometimes accompanied by sentences of flogging to be carried out in public with as many as a hundred "symbolic" lashes—but there is no limit to the number which may legally be inflicted. It was, incidentally, explained to us that the "symbolic" lashing is meant to cause disgrace rather than physical pain, but we were not wholly satisfied that the distinction was always carefully observed.

12. The procedure for the appointment of the Alkalai (who are the judges in the subordinate Muslim Courts to which we have referred) is at present that an Alkali is nominated by the Native Authority and his appointment approved by the Resident. There are, we understand, proposals that the Resident should disappear from this procedure and that the Native Authority should not merely nominate but make the appointment. Even at present the Alkali is appointed to have jurisdiction within the territory of one Native Authority and he has no right and little prospect of transfer or promotion elsewhere. For the appointing and control of Alkalai, the Native Authority is in practice still the Emir; the limitation of the Emir's powers by a Council is of recent date, he usually retains his prerogative in the matter of making appointments and his influence, if not his direct power, is still considerable. In many cases the Alkali is a relation or a member of the household of an Emir and he depends on the Emir's goodwill for transfer and promotion. It will be seen then that members of the judicial body are very closely associated with the chief executive authority.

13. It has been argued that Alkalai should not be susceptible to transfer to other areas because they must be acquainted with local customs and language; and clearly this argument has force. But we suggest that there would be everything to gain and nothing to lose by introducing a regional service of Alkalai who, though in their early days they would normally remain within one Province, or one Emirate in the case of the greater Emirates, would be trained and promoted on uniform lines. It would, we believe, help to eradicate the fears of minorities if all Alkalai were appointed by a special judicial commission to whom questions of transfer or promotion would be referred and who would be the protectors of the Alkalai against interference by the executive authority.

14. Appeals are at present directed through various channels to the High Court of the Region, passing through the Muslim Court of Appeal if they originated in Muslim Courts. But in the first place an accused person is not permitted to be represented by counsel in any Native or Muslim Court within the Northern Region, so that it is not always easy for a convicted person to know whether an appeal should be made or not. In the past this has not mattered so much as might be expected, because it has been the custom for

the District Officer to attend the jail every week to see that whippings are carried out properly, to interview any persons committed to prison during the week and to hear any grievances. The District Officer has in fact acted as an adviser as to whether an appeal is likely to succeed. This custom is linked with the system of review to which we have already referred and it seems unlikely, both for practical and theoretical reasons, to continue. But apart from the question of advice, it is not always easy to appeal. It lies within the experience of some members of the Commission that difficulty in obtaining copies of orders or proceedings may be a fruitful source not only of delay, and therefore injustice, but of corruption. We asked for information regarding the time taken to obtain copies but it was not readily obtainable; from a sample, when at length it was compiled, we observed that in one case four months had elapsed between the application and the granting of a copy. Such delays, and the fact that there is no machinery for watching or preventing them, must hinder the lodging of an appeal. One case came to our notice in which the court had refused leave to appeal, although no permission was legally required. In another case, the accused was acquitted by the Muslim Court of Appeal when he had just completed a sentence of six months in prison and had suffered a whipping.

15. No doubt instances such as those to which we have referred in the preceding paragraphs are exceptional. But the fact that they can occur at all does give ground for fear, particularly in the light of the close association of the judiciary with the executive.

16. An aspect of the law of appeal to which our attention was drawn would be no affair of ours if it were not for this close association. If a sentence is of imprisonment not exceeding six months or of a fine not exceeding £25 (whether accompanied by whipping or not) an appeal will lie from the court of a junior Alkali to a senior Alkali only and no further appeal is admissible. While the association of the Alkalai and the executive continues, this is a real cause of fear.

17. We have heard arguments against the introduction into the Northern Region of representation by counsel in the form common in most other countries; we agree that probably at present the introduction of this system in the North would create more abuses than it would meet. We are however of the opinion that if the functions of the administrative staff in respect of review and advice are reduced or removed, Prisoners' Friends with some knowledge of the law might be introduced. This would be in accordance with Muslim practice in other countries.

### Summary

18. We consider that the fears of minorities in respect of Muslim Law would be reduced if the Government of the Northern Region were to adopt the following proposals, some of which they already have in mind:

- (i) Non-Muslims to have the option of being dealt with by non-Muslim courts:
- (ii) A regional service of Alkalai to be instituted who would be appointed and administered by a judicial commission:
- (iii) Prisoners' Friends to be permitted, and improved arrangements made to facilitate appeals and to ensure that copies of court records are not delayed.

19. We believe that, if the Government of the Northern Region decide to reform the administration of the law in these and certain other respects,

they will very considerably reduce the fears felt by minorities and ease the passage to independence.

#### CHAPTER 11. PROPOSALS FOR A NEW STATE

In the Northern Region, we were asked to consider what was virtually one claim for a separate state, though it took several different forms. This was for a Middle Belt State and was advanced by the United Middle Belt Congress with, as allies, the Action Group, who were represented at all our sittings within the area claimed for this state. Representatives of Christian bodies who appeared before us asked, as has already been explained, for constitutional safeguards only. With the claim for the transfer of Ilorin and Kabba to the Western Region, we shall deal in a separate chapter.

2. There was some uncertainty as to the area claimed by the UMBC and Action Group Alliance for the Middle Belt State. It was the intention of this party that their state should be set up wherever pagans and Christians were strong and Muslims comparatively weak, where in short the Northern System was less thoroughly established. But as maps Nos. 5 and 6, illustrating tribal and religious distribution, will show, it is difficult to draw a hard and fast line. In map No. 3 we have shown the area of the state now claimed, as far as we were able to ascertain it, but in spite of several requests we never obtained a map showing clearly where it was claimed that the boundary should run, while there were changes in the intention of the Alliance even while we were in Nigeria. We believe that the area eventually claimed is the whole of four Provinces, Benue, Plateau, Adamawa and Niger, to which should be added Ilorin and Kabba Provinces less the Ilorin Division and the Kabba Division, together with the southern parts of Bauchi and Zaria; it is with regard to Bauchi that the greatest uncertainty exists, and we have been forced in the map to show a quite arbitrary line.

3. This claim involves a change of policy. Until recently the area claimed was, we understand, the whole of the Ilorin, Kabba, Benue and Plateau Provinces; the southern parts of Bauchi and Zaria; the Niger Province as far as Kontagora Town only; out of the Adamawa Province, only the Numan Division and the two Districts of Muri and Wurkum. The whole Provinces of Niger and Adamawa are now claimed, while Ilorin and Kabba Divisions have been surrendered in theory to the Western Region. These changes took place at the time of the Alliance between the UMBC and the Action Group. A claim resembling this earlier claim was put forward on behalf of the Benue Freedom Crusade, who appeared before us only at Makurdi; this body favours a Middle Belt State much more like that originally claimed and including Kabba and Ilorin Divisions. It is however an organisation with only a small local following and its proposal does not require detailed separate consideration.

4. The proposal for the Middle Belt State, with the history of which we dealt in Chapter 8, was contested hotly by the Government of the Northern Region on the lines we have already indicated; it was contended for the Government that the administration of the Region was based on a conception of diversity in unity, that their stated objects were tolerance and forbearance, that they had shown that within the Northern System Muslim, Christian and pagan could live happily side by side and that there was a growing sense of loyalty to a Northern Region which was

united by history and tradition. They argued that the Middle Belt area had received more than its share of the capital services, such as schools, roads, railways and hospitals; that as a separate state it would be virtually impossible to administer, and that the North would be seriously affected by its loss. Many from the Middle Belt area were, they argued, in service in the rest of the Region, and might on the one hand be reluctant to leave their present service, while on the other, they would leave the rump of the North without experienced officials. There is substance in these arguments and it would, we consider, require strong evidence of popular support for a separate state to make it worthy of consideration, particularly in view of the two recent changes of front on the part of the UMBC which do not indicate very settled convictions.

5. We found, however, that such strong support existed only in certain limited areas. In the Niger and Ilorin Provinces, there was virtually none. In Kabba Province there was some support for the Action Group in Yagba, and in particular in Western Yagba, where a qualified resolution in favour of the Middle Belt was recently passed, but in the rest of the Kabba Division it did not appear to us that there was any vigorous and united opinion in favour of a change; in the other Divisions of the Province we formed the impression that opinion was if anything against any such inclusion.

6. In the Plateau Province there can be little doubt that the Biroms are strongly in favour of the proposals, of which they are indeed the backbone; but we formed the impression that few of their neighbours were wholehearted in support. Some expressions of anxiety at the prospect of a state dominated by Biroms did reach us and there was also evidence of some friction between Biroms and the immigrants of various other tribes who have come into Jos, which has developed rapidly as a result of the mines. In southern Bauchi we heard of support for the proposed state only from the Jarawa District; in Adamawa Province support appeared to be practically confined to the Numan Division, an area which was able to resist Fulani conquest and has always maintained an independent outlook. Benue Province deserves special mention as, from its total population of 1,468,000, 765,000 are Tivs, a tribe who are generally in favour of the state and indeed share with the Biroms the distinction of leading the movement. In the rest of the population, which is nearly half the whole, we found that there was some anxiety at the thought of a state in which the Tivs would be the dominating element; one witness expressed the view succinctly in the statement that he preferred the Fulani because they were further away. Although naturally there are exceptions in each part of the Province, broadly speaking the Tivs are in favour and the rest are not. The seven southern districts of Zaria are clearly differentiated from the northern part; they are usually ruled by Fulani District Heads but have never been completely absorbed into the Northern System, which they regard with some fear and apprehension. This area is a stronghold of the Middle Belt Movement.

7. Thus, if the whole long and sprawling area which is included in the proposals for the Middle Belt area is considered, we believe that support would be strong only in the Jos Division of the Plateau, in the Tiv area, the Numan Division of Adamawa, in southern Zaria and in Pankshin West. Opinion is, we believe, divided in the Lafia Division, Akwanga and Lowland Divisions. A state which consisted only of the areas where there is strong support would be extremely difficult to administer and we do not think that it constitutes a practical proposal; in the Middle Belt area as a whole we judge that at present a majority would prefer to stay as they are. The opinion originally expressed by the UMBC in the 1956 elections was that



their interests would be better served by the presence of representatives from the area in the Regional Legislature ; with this view we agree.

8. Proposals were recently made by Mr. R. S. Hudson that throughout the Northern Region a certain devolution of powers should take place to Provincial Councils. We have not discussed these Councils at any length because they have not yet been set up and we do not know what exact powers they will enjoy if they are set up ; how far they might serve to allay the fears of minorities would depend on their position with regard to the Regional Government and would vary from province to province. In the southern provinces, the recommendations, if fully implemented, would, by centralising the services for the smaller Native Authorities and reducing purely local interests, go some way to reassure the minorities.

9. In the Northern Region, as elsewhere, we were presented with a succession of fears and grievances, each of which, considered in isolation, might be discounted, one perhaps as exceptional and contrary to declared policy, another as likely to disappear with time, and a third as based on an assumption regarding the future policy of the Regional Government for which there is no evidence. The sum of those items however is not to be disregarded and we were left with the impression of a genuine and not unreasonable alarm at what may happen when restraint and guidance are removed from the operation of the Northern System. It is assumed by critics of the Regional Government that recent moves towards a more democratic form of local government and recent declarations of religious and political tolerance were dictated solely by external pressure ; if this were so then those who appeared on behalf of the UMBC would be right and the minorities would have to fear the extension of an exclusively Muslim code of conduct and a reversion to autocratic rule. But arrangements for independence are proceeding on the belief that this is not so and that the Government's views are not only sincere but proceed from their own conviction ; arguments to the contrary are arguments against independence. Further, we believe that the growth in importance of the Federation, which, as we have said elsewhere, is bound to occur after independence, will reinforce the ideals of tolerance expressed by the Northern People's Congress, because it will become to their interest to obtain every seat they can in the Federal as well as the Regional Legislature ; to do this they must contrive not to alienate their own outlying areas. This we believe will constitute a far better safeguard for the position of minorities than the creation of a separate state. With the position of the Federation in relation to minorities and with principles regarding human rights which should be included in the Constitution, we propose to deal in other chapters.

## PART V

### CHAPTER 12. THE ILORIN AND KABBA BOUNDARY DISPUTE

#### Part I. History

(For this and the following chapter refer to Map 4)

This dispute is one of long standing. It arises from the two broad facts that the Ilorin and Kabba Divisions are inhabited by people who are Yoruba in origin and speak the Yoruba language, while historically for more than a century both have been connected with the North. The preliminary point was raised on behalf of the Northern Region Government that our terms of reference did not extend to the revision of boundaries unless it was necessary in order to allay fears. We are satisfied however that paragraph 71 of the report of the Constitutional Conference of 1957 conveyed the wish of the Conference that we should enquire into this dispute without any such limitation.

2. The historical background can be stated in such a way as to lend support to the contentions of either party but there are certain broad facts about which there is no dispute. We shall deal first with Ilorin. It is not in dispute that the people of the Division are Yoruba in speech and origin nor that at one time the whole Division was part of the territory of the Alafin of Oyo, whose headquarters were then at Old Oyo, the site of which is close to the present boundary. His representative in Ilorin at the end of the 18th century was a certain Afonja, whose title has been translated as Senior War Chief. As we have already mentioned in our chapters on the Western Region, there was a tendency among the Yoruba Chiefs to split off and revolt against central authority; early in the 19th century Afonja was in revolt against the Alafin and by 1817 he had called to his help mercenary troops from the North; these were Fulani and Hausa and were headed by Alimi, a Fulani from Sokoto. With their help, Afonja established what was in practice independence for the Ilorin Yorubas and some ascendancy over his Yoruba neighbours, the Igbolos, Igbominas and Ekitis. But he had called in a dangerous ally; Alimi's son, Abdul Salami, killed Afonja and took his place as the Chief of Ilorin, with the title of Emir. It is at this point that there is historical controversy, one party suggesting that this was a foreign intervention in the affairs of a Yoruba kingdom, and the other that it was a palace rebellion in which Yorubas as well as Fulani took part. Whatever the precise ingredients may have been, the new ruler did not establish a foreign ascendancy in which the Yorubas had no part. The chief officers of his Council have by tradition always included Yorubas as well as Fulani; the language of the Emir's court as well as of the common people is still Yoruba, while in the early days of the Emirate there seems no doubt that Ilorin looked to Gwandu in the North for help and regarded Oyo and Ibadan to the South as their hereditary enemies.

3. The Emirate as a whole takes its name from the town of Ilorin, but there is a distinction between the people of the northern two-thirds of the territory, in the centre of which lies Ilorin town, and the southern one-third. The people of the northern area are referred to as Ilorins; in the south there are three tribes, Igbolos, Igbominas and Ekitis. All are Yorubas but there are distinctions within the main tribe. In accordance with the common African pattern of kingship, to which we have referred in describing the

Western Region, the Emirs regarded the Ilorins as the metropolitan area and made no serious attempt to convert to Islam the southern tribes, whom they regarded as convenient raiding grounds for slaves and cattle. This is the reason for the concentration of Muslims in the northern area and for a different pattern of administration; in the north a Fulani feudal system was imposed upon the indigenous system of Yoruba Obas and Councils, which however survived in the south.

4. In spite of these differences within the Emirate, the Emirs of Ilorin established their boundary, after some fighting, approximately where it now runs. Soon after the accession of Abdul Salami, the Alafin endeavoured to restore his control but in a hard fought battle, almost at the gates of Ilorin itself, the Emir, with the help of troops from Gwandu, defeated the southern tribes. This was in 1837; Old Oyo was sacked and destroyed and the Alafin withdrew to the present town of Oyo. From now onwards Oyo made no serious attempt to re-establish the old ascendancy, and the people of Ibadan became Ilorin's principal southern enemies. Frequent raids with occasional battles continued during the 19th century, but eventually the situation settled down with two "war camps" facing each other across the present boundary, which marks the point beyond which the mail-clad Northern cavalry could make no decisive contribution. Offa was the war camp of Ilorin; a few miles to the south, Inisa was Ibadan's outpost against the North. It is not to be supposed that there was continuous fighting between these camps but each stood as an obstacle to a major invasion and acted as a base for reprisals when a raid took place.

5. This stalemate between Ilorin and Ibadan was the situation which confronted the first representatives of British power. The Governor of Lagos, Sir Gilbert Carter, was invited by the Emir in 1893 to fix a boundary between the Ilorins and the Ibadans; this was done, and Captain R. L. Bower was posted at Ibadan to ensure that the terms of the settlement were observed. In the following year, Captain Lugard of the Royal Niger Company and Captain Bower on behalf of the Colony Government at Lagos demarcated a further large section of the boundary and confirmed the sections which had been fixed by Sir Gilbert Carter. Ilorin and the North lay within the sphere of influence of the Company, Ibadan and the South within that of the Colony. There can be no serious doubt that this boundary represented, as well as was then possible, the position between the warring factions as it then stood, though for some time afterwards the Ilorins endeavoured to establish claims further south and renew the war.

6. But with the establishment of British rule memories of warfare died down. Ilorin was occupied in 1897; a protectorate was proclaimed over Northern Nigeria in 1900. No doubt the border tribes, who had suffered from raids from either side, quickly changed their outlook when peace was established; by 1904 there was a request that the boundary should be revised in the Ekiti area; this was refused by Sir Frederick Lugard on the grounds that the boundary had "received the sanction of time and usage".

7. Requests of this kind continued until 1917 when Sir Frederick Lugard, now Governor-General of the Colony and Protectorate, agreed to appoint a Boundary Commission to enquire into one section of the boundary in the Ekiti area near Otun. This Commission recommended that no change should be made and the Governor accepted their views. However the question was re-examined in 1936 when the Resident and the District Officer "interviewed all the Ekiti village councils and principal householders," and it was then decided that Otun should be transferred from the North to the Ondo Province of what is now the Western Region. The rest of the Ekiti villages were then judged to have preferred staying with the North, and the Governor at the

time, Sir Bernard Bourdillon, expressed the view that they should be debarred from putting forward a claim to be moved later.

### The Macpherson Award

8. Thus, until the Second World War, it is true in general terms to say that though there had been some dissatisfaction as to the actual line of the border and changing opinions on this question, the broad principle that the Ilorin Division was Northern had been accepted. With the approach of independence and the general heightening of sectional feeling, to which we have already referred more than once, it was to be expected that the return of the Yoruba peoples of Ilorin and Kabba to the Western Region should be raised, and as independence grew closer, the interest taken by the Yoruba people in the area which they had lost so long ago was bound to grow. In September of 1949 the Western Regional Conference met in Ibadan to discuss the question of constitutional changes, and recommended that states should be formed within a Federal System on an ethnic or linguistic basis. As an example of what they meant by this, they referred to the Yorubas of Kabba and Ilorin and the Ibos of Asaba and Aboh, both of whom they considered should be united with the majority of their tribe. In 1950, on 9th January, a conference of representatives from the whole of Nigeria met at Ibadan, and here a difference of opinion was revealed, the Northern delegates being particularly opposed to any change. In the end it was agreed by 26 votes to 18 that these boundary disputes should be left to His Excellency the Governor, who was asked "to examine and make arrangements for their settlement as early as possible".

9. The Western House of Assembly towards the end of the same year, 1950, restated their view that a settlement of boundary disputes was an essential condition of any satisfactory constitution for Nigeria. On 1st March, 1951, the Governor, Sir John Macpherson, gave an assurance that he would personally examine the boundary question and reach a decision when the new constitution had come into force. In September of 1952, eighteen months later, the Governor announced his decision, which was published as Extraordinary Gazette No. 46 of the 3rd September. For our purpose this may be summarised. In Sir John's opinion "the Ilorins, who constitute more than half the population of the Emirate, have made the Northern pattern of administration their own and have shown virtually no desire to amalgamate with the West." This disposed of the metropolitan area of the old Emirate. In the southern fringe, however, Sir John judged that there was "a body of opinion dissatisfied with the traditional Native Authority system of local government and desirous of transfer to the Western Region". He went on:—"Amongst the Igbolos, who number 28,000 in all, there is an appreciable body of this opinion in Offa town but not in the surrounding villages; amongst the Igbominas (there are 130,000 of them), the body of dissident opinion in my view is not insignificant but is still a comparatively small minority; the minority in favour of transfer amongst the Ekitis, who number in all 24,000, I judge to be smaller". He judged that the "most vociferous opinion in favour of change undoubtedly comes from people outside Ilorin Province", and finally decided that there should be no change in the inter-regional boundary.

10. In conclusion, Sir John Macpherson asked those concerned to remember that the boundary in question was not a boundary between two foreign states but between two Regions which are integral parts of a single country, and hoped that there would be no further controversial discussion of this matter. He had previously asked that the subject of boundary revision should not be discussed at public meetings pending his decision. This request

had been conveyed to the Native Authority in Ilorin by the Regional Government and it was in consequence the practice of the Native Authority to forbid the discussion of this subject at public meetings. This prevented the expression of feeling in Ilorin itself but it was clear that the Western Region had not accepted the award as finally binding.

### Recent Developments

11. In 1955, on 1st May, a party known as the Ilorin Talaka Parapo, usually referred to as the ITP, was formed in Ilorin. This may be translated literally as the Peasants' or Commoners' Party, and it stood for the interests of the common man as against the Chiefs, officials, title-holders and men of property. It does not appear that the party was to begin with concerned in any way with the boundary dispute. Its objects are set out in a letter to the Native Authority, dated 1st June of that year, and they are directed to domestic problems, social, political and economic. It hoped above anything else for a more democratic system of local government.

12. Conscious of the difficulties confronting a small local party, it made proposals for an alliance in the first place in a rather surprising quarter, at the headquarters of the Northern People's Congress in Kaduna. This is of great interest; it shows that the ITP was in fact a party with an unsophisticated outlook who turned for the redress of local grievances to the traditional rulers of the North. The NPC, however, missed the opportunity of some joint discussion of the new party's ideas at the outset and replied that they could not deal with them except through their local representatives. These were the very people at whom the ITP had directed their programme of reform. The ITP therefore looked elsewhere for help and turned to the Action Group. In an account, which we believe to have been substantially correct, of their first discussion with leaders of the Action Group in Ibadan, it appears that the Action Group drew up articles of agreement in which the question of the transfer of the Ilorin Division to the West was made a main object. The representatives of the ITP, however, were not prepared to make this an object of the alliance. Whether this was because they considered that public opinion was not ready for it, whether they were themselves not in favour of transfer, or whether this was a matter of tactics in relation to the Native Authority (that is to say, the Emir) is not clear. But for one reason or another, the basis of the agreement which was eventually reached between the two parties at this stage was simply that the Action Group would help the ITP at the coming local elections.

13. It is then an important part of our task to consider how far a vote for the ITP and Action Group Alliance was a vote for transfer to the Western Region and how far it was based on domestic considerations, of which perhaps the most important was the conviction that the arrangements for local government were not sufficiently democratic. In his award Sir John Macpherson suggested that at that time this critical attitude with regard to local affairs was an important element in such feeling in favour of transfer as then existed; the Northern Region Government in the succeeding years made extensive changes and in particular the Ilorin Native Authority is no longer the Emir himself but the Emir-in-Council, and a majority of the Council is elected. This represents a substantial step in the direction of the policy originally advocated by the ITP but there is anxiety among its supporters as to whether the ground thus gained will be held.

14. The first election after the alliance with the Action Group was to the Offa Town Council which was held between 16th and 21st January, 1956. All the seats, of which there were 48, were won by the Action Group. In November, 1956, before the elections for the Regional House of Assembly,

Chief Awolowo, Premier of the Western Region, accompanied by another Regional Minister, conducted a campaign in the Ilorin and Kabba Divisions; at a public meeting in Ilorin he announced his determination to unite Ilorin with the Western Region. By this time the ITP appear to have accepted commitment on the transfer, though whether from conviction or as part of the price of the Action Group's support is not clear. The elections were held on 15th November, 1956, all four seats being won by parties now committed to the transfer, though one of the candidates subsequently changed sides. Of the total electors, 65 per cent did not go to the polls at all, 21 per cent voted for the Alliance and 14 per cent for the Northern People's Congress.

15. The Premier of the Western Region's speech of November, 1956, was the first step in a campaign which was renewed in February, 1957, in the Action Group press and continued until the local government elections of April. Action Group organisers arrived in Ilorin early in the same month and are reported to have made house to house visits and to have been active throughout the whole Division. The programme on which the Action Group and the ITP were operating is not so clear as we could have wished; we asked counsel for the Action Group to produce copies of their election manifestos throughout the Northern Region but they were never forthcoming; we are therefore obliged to rely on press reports. The fullest we have seen is dated 6th April and appeared in the Nigerian Citizen. This is a report of a manifesto for the elections to the Ilorin Native Authority Council and the Ilorin Town Council; the question of transfer to the West is mentioned but it takes a low place among the objects set out and there is a proviso that this will be discussed "if the Ilorin Native Authority permits."

16. Elections for the Ilorin Town Council took place on 18th April and the Alliance gained 32 seats to the NPC's 19; there were also six nominated members. The election to the Native Authority Council followed on 24th April and again the Alliance secured most of the seats, holding 38 seats to 12 won by the NPC. The Alliance by this time included the Action Group, the ITP and the parties which in the southern part of the Division take the place held by the ITP among the Ilorins proper. The new Ilorin Native Authority held its first meeting on 8th May, and this was a week of considerable political activity. In reply to the Emir's address of welcome, the Alliance expressed their intention of pressing for transfer to the West; at the same time discussions were taking place regarding the mandate to be given to the delegates who would attend the Constitutional Conference in London later that year. Two members of the Northern House of Assembly from Ilorin, Alhaji Maito and Mr. J. S. Olawoyin, were given a mandate to press for transfer; one of the representatives of the Division, M. Ibrahim La'aro, signed this mandate under some pressure and a few days later signed a letter to the Northern Delegation to the Conference in which he and other members of the ITP state that they "strictly oppose the question of Ilorin-West merger now." He resigned from the Party (or was expelled) some months later taking with him three others who, like himself, were members of the Town Council.

17. Elections to the District Councils throughout the Division had been taking place at different times since January and were finished by the end of May, the Alliance having won 246 elected seats as against 149 for the NPC and thus now holding a majority in 22 out of 31 District Councils in the Division.

18. The question of transfer was debated in the Ilorin Native Authority Council between 7th and 9th January, 1958. The Council consists of 50 elected

and 14 nominated members and a motion in favour of transfer was carried by 31 votes to 19 with 3 abstentions; the 19 votes against the transfer included 10 by nominated members, and there were 11 absentees. In the Town Council the same motion was debated on 20th January and the voting was 28 for and 28 against; the Chairman supported the motion with his casting vote. This result was due to a change in the strength of the parties since the election, M. Ibrahim La'aro and his three companions having changed their allegiance, as a result of which the strength of the Alliance was reduced to 28, the rest of the Council consisting of 18 elected NPC (one seat being vacant), 6 nominated NPC and the 4 independents of the La'aro group.

19. The Action Group then made arrangements for a resolution supporting transfer to be introduced in the District Councils in which they could count on a majority. This took place between 6th January and 5th February; 20 District Councils out of 31 passed these resolutions, as well as the Offa Town Council. Whatever may have been the view of the electorate at the time of the elections, the majority of their elected representatives have now expressed a preference for transfer. These resolutions however were not spontaneous. The wording came from the headquarters of the Action Group Party and though in some cases we heard evidence of a long discussion which indicated that the issue had been understood, we are far from sure that this was everywhere the case.

#### Fears in Ilorin

20. It should here be made clear that those who press for the transfer of Ilorin do not allege that the Division has been neglected by the Northern Region Government. On the contrary the Northern Region Government contend, and we think have conclusively proved, that more per person is spent on schools and hospitals here than elsewhere in the North. Nor was it suggested that there had been any discrimination against the Yoruba language. What was alleged was that the system of Government had been autocratic until recently and that a change to democratic methods was not yet established. We heard evidence to the effect that by the Emir's authority opposition had been firmly dealt with, much of it relating to a period before the present reforms. Criticism was in fact much the same as elsewhere in the Northern Region, but was more sharply expressed because the Yorubas of Ilorin are more vocal than their neighbours and being in closer touch with people in the Western Region see the advantages of greater freedom. In particular it was alleged that under the Northern system an Oba or Chief was either ignored altogether or at best treated as a District Head, nominated by the Emir, liable to dismissal and to retirement on reaching a prescribed age, and in short as a Government servant rather than a hereditary Chief. The general considerations regarding Muslim Law set out in chapter 10 apply with particular force in the southern areas of the Ilorin Emirate, where Muslims are comparatively few.

21. Under the Land and Native Rights Ordinance, the ownership of land in the Northern Region is controlled by the Governor. Non-natives cannot obtain an interest in land without first obtaining a Certificate of Occupancy; even so, the interest is restricted to a leasehold and freehold titles are not conveyed. This control was introduced with the Protectorate to prevent the expropriation of natives and their exploitation by foreign interests, and similar provisions were made at about the same time in other African protectorates. There are also restrictions on the sale and lease of land in the Western Region, excluding the Colony, but generally speaking the acquisition of land by natives is more rigidly controlled in the Northern

Region ; opponents of the NPC in Ilorin therefore criticised the Northern restrictions on the grounds that they were out of date and tended to impede economic development.

22. On the other hand, it was established that Action Group parties in Land Rovers had come from the Western Region before an election and had used violence to intimidate electors, and we should record the opinion of the Ilorin Progress Union, which appears to include many members whose homes are in Ilorin but who earn their living outside Nigeria, and who have consistently opposed the transfer of the Division to the West. Moreover the main opposition party in the Northern Region, NEPU allied with NCNC, has expressed opposition to the transfer.

### Kabba

23. The Kabba Division is considerably smaller than Ilorin. The population according to the census was just over 100,000 to 400,000 in Ilorin. There is however reason to believe that in Ilorin the census figures are considerably less than the reality ; this is suggested in the census report and has since been confirmed by the figures available in connection with taxation. It may well be that the population of Ilorin is more like 550,000. While Ilorin is 91 per cent Yoruba, Kabba is 97 per cent Yoruba, but in the matter of religion the two Divisions are very different. Ilorin is 64 per cent Muslim and only 8 per cent Christian, Kabba is 12 per cent Muslim and 62 per cent Christian. Both Divisions return about the same proportion—slightly more than a quarter—of the population as Animist.

24. Kabba's history too is different from Ilorin's. The Yorubas of this area were ruled in some sense by the Nupes before the Fulani *Jihad* and Fulani influence never seems to have been strongly established. None the less it seems always to have been taken for granted that the Kabba Division was part of the North though it was probably never sufficiently organised to take part in the warfare between Ilorin and Ibadan. About 1935 it was said that there was some wish among the educated persons in the Division to be joined to the Western Region ; this was because at that time there was no Legislative Council for the North and the Division was therefore unrepresented. With the creation of a Northern Legislature and the representation of the Division both in this and the Federal House of Representatives this grievance disappeared and there is virtually no evidence of any demand from within the Division for transfer to the Western Region until the last two years. The question is not even mentioned in Sir John Macpherson's award, nor is it discussed in the published Appendix on which his award was based. The enquiry took place because of resolutions at the 1950 conference which speak of Kabba and Ilorin ; these are quoted, at the beginning of the Appendix, almost as though they were regarded as terms of reference. It cannot be supposed that Kabba was overlooked and it must be assumed that no representations in favour of the transfer of Kabba were put forward at the time of the enquiry. The Division returned an Action Group candidate to the House of Representatives in 1954 but an NPC candidate to the House of Assembly in 1956 ; in both cases we received the impression that personalities and local considerations were factors quite as important as any major issues of policy, and that indeed in the 1954 election national issues were not raised. As elsewhere in the North, the Action Group did not show us their party manifesto for the 1956 elections.

25. We think therefore that here, even more than usual, it would be unwise to draw conclusions as to the opinion of the electorate on national questions from the results of the election. It is however probably significant that the defeated Action Group candidate in the 1956 elections won all the



15 votes in West Yagba and 11 out of the 17 in East Yagba ; this makes the total of the votes he secured. He is a Yagba man, but it is probably true that support for Action group views is stronger in Yagba than elsewhere in the Division, and stronger in the West than in the East.

26. There is little to be learnt from the local government councils in Kabba. There are five Native Authorities, of which three combine for certain purposes. In each of the five there are traditional members, nominated members and elected members, the elected members (except in one case) being in a minority. All the Native Authorities except West Yagba were stated to have passed resolutions in favour of staying in the Northern Region ; West Yagba recently passed a resolution in favour of going to the Middle Belt or staying in the Northern Region as second choice. This was apparently regarded as a compromise and avoided an outright vote on transfer to the Western Region. But it cannot be regarded as embodying popular views.

## CHAPTER 13. THE ILORIN AND KABBA BOUNDARY DISPUTE

### Part II. Discussion

Two principles have been invoked by the Action Group/ITP alliance in putting forward their case for the transfer of the Ilorin and Kabba Divisions to the Western Region. In the first place, they claim that no ethnic group ought to be divided and that where possible a recognisable ethnic group should form a political unit ; secondly they consider that a recognisable ethnic group has a right of self-determination to which effect should be given if possible. We have discussed elsewhere the principles of ethnic grouping and consider that, though these as well as the principle of self-determination are of great importance, there are other factors which should be taken into account. Two such factors, of which no mention was made to us by the Action Group representatives but which we consider should be given at least equal weight, are the importance of preserving the unity and stability of Nigeria and of doing justice to individuals. The Action Group representatives went so far as to suggest that, in view of their two principles, the burden of proving that Ilorin and Kabba should stay in the North rests on the Northern Region Government ; we on the contrary consider that the burden of proving that change is desirable rests on those who ask for it, and this for the following reasons.

2. In the first place the change would involve considerable disruption, particularly in the northern parts of Ilorin Division, the area referred to as "metropolitan Ilorin". Here administration is by District Heads, the old village council system has disappeared and the local rulers of pre-Fulani days are almost forgotten. At present the system of rule by District Heads is evolving into rule by District Councils ; it seems likely that transfer to the Western system would mean a revolutionary speeding up of this process in which many people would suffer. Those who have supported the North—that is, District and Village Heads, and most of the minor officials and notables—would find themselves in a disfavour that might take a very practical form. Some 64 per cent of the population of Ilorin as a whole are Muslims, the proportion being higher in the north, and for these people the change might mean a change in the system of law to which they have been accustomed ; if the courts of the Alkalai were preserved they would be unique in the West. These considerations also apply to Kabba where the disruption might be even more severe.

3. In the second place, there is no doubt that there are more educated young men from Ilorin than from the other Provinces of the Northern

Region and they thus have exceptional opportunities for employment in the North, for which they could not hope in the West. This is a substantial advantage not lightly to be forgone. Again, taxation is generally higher in the West than in the North, and though the Western Region Government would no doubt delay the introduction of higher taxation they would not be able to maintain Ilorin as a most favoured area for ever; Ilorin would expect the benefits that result from taxation at once, and the taxation would have to come. Several witnesses expressed fears of higher taxation but there are probably many people concerned who have not given the matter consideration; it seems undesirable that a change should be made unless the implications are clearly understood.

4. Finally there is a provincial organisation based on Ilorin which serves not only Ilorin but Borgu and Lafiagi-Pategi; there is no question of transferring these areas, and their economy, education and administration would be upset by the transfer of Ilorin.

5. The burden of proof rests, then, firmly on those who wish for change. If however we were convinced that the overwhelming will of the people was in favour of transfer—and that that overwhelming desire was likely to be constant—we should judge that the burden had shifted. In considering what is the will of the people at present, it is of value to enumerate the influences which appear to be at work on them. Towards the West there is, first, the attraction of the language and customs which they have in common with the Yorubas of the West; that is at present said to be slighter in the northern part of the Division and what there is has probably been aroused from outside. In the southern half of the Division there is a trade connection with the West; there is everywhere, particularly in the southern part of the Division, some impatience with government in general; this acts at present as a somewhat negative pull to the West, though it is worth remembering that before the Fulani coup d'état the people of Ilorin were constantly in revolt against their suzerain at Oyo and one should not exclude the possibility that if transferred to the West they would before long resume their interrupted feud with Ibadan.

6. Among the tribes of the south—Igbolos, Igbominas, and Ekitis—there is some desire to separate from Ilorin in the hope of becoming separate administrative units; this object they think might be more easily attained in the West than in the North. This motive is probably less strong among the Ekitis in Ilorin Division who indeed only twenty years ago were offered the choice of transfer and elected to stay with Ilorin. In the whole area, though in varying degrees, there is a feeling that change has not been sufficiently rapid, that the Emir's Government has been undemocratic and its principal object to maintain the traditional order; there is a general fear among the members of the ITP, in whom this feeling is strongest, that if Ilorin remains in the North the constitutional advances which have been achieved may be lost when independence comes and British influence is removed. This feeling has been strengthened by the interpretation placed on the Premier's statement in his address to the Commission, which was given wide publicity. This was to the effect that democracy in Ilorin was an experiment which might have to be abandoned. The movement in the south of the Division is led in the main by Christians, some of whom are afraid that the Northern Region may become a Muslim State.

7. On the other side, attracting towards the Northern Region must be ranked historical fears and jealousies, the memories of old wars, and everywhere, but strongest in the northern part of the Division, an innate conservatism common to peasants all over the world. And, as has been said, there are vested interests which depend on the Northern connection.

8. Of these influences, there can be little doubt that the attraction of "joining their kith and kin" in the Western Region is one that has been growing in the last ten years; although education and the widening vision resulting from travel may modify tribalism to some extent, on the whole it seems probable that this ethnic attraction will continue to grow. On the other hand the historical memories which held Ilorin to the North are probably becoming weaker and it seems therefore likely that the pull to the West will get steadily stronger.

9. In this complex situation active intervention from the Western Region is undoubtedly playing a part. Existing emotions have been whipped up; there have been inducements and intimidation. We have little doubt that in addition to legitimate political agitation there has been money spent in the Ilorin area and we have heard evidence, confirmed by convictions in the courts, that gangs of hooligans have been sent in from across the border at elections. It may well be that in the northern districts of Ilorin discontent with the present regime and the fear of losing constitutional advances are the main motives for opposition to the regime, and that the ITP would look for domestic solutions to their problems were it not for Action Group influence. It cannot however be assumed that inducements and intimidation from the side of the NPC—though of a less obvious kind—have been entirely absent.

10. In his award Sir John Macpherson judged that in metropolitan Ilorin there was little desire to go to the West. To-day too there is probably less of this desire in the north—the metropolitan area—than in the south, but in both areas there are pockets which take views strongly opposed to those of their neighbours. It has been suggested to us on behalf of the Government of the Northern Region that at any rate in this metropolitan area the majority of the villagers had no knowledge or understanding of the problem and that some indeed had hardly heard of it; the movement was confined to a "handful of agitators". In support of this view we have been told, and believe it to be the fact, that at the elections of 1956 the question of transfer was not made an important issue. But, quite apart from the fact that throughout the world it has repeatedly been shown that peasants will follow "a handful of agitators", we find it hard to believe that the majority of the electors were wholly unaware of the proposals for transfer. These had been widely discussed in newspapers, and had been the subject of agitation in Ilorin town, where the Premier of the Western Region had made a fighting speech on the subject just before the election. It should, however, at this point be added that the influence of "a handful of agitators" may be to some extent balanced by the opinion, which appears to be growing among the young educated folk of Ilorin, that they would have far fewer opportunities in the West.

11. The elections of the autumn of 1956 returned from the Ilorin Division four members to the Northern House of Assembly, one of whom was avowedly Action Group and must be assumed to have been known to stand for transfer to the West. He comes from Offa in the south and his majority was in the proportion of three to two over the NPC candidate. For Ilorin South and North the successful candidates had majorities in the proportion three to two and two to one, while in Ilorin town the AG/ITP candidate was successful by the narrower margin of 3,700 to 3,200 votes. This candidate changed sides in the summer of 1957 and declared himself against transfer. Polling was everywhere low.

12. The local government elections to district councils throughout the Division took place at different times between the end of 1956 and May, 1957. The results were that in 7 councils out of 11 in the metropolitan

area, in 10 out of 13 in the Igbomina area and in 4 out of 5 in the Ekiti area a majority was scored by the Grand Alliance—that is the alliance of the Action Group with the ITP and the tribal parties of the Igbominas and Ekitis. In the Igbolo area, Offa town and district are Action Group and Odo Ogun, the only other Igbolo district, is resolutely in support of the Northern People's Congress. In the primary elections for these councils the Alliance scored 1,004 seats to 604. Since we find it hard to believe that the electorate were wholly ignorant of the Action Group's wishes, there seems thus to be a presumption that at present there is a definite but certainly not overwhelming majority in favour of transfer. Nor do the figures show that this is markedly less in the metropolitan area.

13. In assessing these results, it is necessary to stress that the electorate is unpractised and that, except in Offa town and Ilorin town where they were direct, elections to the House of Assembly have been indirect; many of the primary seats were uncontested and where a contest did take place the polling was low. For example the Offa constituency is on the border of the West, at the southernmost point of the Ilorin Division, and the population are predominantly Igbolo. The movement is believed to be stronger in Offa town than anywhere else, and interest might be expected to be keener in an urban centre. Yet even here, in voting for the Offa Council, the total votes cast in the areas where the primary seats were contested were less than 25 per cent of the electorate. In the 26 contested primary seats the voting was 432 Action Group to 26 NPC, while 41 seats out of 69 were uncontested. Two traditional members were not the subjects of elections. The large number of uncontested seats may have been due to indifference but is perhaps more likely to mean that opposition was felt to be hopeless. There is also the group of villages near Offa which forms the Odo Ogun District, and with Offa town forms the Offa constituency. This area is traditionally opposed to Offa and it is therefore staunch to the Government party; here 33 seats on the Council were all filled by NPC supporters. But of those 33 seats only 3 were contested; for these 3 seats 79 votes were cast, from a population likely to have been about 800.

14. It must be stressed that opinion in these matters changes rapidly. As already mentioned, it is only twenty years since the Ekiti villages other than Otun elected to stay in the North; it is difficult to be sure that if they went to the West to-day they would not twenty years hence be equally anxious to go back to the North. There are signs already of some differences of opinion within the ITP as to the benefit of their alliance with the Action Group and the alliance may not last.

15. These are the arguments which affect Ilorin considered by itself. The case is altered by the inclusion of Kabba. In Kabba the movement for transfer to the Western Region is of very recent growth and election results have so far indicated a much smaller volume of opinion in favour of transfer. There is clearly a weaker case for a change of boundary than in Ilorin, yet if a change took place in Ilorin can anyone suppose that the process of agitation from the West would not be intensified in Kabba?

16. The matter must also be considered from the standpoint of the unity and stability of Nigeria. There is a danger that to confirm the boundary as it stands to-day would mean an increase of agitation from the Western Region; indeed the Premier of the Western Region has stated publicly that in that case he would continue to work for transfer. For many years to come there might thus be trouble in the Ilorin area, which would be a source of friction and of embarrassment to the Northern Government.

17. On the other hand, a change in the boundary which covered Ilorin only would mean a continuance and probably an increase of agitation in respect of Kabba, while the cession of either Ilorin or Kabba would be strongly resented by the Northern Government, and would mean the disruption of a long-established community, much unhappiness among those who supported the North, and friction within the Federation.

18. We cannot recommend any division of the Ilorin Emirate, first because it would be impossible to draw a line that would not cause as much heartburning as it allayed, and secondly because we believe that such a solution would not be accepted as final and would give rise to the same trouble as we would expect in Kabba.

19. A suggestion was made to us informally that the solution should follow the voting for the Federal election in 1959. This we cannot recommend. It is far from certain that there would be only two candidates for each seat and we do not feel that the issue could be sufficiently isolated. In any case the election will be too close to the date suggested for independence for transfer to follow smoothly before independence. In addition, if a decision to make the election the touchstone should be reached at the Conference in the autumn of 1958, the interval between the Conference and the election would be one of turbulence and unrest in the two Divisions.

20. We have also considered most carefully the suggestion that the question should be decided by means of a plebiscite. If it were decided that a plebiscite should be held it would be essential that it should take place as soon as possible, so as to reduce the period of agitation and unrest which would be inevitable and also so as to give time for any action that resulted from the plebiscite to be given effect before independence. It would be difficult to arrange a plebiscite with the resources available to the Nigerian Governments at present; it might for example mean the detachment to this duty of a number of officers from all departments, not only from other Regions but from Federal sources; and that for considerable periods. Departments are already understaffed and officers overworked; we do not underestimate the difficulties. Nevertheless, if it were decided that such a plebiscite should be held we believe it could be done. If the preparation of an electoral roll involved too long a delay the tax register might be used. The difficulties of organisation—considerable though they would be—could be overcome but others, more serious, would remain. It is constitutionally in the power of the Secretary of State to make changes in the boundary between Regions until the time of independence. We could not, however, recommend to the Secretary of State that a plebiscite on a matter so vital as a revision of boundary should be held unless there was a considerable measure of agreement in Nigeria that this was the right course to follow. Nor would it be a matter of agreement only in principle; agreement would be necessary on the details of supervision, on the form in which the question should be put, and on the basis of the franchise. If an agreement could be reached on all these matters, and if all concerned had resolved to abide by the result, we believe that a plebiscite might provide a solution to a question which otherwise is likely to be a lasting source of danger and friction within the Federation.

21. It would, in our opinion, be wrong to decide a matter of such importance as the transfer of a considerable population by a bare majority which might disappear overnight and we believe, therefore, that if a plebiscite is considered it will be reasonable to decide that a change of boundary should not be given effect unless the majority is at least 60 per cent to 40 per cent. Such a plebiscite might be conducted by the Federal Government

and might be by districts, with the proviso that there should be no enclaves but that a line should be drawn that would transfer an area in which not less than 60 per cent of the total area was in favour of transfer. It would be impossible in such a solution to foresee every contingency that might arise and it would be necessary to leave in the hands of a boundary commission discretion to make adjustments in the light of circumstances.

22. There are obvious disadvantages in this course. If the result was a close vote and a 60 per cent majority was not attained we feel that in view of the considerations set out above, and of the possibilities of a change of opinion, no transfer should take place. In that case, however, it is unlikely that the elements who are in favour of transfer would regard the question as settled. This difficulty is one that must always be faced in a plebiscite in which the voting is close, but it would be accentuated when the majority required is 60 per cent.

23. In any plebiscite, however, there is further the problem of being sure that the question for decision is properly understood by an electorate who are beginning to understand the election of one man as their representative but who have never been consulted in this way before. It has for instance been pointed out to us that the question: "Do you wish for transfer to the Western Region?" may be taken to mean: "Do you wish to pack up all your possessions, leave your land and move across the existing boundary?" The question might better be put: "Do you wish to be ruled from Kaduna or from Ibadan?"

24. If transfer did take place compensation for capital expenditure would be payable to the Northern Region Government, but it should be recognised that no financial compensation can immediately, or perhaps ever entirely, make up for the loss of such assets as schools and hospitals. Such institutions cannot be built up quickly.

25. If a plebiscite is to be held, we consider that it should include the Kabba Division so that a clear decision may be reached and recorded. We also note that the Northern Government stated that they have a claim to twenty-five villages of Igbirras in Afenmai which they did not wish to pursue as their contention was that no change should be made in their existing boundaries. If it is agreed to hold a plebiscite in respect of Ilorin and Kabba we consider that this question should be re-opened and taken into account.

26. If no solution is found to this dispute, we fear that the Northern Region may continue to find Ilorin an embarrassment rather than an asset and relations within the Federation may be embittered for some time to come. We see no prospect of a solution that would ease the tension except by means of a plebiscite in which there is general acquiescence and by the result of which all have agreed to abide.

27. We recommend :

- (i) that there should be no change in the boundary between the Northern and Western Regions except as the result of a plebiscite ;
- (ii) that a plebiscite should be held if there is general agreement at the Conference that it should be held and that it should be binding ;
- (iii) that in any area transferred at least 60 per cent of the votes cast must have been in favour of transfer.

## PART VI

### CONCLUSIONS AND RECOMMENDATIONS

#### CHAPTER 14. CONCLUSIONS AND RECOMMENDATIONS

##### SECTION 1. *General Considerations*

In each of the three Regions of Nigeria we found either a minority or a group of minorities who described fears and grievances which they felt would become more intense when the present restraints were removed and who suggested as a remedy a separate state or states. We were instructed, in the second clause of our terms of reference, to recommend safeguards in the Constitution; the third clause instructed us to make recommendations for the creation of new states "if, but only if, no other solution seems . . . to meet the case". It would therefore have been logical, and in accordance with our instructions, to consider first the constitutional safeguards and to discuss the creation of new states only if the constitutional safeguards seemed insufficient. But this would certainly not have satisfied the minorities who appeared before us; in each Region, it was the case for a new state that they wished to argue. In our report, we have followed the arrangement which the evidence suggested and have first considered the creation of new states, not so much as a last resort as on their own merits.

2. In each Region, we came to the conclusion that—on its own merits—a separate state would not provide a remedy for the fears expressed; we were clear all the same that, even when allowance had been made for some exaggeration, there remained a body of genuine fears and that the future was regarded with real apprehension. In this chapter, we put forward remedies which we believe will meet the situation. But there are certain general considerations affecting all these remedies which require to be stated.

3. In considering the problem within each Region, we were impressed by the fact that it is seldom possible to draw a clean boundary which does not create a fresh minority; the proposed state had in each case become very small by the time it had been pared down to an area in which it was possible to assert with confidence that it was desired. This was in every case an important factor in our recommendation but it was not the only consideration which we took into account. The powers left to the Regions by the decision of 1953 are considerable and, as we have said elsewhere, we do not regard it as realistic to suppose that any of the Regions will forgo the powers they now have. Some years ago, before the relations between the Federation and the Regions had crystallised, it was possible to conceive a larger number of states with smaller powers, but a new state created today would have to compete with the existing Regions and the cost in overheads, not only financial but in resources—particularly of trained minds—would be high. This consideration, when combined with the difficulty of finding a clean boundary, was in each particular case to our minds decisive.

4. But there is also a general consideration of the first importance, which we should have had to take into account if there had otherwise been sound arguments in favour of a particular state. Until the last few years, when the prospect of independence came close, the tendency within Nigeria (as in other parts of Africa) was for tribal differences to become less acute; this was beginning to happen to some extent even among the uneducated in the big towns, much more in the secondary schools and higher places

of education and in general among those who had reached a higher level of education.

5. With the approach of independence, the tendency has been reversed and there has been a sharp recrudescence of tribal feeling. But it does not necessarily follow that this will continue; in a few years' time, a Nigeria which has to face the outer world may find within herself forces working strongly for unity. It would be a pity if, at the moment when Nigeria achieved independence, separate states had been created which enshrined tribal separation in a political form that was designed to be permanent. In such circumstances, it seems likely that differences would grow steadily stronger. In Nigeria at the moment thought is directed to the defence of local rights, but it might be as well to bear in mind the example of East Africa; a Royal Commission has there reported that what stands in the way of full productive capacity and a higher standard of living is the existence between tribal areas of boundaries which were meant to protect but have come to confine. It is of the first importance to find means of allaying fears which do not perpetuate differences that might otherwise disappear. This is the reason why we do not accept in its entirety the principle of ethnic grouping, that is, the principle that a recognisable ethnic group should wherever possible form a political unit.

6. The minorities who have appeared before us have thought of separation as a remedy for their troubles. But unity might have the same effect, and though unity cannot be manufactured by a Commission, machinery can be devised which aims rather at holding the state together than at dividing it. We believe that while the first object of our recommendations 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 a majority may be less tempted to use power solely for its own advantage. With these objects in view we have, as we indicated in the introduction, borne in mind throughout our enquiry the thought of the Federal Government as the successor to those restraining functions, the prospect of whose disappearance has been so fruitful a source of fear.

7. In the course of our discussions we found fairly widespread the belief that in the new constitution there can be some fulcrum or fixed point outside and above politics from which absolute impartiality can be exercised. There were for instance frequent references in our conversations to the Governor-General or the Governor retaining certain powers in his discretion. But it is important that there should be no illusions about this. In the new constitution there will be no point outside Nigeria from which power of this kind can be exercised within the country; ultimately, power within the country will be derived from parliamentary majorities, which are responsible to an electorate and are organised by political parties; the Governor-General and Governors will act on the advice of Ministers. All that can be done is to distribute powers and functions in such a way that it may be to the interest of the party in power to pay due attention to the interests of others. To make recommendations with these aims in view does not argue mistrust of politicians in general, nor of Regional politicians in particular, but a belief that in politics self-interest is liable to prevail over altruism unless some balance is provided. If therefore in the course of our report we imply that the Regional Governments are more to be feared by minorities than the Federal Government, this proceeds from the fact that in each of the Regions there is at present an assured majority with one main interest; in the Federation, on the other hand, it seems more likely that there will be a balance of interest between different groups.



8. The fears expressed before us were based on certain assumptions, that voting would always follow the lines of the present major groupings, that the majorities would always seek to use power to their exclusive advantage, and that the Federation would continue to play the comparatively minor part in the Nigerian scene which it does to-day. None of these assumptions seems to us to form a firm basis for plans which look far ahead.

9. In the Western Region, voting is already divided among the Yorubas on party lines and, though no one can expect a party system to grow up overnight, once a party system is established neither party can afford to neglect minorities. Again, the Federal Government is likely to become more important when it exercises for the first time three functions at present reserved to the Governor-General. These are defence, external affairs and ultimate responsibility for law and order throughout the Federation. With the assumption of these powers, the Federal Government will become a far more attractive field for a man of ability and ambition. National leaders will look to the Federal ministries; each of the great national parties will need to win as many votes as it can in the Federal House of Representatives, and it is to be expected that it will therefore consult the interests of its minorities.

10. As to the assumption that power will only be used to the exclusive advantage of the party in office, it would be a rash Commission that made prophecies. But, as we have said, there are possibilities in the political scene that would make it to the interest of any party to woo the minorities, and there is one further point. The whole structure of the proceedings leading to independence is based on the belief that Nigeria means to follow the road of liberal democracy and parliamentary government; to base parts of the structure on the opposite assumption is to invite governments to do their worst. But if that road is followed, votes will count and in the last resort it is the votes that will win fair treatment for minorities.

11. We have spoken of liberal democracy and have used such words as freedom and fair treatment. If we are asked to define these concepts, we cannot clarify them better than by the following quotation:

“ . . . It has been said that the price of freedom is eternal vigilance. The question arises, What is freedom? There are one or two quite simple, practical tests by which it can be known in the modern world in peace conditions, namely:

Is there the right to free expression of opinion and of opposition and criticism of the Government of the day?

Have the people the right to turn out a Government of which they disapprove, and are constitutional means provided by which they can make their will apparent?

Are their courts of justice free from violence by the Executive and from threats of mob violence, and free of all association with particular political parties?

Will these courts administer open and well-established laws which are associated in the human mind with the broad principles of decency and justice?

Will there be fair play for poor as well as for rich, for private persons as well as for Government officials?

Will the rights of the individual, subject to his duties to the State, be maintained and asserted and exalted?

Is the ordinary peasant or workman who is earning a living by daily toil and striving to bring up a family, free from the fear that some

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grim police organisation under the control of a single party . . . . .  
will tap him on the shoulder and pack him off without fair or open  
trial to bondage or ill-treatment?"

(Winston Churchill: The Second World War: Vol. VI, p. 111.)

### *Section 2. Police Forces*

12. We have referred in other chapters to a situation which already arises when a detachment of the Nigeria Police meets a "strong arm group" who support the party in power in the Region and who mean to use force to intimidate political opponents. This use of physical force constitutes perhaps the most serious threat to democracy of which we were told; it is a serious and well-founded cause of fear to minorities. The Nigeria Police, the Magistrates and the Judiciary are the only protection against these party gangs and the Police are not only the first line of defence but essential to the operation of the other two; if the Police became a solely Regional Force, this protection would disappear. We therefore place the subject of Police in the forefront of our recommendations.

13. We cannot, however, suggest that the problem is easy. It was discussed at considerable length at the 1957 Conference. Their conclusions may be quoted in full. The Conference:—

- (1) Agreed that no police force in Nigeria should, so far as its use and operational control were concerned, at any time come under the control of political parties. To this end, for example, at the stage when the use and operational control of the Nigeria Police ceased to be vested in the Governor-General acting in his discretion, the appointments of the Inspector-General of Nigeria Police and of the Regional Commissioners of Police, whether or not they were at that time subordinate to the Inspector-General, should be strictly safeguarded by special constitutional provision.
- (2) Recognised that the Federal and Regional Governments would always have a concurrent responsibility for law and order throughout the Federation and that after independence the ultimate responsibility for this, at present vested in the Secretary of State, would be inherited by the Federal Government.
- (3) Expressed the view that it would always be necessary to have a Federal Police Force and a Federal Police organisation to discharge the Federal Government's responsibility throughout Nigeria, to co-ordinate the training and equipment of all Police Forces in the Federation and to be responsible for the Federal C.I.D.
- (4) Took note of the professional view that the Nigeria Police could not for administrative reasons be regionalised during the next three years.
- (5) Agreed that during the transitional period every effort should be made to strengthen the contingents of the Nigeria Police stationed in the Regions, so that they could become the nucleus of Regional forces.
- (6) Recognised the value and importance of local police forces free from political control and agreed that every help should be given by the Inspector-General of Police towards their development.
- (7) Agreed that before his constitutional responsibilities for Nigeria came to an end, the Secretary of State, after consultation with all the Nigerian Governments, should reach a decision whether or not the Regional Governments should set up their own forces.

- (8) Agreed that, in the meantime, Item 30 of the Exclusive Legislative List should be deleted and an item on the following lines should be inserted in the Concurrent Legislative List:

“Police, provided that the Legislature of any Region shall not enact any law in pursuance of this item unless the Secretary of State has, after consultation with all the Nigerian Governments, decided that Regions should set up their own police forces.”

14. The Conference, it will be seen, did not reach a final decision; they registered their belief that the Federal Police Force should remain and that the ultimate responsibility for law and order required the Federal Government to maintain its own police force; they recognised also the desire of two of the Regional Governments to set up their own Regional Police Forces but did not reconcile these two considerations. And it should be noted that they agreed that it would rest with the Secretary of State to exercise his constitutional right and to decide whether Regional Forces should be set up.

15. The Police in Nigeria are concerned not only with the prevention and detection of crime but (much more frequently than is usual in England) with the maintenance of law and order, with the control of public meetings and political processions and the like. The situation which arose in Ibadan during our stay in Nigeria on the death of Alhaji Adelabu, the riots in Kano in 1953, and the disturbances in the Eastern Region in March of this year are examples of the kind of situation against which the police have continually to guard. And in respect of public order there are to be two constitutional responsibilities. The Federal Government has the ultimate responsibility for law and order throughout the country but the Regional Government also has a responsibility for law and order within its own territories. Its police responsibilities are not confined to enforcing its own domestic legislation, in, for example, such matters as proper arrangements for markets, control of motor traffic, and the like; the Regional Government has also within its own territory a concurrent responsibility for law and order in general. This extends beyond the police sphere—which includes for example guarding against riots and preventing them—to a much wider responsibility for conducting the affairs of its Region in such a way as not to provoke disturbances and demonstrations. The problem is thus to provide a force or forces which will work smoothly and which will enable both the Federal and the Regional Governments to meet their responsibilities.

16. There is also a second division of responsibility to be borne in mind. The Conference has recorded its decision that no police force in Nigeria should at any time “come under the control of political parties”. It is certainly desirable that a police force should normally be left to conduct its affairs in terms of its own professional responsibilities and that it should not be subject to the day-to-day interference of Ministers; this is particularly so where there are “strong arm groups” operating to enforce political obedience. But while on the one hand the day-to-day control of a Minister who is a member of a party is to be avoided, a police force not ultimately responsible to a Minister would surely be just as dangerous. What is desirable is that there should be such an understanding between the professional head of a police force and the Minister whom he serves that there is a large field in which the professional head exercises his responsibility in accordance with his own conscience and professional standards, while he remains subject to the ultimate control of the Minister, who in his turn is responsible to the House and the electorate for the expenditure of public money and the maintenance of public order.

17. It is not easy to define these two spheres of responsibility, particularly in a new country, and particularly in a Federation, where it is complicated

by the division of responsibilities between Federal and State Governments. The solutions found will inevitably vary from one country to another. We suggest however that the Federation of Nigeria should be extremely careful to avoid a situation such as that which arose in the United States of America within recent memory, when over a large field the Federal Police found themselves powerless to intervene except on technical grounds which were irrelevant to the real cause of action, as when notorious gangsters with many murders to their discredit had to be prosecuted for evasion of income tax.

18. We do not believe there is any easy solution to this problem. A decision which is clear cut and places responsibility entirely in the hands either of the Federal or the State Government and which leaves the other powerless must be wrong; there is an overlapping responsibility between the two Governments and there must therefore be a dual allegiance on the part of the police officers. Since it is impossible to provide a clear cut division of fields of duty in which one may act and the other may not, it would be wrong to envisage Federal and Regional police forces which were separate and under separate control. And as in other concurrent fields the Federal Government's view must prevail in a clash.

19. There is another factor to be brought into consideration. In the Northern Region the Nigeria Police are at present comparatively few and there are a number of Native Authority Police who perform many ordinary police functions, though they are in some respects organised and trained less as police than as second line troops. In the Western Region also there are Local Government Police, though they form a smaller proportion of the total police forces in the Region than in the North; there is no such local police force in the East. Local police forces vary considerably in the quality of their training; the difficulty of ensuring that they shall be regarded as impartial is even greater in their case than it would be in the case of Regional Police. In the North and the West, the kind of dual responsibility to which we have referred above is at present already exercised by officers of the Nigeria Police, who are sometimes advisers to the Native Authority Police and are sometimes temporarily in command of them.

20. The efficiency of a police force depends on the quality of the officers and on the loyalty of the constables and lower ranks to their officers. If the force is to function adequately, a consciousness of its unity and of its responsibility within its own limits of action must permeate the whole force: that consciousness must not be confined to the Inspector-General and the Commissioners. We believe that at present such a sense of responsibility does extend in varying degrees throughout all ranks of the Nigeria Police to-day. It would be a waste of a valuable asset if this were to be destroyed.

21. From the point of view of allaying the fears of minorities, a first essential of any scheme is that there should be in each Region a body of police of sufficient strength and independence of outlook to deal, for instance, with political "strong arm groups". Its independence would be helped if it were a purely Federal force, but if this meant that it was separated from the day-to-day running of the Region, the object would be defeated; it is only by the force's intimate concern with the normal arrangements for Regional law and order that the minorities will gain any security by its presence. At the same time, its own efficiency would be seriously impaired if it was merely a reserve with no active role to fill from day to day.

22. Again, a Regional Government must wish to have available a force on which it can call in order to deal with any danger that may arise in a particular area. It also requires a force on which it can call in matters such as the provision of guards and ceremonial escorts.

23. In any solution put forward to allay the fears of minorities, it is essential, we suggest, to take into account the necessity of maintaining the unity of Nigeria and of enabling the Federal Government to discharge its responsibilities for law and order throughout the Federation; it is hardly less important to protect the police forces from interference in that sphere of their operations in which it is proper that they should act solely in accordance with professional standards and without political direction. It is also important to recognise the responsibility of the Regions for law and order within their own territories. Finally, it is essential that disagreement should not prevent swift action, and it is therefore necessary to be clear where responsibility lies and by what channels orders must be conveyed.

24. We do not think it is possible to devise a system which will fully satisfy all these requirements; this incompatibility is inherent in the constitution and indeed is present to some extent in all federal constitutions; it is still causing difficulty in the United States of America. The best that can be done is to meet these requirements as far as possible, recognising that some must give way to others. With these considerations in mind, we put forward certain broad principles, which we regard as of the first importance if the fears of minorities are to be allayed. We do not consider that it comes within the scope of our terms of reference to make more detailed recommendations, but we do recommend that the following principles should be embodied in any decisions regarding the future of the police in Nigeria:—

- (1) The dual responsibility for law and order of the Federal and Regional Governments should be recognised, and as between these two the Federal must prevail.
- (2) A division of subjects between Federal and Regional police, and even the existence side by side of two forces each responsible to a different Government will lead to confusion and inefficiency.
- (3) No police force can be fully effective unless it is concerned with the day-to-day running of the area in which it has jurisdiction. Therefore no force should be retained purely as a reserve with no active day-to-day role.
- (4) There should therefore be one Nigeria Police Force which should serve both Federal and Regional purposes.
- (5) There should be no Regional Police Force although in our view it is desirable that the Regional Government should share financial responsibility for the Nigeria Police with the Federal Government.
- (6) There should be no exclusively Federal Police Force, although parts of the police organisation will be used exclusively for Federal purposes.
- (7) Machinery should be devised which will enable the Federal Government and the Governments of the Regions jointly and regularly to consult as to the raising, payment and administration of this force, as to the division of financial responsibility between the Governments and as to the size and composition of the detachment normally posted to each Region. But in the event of disagreement the views of the Federal Government must prevail.
- (8) While the police should be left as far as possible to carry out their duties in accordance with their own professional standards, they must ultimately be under the control of a Government.
- (9) There must be only one channel by which instructions can be conveyed either to the senior police officer of the Federation or to the senior officers of each Region. They must emanate from the Federal

Government. But the senior police officer in each Region will have to bear in mind that the Regional Government has a responsibility for law and order in its own area. He must therefore keep in close touch with the Regional authorities and meet their wishes whenever possible. His position, together with that of the senior police officer in the Federation, will be strictly safeguarded by special constitutional provision, as was agreed at the Conference of 1957.

- (10) It should be the object of policy to absorb local forces gradually into the Nigeria Police Force.
- (11) There should be uniformity of training and discipline throughout all police forces in Nigeria; to this end, local police forces until their absorption should have the benefit of the advice and training facilities of the Nigeria Police and every opportunity should be taken for the exchange of officers.
- (12) Questions of first appointment, promotion and discipline of the officer cadre should be dealt with by a Police Service Commission.

25. We wish to emphasise once more and in the strongest terms that no better means of allaying the fears of minorities can be found than the retention of a single strong police force not subject to purely Regional control. We believe that a force which was so organised as to meet the twelve principles we have recommended above would substantially reduce the fears of minorities and effectively remove many of their causes.

### *Section 3. Special Areas*

26. We were impressed, in both the Western and Eastern Regions, with the special position of the people, mainly Ijaw, in the swampy country along the coast between Opobo and the mouth of the Benin River. We were confronted, first, with their own almost universal view that their difficulties were not understood at headquarters in the interior, where those responsible thought of the problems in quite different physical forms from those they assumed in those riverain areas; secondly, with the widespread desire of the Ijaws on either side of the main stream of the Niger to be united. We cannot recommend political arrangements which would unite in one political unit the whole body of Ijaws; we do however consider that their belief that their problems are not understood could be largely met without the creation of a separate state, which we have rejected for the reasons mentioned elsewhere.

27. This is a matter which requires a special effort and the co-operation of the Federal, Eastern and Western Governments; it does not concern one Region only. Not only because the area involves two Regions, but because it is poor, backward and neglected, the whole of Nigeria is concerned. We suggest that there should be a Federal Board appointed to consider the problems of the area of the Niger delta. In this we would include the Rivers Province without Ahoada or Port Harcourt and would add the Western Ijaw Division.

28. We suggest that there should be a Chairman and Vice-Chairman appointed by the Federal Government, one representative of the Eastern Region Government and one of the Western Region Government, preferably Ijaws, together with four representatives of the people of the areas, who might conveniently be one from the Western Ijaws and three from the Eastern Ijaws, who would be chosen by local bodies. We think that the members of this Board should be appointed for, say, five years in the first place. It should be concerned to direct the development of these areas into

channels which would meet their peculiar problems. It should be set up by statute. Its first task would be to conduct a survey of the entire area, which would be carried out by a doctor, an agriculturalist, an educationalist, an expert on communications and such other experts as are required. Statutory provision should be made enabling the Board to call on the Federal Government, the Eastern Regional Government and the Western Regional Government for the staff and the finance for this operation. It would be on receipt of the detailed information that would arise from this survey that the Board would decide how to plan its operations; it may be that little permanent staff would be required once the survey was complete, though it would require to be brought up to date periodically. On the basis of the survey, the Board would draw up its recommendations for special schemes to supplement or extend existing plans for development; such schemes would be financed exclusively from Federal funds if they concerned Federal subjects, such as ports or major waterways; if, however, they concerned Regional subjects, we propose that they should be financed by the Regional Government (or if both Regional Governments are concerned, by both, in proportion to the population involved) with a Federal contribution of one-third of the capital cost plus one-third of the recurrent expenditure for a period which might extend to ten years.

29. We suggest that constitutionally it would be necessary to place on the concurrent list a new subject, which might be "The Development of Special Areas". It would be open to the Federal Government to announce in the Gazette that a certain area had been classified as "Special" and from that moment special plans for its development would become a Federal as well as a Regional responsibility. The Board would be required to submit its annual reports to each of the three Governments, Federal, Western Region and Eastern Region, and it would be necessary to make provision of time in each House for discussion of the report of this Board. We do not contemplate that the Board should carry out the works which it recommends; this would be left to the Regional Government (except in the case of exclusively Federal schemes) and the annual report of the Board would include a report on actual progress. We consider that this arrangement should be temporary and that it should be the object of the Board to conclude its work within ten or twelve years when provision for development had gone far enough to make it possible for this arrangement to be abandoned. It would then be for consideration whether the Area should become a Minority Area, as described below.

30. We consider that when the Board has drawn up the schemes it considers desirable and possible, it should place them in an order of priority and endeavour to obtain the agreement of the Governments concerned. We do not recommend powers of compulsion, which we believe would defeat their own object. Our proposal would provide some financial inducement to the Regional Government, but its sole ultimate sanction is the working of the democratic machine and the value of votes; it is more likely to be successful if there is such a balance in the Federal House of Representatives that every seat is of importance. The declaration of the Ijaw country as a Special Area would direct public attention to a neglected tract and give the Ijaws an opportunity of putting forward plans of their own for improvement. It would be difficult for either Government to justify to the electorate either a blank refusal to accept a plan recommended by the Board or a failure to implement an accepted plan; in this, as in all our recommendations, we assume a desire to continue with democratic institutions; it is on this assumption that all the steps leading to independence are based.

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*Section 4. Minority Areas*

31. In the Western Region, a step to which we have already referred has been taken towards allaying the fears of a minority. This is the setting up of a Mid-West Advisory Council with the Minister for Mid-West Affairs, Chief Anthony Enahoro, as the Chairman. We were impressed with the effort which the Western Region had made in this matter and with the trouble which Chief Enahoro had taken to consult the many interests involved. It cannot however be said that the Council yet inspires confidence—partly no doubt because when we were in Nigeria it had not yet met—and we feel that it might be possible to create greater confidence in the Council if certain modifications were made in the present arrangements.

32. In the first place we suggest that the Council should be made more representative of opinion in the area with which it is concerned. It is not, we think, enough that the Government should nominate persons from the area; they must include men who are ready to criticise, and we consider that an element in the Council should be elected or nominated by local bodies in the area. We do not think that it is necessary that special elections should be held.

33. It is also worth considering whether “the Mid-West Area” should be the field for the Council’s activities. We have already suggested other arrangements for the Ijaws and would therefore exclude the Western Ijaw Division from the area for which the Council is responsible. Nor do we think that the Warri Division should be included, since this is a mixed area in which a considerable element look to the headquarters of the Region rather than to Benin; for the same reason, the Akoko-Edo district of Afenmai Division might wish to be omitted. It is with less certainty that we would exclude Asaba and Aboh Divisions but we feel that it is mainly on account of the presence of an Edo-speaking minority that the problem has arisen, and on the whole we would confine the operation of the Council to the Edo-speaking districts, that is to say, Benin Division, Urhobo Division, the two remaining districts of Afenmai and the Ishan Division. As we have already explained we do not consider that this area could suitably be made into a separate state but we do think that it has special problems and that an Edo Council presided over by the present Minister for Mid-West Affairs, who would thus become Minister for Edo Affairs, should continue, with an advisory responsibility for the development and welfare of the Edo-speaking peoples and in particular for the preservation of Edo culture.

34. We consider that the Council should be required to produce an annual report which should be debated in the Western Region Assembly, but we would go further than this. The general responsibility of the Federation will extend to the preservation of law and order throughout Nigeria; it is the responsibility of the Region to govern in such a way that law and order is preserved in its Region. These two aspects of the constitutional position read together give the Federation a concern in minority areas; to put the point baldly and at its worst, if a minority area is so neglected or oppressed that it rebels, the Federal Government will probably be asked to send troops and police. We suggest therefore that the report of the Council for Edo Affairs should also be laid on the table of the House of Representatives and that an opportunity should be given there for debate. It may be difficult for a Council such as we have in mind to produce a report which will be unanimous. We consider that the report, with or without a minority report appended, should in any case be placed on the table of both the Houses, Federal and Regional.

35. In Calabar a very similar situation exists. The former Province of Calabar is the centre of a distinguishable culture and a similar arrangement



might there be made. We suggest that a Calabar Council also might be appointed, with a local chairman nominated by the Regional Government, the members being partly nominated by the Government, while others would be chosen by local councils. Its powers and duties would be similar to those of the Council for Edo Affairs. Its functions and duties would be quite different from those of Local Government Councils and it should, we think, come into operation whatever decisions are reached regarding Sessional Paper No. 2 of 1957.

36. It may be that after independence the Federal Government and the Regional Governments will agree that other areas too should be declared minority areas in this way. We do not however feel justified in making other recommendations of this kind at this stage. These two are the areas in which, it seems to us, there is the strongest and most united local sentiment and the most clearly distinguishable culture. Our suggestion, quite simply, is that the limelight should be turned on to these areas and the normal sanctions of democracy brought into play.

### *Section 5. Fundamental Rights*

37. Although almost all the witnesses who came before us were insistent that nothing but a separate state could meet their problems, one group asked only for provision in the Constitution guaranteeing certain fundamental rights. These were the Christian bodies who appeared before us both in Lagos, on behalf of their organisations throughout Nigeria, and again in the Northern Region. Some other witnesses said they would welcome such provisions in the Constitution but were afraid that they would not be sufficient.

38. Provisions of this kind in the Constitution are difficult to enforce and sometimes difficult to interpret. Nevertheless, we think they should be inserted. Their presence defines beliefs widespread among democratic countries and provides a standard to which appeal may be made by those whose rights are infringed. A Government determined to abandon democratic courses will find ways of violating them but they are of great value in preventing a steady deterioration in standards of freedom and the unobtrusive encroachment of a Government on individual rights. We have therefore considered what provisions might suitably be inserted in the Constitution and have given particular attention to the Convention on Human Rights to which, we understand, Her Majesty's Government has adhered on behalf of the Nigerian Government. Where the matter which we think needs expression has already been provided for in the Convention on Human Rights, we simply place below the relevant provision in that Convention, but we do not necessarily recommend the exact wording of the Convention and it may be that constitutional lawyers will wish to draft in different terms.

39. We recommend that provision should be made in the Constitution for the following Fundamental Rights:—

#### **Group A. Life and Liberty**

##### (1) *The Right to Life*

- (a) Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
- (b) Deprivation of life shall not be regarded as inflicted in contravention of this provision when it results from the use of force which is no more than absolutely necessary—

- (i) in defence of any person from unlawful violence ;
- (ii) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained ;
- (iii) in action lawfully taken for the purpose of quelling a riot or insurrection.

(Convention on Human Rights, Article 2.)

(2) *Inhuman Treatment*

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

(Convention on Human Rights, Article 3.)

(3) *Slavery or Forced Labour*

- (i) No one shall be held in slavery or servitude.
- (ii) No one shall be required to perform forced or compulsory labour.
- (iii) For the purpose of this provision the term "forced or compulsory labour" shall not include—
  - (a) any work required to be done in the ordinary course of detention or during conditional release from such detention ;
  - (b) any service of a military character or in the case of conscientious objectors service exacted instead of compulsory military service ;
  - (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community.
  - (d) any work or service which forms part of normal civil obligations.

(Convention on Human Rights, Article 4.)

(4) *Liberty*

- (i) Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law :—
  - (a) the lawful detention of a person after conviction by a competent court ;
  - (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law ;
  - (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so ;
  - (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority ;
  - (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants ;
  - (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

- (ii) Everyone who is arrested shall be informed promptly of the reasons for his arrest and of any charge against him.
- (iii) Everyone arrested or detained in accordance with the provisions of paragraph (i) (c) above shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.
- (iv) Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
- (v) Everyone who has been the victim of arrest or detention in contravention of the provisions above shall have an enforceable right to compensation.

(Convention on Human Rights, Article 5.)

(5) *Private and Family Life*

- (a) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (b) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

(Convention on Human Rights, Article 8.)

*Note: This is the wording of the Convention on Human Rights but it is to be noticed that it puts on the courts the burden of deciding whether an act by a public authority is "necessary in a democratic society in the interests of national security. . . ." This places an improper burden on the courts and we think it may be desirable in drafting to define their responsibility, perhaps substituting "and in the eyes of a reasonable man would appear to be necessary in the interests of national security. . . ."*

**Group B. Administration of Justice**

(6) *Judicial Procedure*

- (a) In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly, but the Press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
- (b) Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

(c) Everyone charged with a criminal offence has the following minimum rights:—

- (i) to be informed promptly, in a language which he can understand, and in detail, of the nature and cause of the accusation against him;
- (ii) to have adequate time and facilities for the preparation of his defence;
- (iii) to defend himself in person or through legal assistance of his own choosing or if he has no sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

*Note: It may here be necessary to add a saving clause excluding native courts where under existing legislation no legal assistance is permitted.*

- (iv) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (v) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

(Convention on Human Rights, Article 6.)

**(7) Retrospective Effect**

No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

(Convention on Human Rights, Article 7.)

**Group C. Social Freedom**

**(8) Freedom of Expression**

- (a) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This provision shall not prevent Governments from requiring the licensing of broadcasting, television or cinema enterprises.
- (b) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

(Convention on Human Rights, Article 10.)

**(9) Freedom of Peaceful Assembly**

- (a) Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

- (b) No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This provision shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the country.

(Convention on Human Rights, Article 11.)

*Note: Here too the same considerations apply as in (5) of these recommendations.*

(10) *Freedom of Movement*

Subject to any restriction imposed by any law relating to the security of the country, public order, public health, or the punishment of offenders, every citizen has the right to move freely throughout the country and to reside in any part thereof; provided that the right of residence shall not in itself convey a right to acquire land or other property.

(Malaya Constitution, Article 9 (2))

(11) *The Right to Marry*

Men and women of marriageable age have the right to marry and to found a family, according to the laws governing the exercise of this right.

(Convention on Human Rights, Article 12)

*Note: This article might seem superfluous but marriage between specific classes of persons has been prohibited in certain countries.*

**Group D. Rights concerning Religion**

(12) *Freedom of Religion*

(a) Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

(b) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedom of others.

(Convention on Human Rights, Article 9)

(13) *Religious Education*

(a) No person attending any educational institution shall be required to receive religious instruction or take part in any religious ceremony or attend religious worship if such instruction, ceremony or worship relates to a religion other than his own.

(b) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination.

(Pakistan Article 13 (1) and (2))

*Note: The two paragraphs in this Group are believed to cover the provisions suggested to us by the Christian bodies whom we heard. It may however be wise to draft in such a way as to deal with these more specifically. What are required to be safeguarded are the following rights:—*

- (a) *freedom to hold and express freely any religious convictions or other beliefs and to publish them by any means not contrary to public order.*
- (b) *freedom to assemble peacefully for worship and for the peaceful and courteous proclamation of a religion or belief.*
- (c) *freedom to sell and distribute literature which advances the teaching of any religion or belief provided that it is expressed with courtesy to other religions or beliefs.*
- (d) *freedom to change one's religion or belief.*
- (e) *freedom to have one's children educated when possible in a religion of one's own choice or if that is impossible in no other.*
- (f) *freedom to conduct the affairs of one's religion or belief without state interference.*

*In all these respects the state should have the right to intervene in specific instances and for defined periods in the interests of public tranquillity or safety.*

#### **Group E. Discrimination**

##### **(14) *The Enjoyment of Fundamental Rights without Discrimination***

The enjoyment of the fundamental rights set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

(Convention on Human Rights, Article 14)

*Note: It may be necessary to make provision for an exception in times of war or other public emergency.*

##### **(15) *Protection against Discrimination***

(i) No enactment of any Legislature in Nigeria, and no instrument or executive or administrative action of any Government in Nigeria shall (either expressly or in its practical application)

(a) subject persons of any community, tribe, place of origin, religion or political opinion to disabilities or restrictions to which persons of other communities, tribes, places of origin, religions or political opinions are not made subject ;  
or

(b) confer on persons of any community, tribe, place of origin, religion or political opinion any privilege or advantage which is not conferred on persons of other communities, tribes, places of origin, religions or political opinions.

(ii) Nothing in this provision shall prevent the prescription of proper qualifications for the public service.

*Note: It may be that in the Northern Region some proviso to the prohibitions in this clause may be necessary for a limited period.*

(16) *The Enforcement of Fundamental Rights*

- (a) Any person may apply to the High Courts for protection or enforcement of any of the provisions as to fundamental rights contained in the Constitution and the High Courts shall have power to make all such orders as may be necessary and appropriate to secure to the applicant the enjoyment of any of these rights.
- (b) Any person may apply to a Magistrate to enquire into an alleged violation of one of the provisions for fundamental rights and to make a report on his enquiry to the High Court concerned.

*Note: The provisions set out in (15) and (16) above are not to be found in the Convention on Human Rights. But we consider that both—or something similar—are necessary in the present circumstances of Nigeria and they speak for themselves.*

40. We have assumed that the independence of the judiciary will be entrenched in the Constitution. The recommendations in this section would be valueless without that assumption.

*Section 6. Ilorin and Kabba*

41. We have already made our recommendations regarding Ilorin and Kabba in Chapter 13, paragraph 27. These are repeated in the summary of our recommendations in Chapter 15.

*Section 7. Muslim Law*

42. We have made certain suggestions regarding Muslim Law in Chapter 10, paragraph 18, and these are repeated in the summary of recommendations and suggestions below in Chapter 15.

*Section 8. Other Suggestions*

43. There remain a number of suggestions which we do not wish to put into the form of recommendations. They are in most cases matters for the individual Governments concerned, and we now put them forward in the belief that if they were accepted they would help to allay the fears which minorities undoubtedly feel. These too are included in Chapter 15.

44. Several of these points resemble each other in arising from a failure to consult or to conciliate. We should like to stress in general terms the extent to which a modern democratic system depends on the practice of consultation and compromise. Whenever a change is made, and particularly in the distribution of power, consultation between the Government and the local authorities concerned is called for and will smooth the introduction of the new measure. This is more so than ever in Nigeria, where change is at the moment extremely rapid and local feeling very strong; indeed, if progress is to be smooth, consultation and conciliation are here essential.

## CHAPTER 15. SUMMARY OF RECOMMENDATIONS AND SUGGESTIONS

*Police*

We recommend:

1. That the principles set out in paragraph 24 of Chapter 14 should be embodied in any decisions regarding the future of police in Nigeria.

*Special Areas*

We recommend:

2. That the development of Special Areas should be placed on the concurrent list. (Chapter 14, paragraph 29.)

3. That a Special Area be created in the Niger Delta to cover the Rivers Province except Ahoada and Port Harcourt, and including the Western Ijaw Division. (Chapter 14, paragraph 27.)

4. That a Board with a Federal Chairman should be created for the Special Area, to which the Federal, Western and Eastern Regions should contribute funds and staff for the purpose of a survey of the special problems of the Special Area, and which would draw up plans for its development. (Chapter 14, paragraph 28.)

5. That the Board should initiate schemes to supplement the normal development of the Special Area which should be carried out by the Governments concerned, the Federal Government contribution being one-third of the capital cost and one-third of the recurrent cost for periods which may extend to ten years. (Chapter 14, paragraphs 28-30.)

6. That a report regarding the plans made by the Board and the progress made in carrying them out should be laid annually on the tables of the Federal House of Representatives and the Western and Eastern Houses of Assembly. (Chapter 14, paragraph 29.)

7. That the existence of any Special Area should be under continual review and that as soon as the need for its continued existence appears to have been reduced, consideration should be given to its termination or to the desirability of its becoming a Minority Area. (Chapter 14, paragraph 29.)

#### *Minority Areas*

We recommend:

8. That Benin Province with Urhobo Division but less Akoko-Edo and Asaba should be constituted a Minority Area to be known as the Edo Area. (Chapter 14, paragraph 33.)

9. That the Calabar Province should be constituted a Minority Area to be known as the Calabar Area. (Chapter 14, paragraph 35.)

10. That in each of these Minority Areas there should be a Council with a Chairman from the Area nominated by the Regional Government and a membership of which a substantial number shall be elected or nominated by local bodies. (Chapter 14, paragraphs 32 and 35.)

11. That the Council should make an annual report to be placed upon the table of the House of Assembly of the Region concerned and on the table of the House of Representatives and to be there debated. (Chapter 14, paragraphs 34 and 35.)

12. That the duties of the Council should be to foster the well-being, cultural advancement and economic and social development of the Minority Area and to bring to the notice of the Regional Government any discrimination against the Area. (Chapter 14, paragraphs 33 and 35.)

#### *Fundamental Rights*

13. We recommend that provision should be made in the Constitution for the protection of the following fundamental rights:

- (1) The right to life.
- (2) Protection against inhuman treatment.
- (3) Protection against slavery or forced labour.
- (4) The right to liberty.
- (5) The right to respect for private and family life.
- (6) The right to a public hearing and fair procedure in criminal charges.



- (7) Protection against retrospective legislation.
- (8) Freedom of expression.
- (9) Freedom of peaceful assembly.
- (10) Freedom of movement.
- (11) The right to marry.
- (12) Freedom of religion.
- (13) Freedom of religious education.
- (14) The enjoyment of fundamental rights without discrimination.
- (15) Protection against discrimination.
- (16) The enforcement of fundamental rights. (Chapter 14, paragraph 39.)

#### *Ilorin and Kabba*

We recommend:

14. (i) That there should be no change in the boundary between the Northern and Western Regions except as the result of a plebiscite;
- (ii) That a plebiscite should be held if there is general agreement at the Conference that it should be held and that it should be binding;
- (iii) That in any area transferred at least 60 per cent of the votes cast must have been in favour of transfer. (Chapter 13, paragraph 27.)

#### *Muslim Law*

15. We consider that the fears of minorities in respect of Muslim Law would be reduced if the Government of the Northern Region were to adopt the following proposals, some of which they already have in mind:—

- (i) Non-Muslims to have the option of being dealt with by non-Muslim courts;
- (ii) A Regional service of Alkalai to be instituted who would be appointed and administered by a Judicial Service Commission;
- (iii) Prisoners' Friends to be permitted and improved arrangements made to facilitate appeals and to ensure that copies of court records are not delayed. (Chapter 10, paragraph 18.)

#### *Suggestions*

16. The suggestions that follow have usually taken their origin from a point raised in evidence in a particular Region and the reference placed in brackets after the suggestion is to the chapter and paragraph of our report where the question has been discussed. But in most cases the point applies in other Regions as well as that where it arose.

17. We suggest that it would be an act of wisdom for Governments to appoint a person from a Minority Area to a Board whenever a suitable candidate is available. Where such Boards are not instruments of Government policy, it would be wise to select members for their impartiality. (Chapter 3, paragraphs 8-12 and Chapter 6, paragraph 17.)

18. There is a danger to democratic institutions in the creation of Boards and Corporations whose servants are neither protected nor restrained in the same way as Government servants. We suggest that consideration should be given to the possibility of bringing such servants under regulations governing conduct, appointment, dismissal and disciplinary action similar to those which apply to Government servants. (Chapter 3, paragraph 12 and Chapter 6, paragraph 17.)

19. The question might be considered of subsidising the rehabilitation and replanting of old rubber plantations; the creation of a Rubber Marketing Board should be thoroughly explored. (Chapter 3, paragraphs 18 and 19.)

20. It would be wise to spend more per mile on maintenance of roads in the Mid-West than elsewhere in the Western Region. (Chapter 3, paragraph 23.)

21. A Commission for the conduct of elections should be created for both Federal and Regional elections. (Chapter 3, paragraph 29.)

22. Control of communal land should eventually pass to a democratic body, though it may in the meantime be desirable to associate traditional rulers with it. (Chapter 3, paragraph 37.)

23. An intermediary body of Chiefs not merely local should be created to consider questions of the appointment and removal of Chiefs. (Chapter 3, paragraph 44.)

24. It would be unwise to introduce or perpetuate restrictions on the sale of land to persons not native to an area. (Chapter 6, paragraph 20.)

25. Responsibility for appointments to County and District Courts should be vested in an independent body such as a Judicial Service Commission. (Chapter 6, paragraph 27.)

26. The introduction of trial by jury and of a "Public Defender" should be reconsidered in consultation with the Bench and the Bar. (Chapter 6, paragraph 28.)

27. A place should be found in the local administration for the smaller traditional leaders. (Chapter 6, paragraph 26 and Chapter 9, paragraph 4.)

28. Emirs' bodyguards should be restricted to purely ceremonial functions. (Chapter 9, paragraph 14.)

29. It should be the aim of policy to centralise control of prisons. (Chapter 9, paragraph 16.)

30. Regional Governments should retain the power to supersede, but should not have the power to pack, a Native Authority. (Chapter 9, paragraph 24.)

31. Prerogative writs or some comparable procedure should be re-introduced if the administrative power of review disappears. (Chapter 9, paragraph 32.)

HENRY WILLINK, *Chairman.*

GORDON HADOW.

PHILIP MASON.

J. B. SHEARER.

K. J. HILTON, *Secretary.*

London, 30th July, 1958.

## APPENDIX I

### THE CONSTITUTIONAL POSITION

The Nigeria (Constitution) Order in Council, 1954, gave Nigeria a Federal Constitution. The Federation consists of three Regions, Northern, Eastern and Western with the Federal Territory of Lagos and the Trust Territory of the British Cameroons. The Southern Cameroons approaches the status of a fourth Region as the result of decisions reached at the last Constitutional Conference. The Northern Cameroons, in accordance with the wishes of its representatives, is administered as part of the Northern Region. Since we have decided that the Cameroons do not fall within the scope of our enquiry we exclude them from the remainder of this Appendix.

In each Region there is a Legislature with powers defined in the Constitutional Instrument; these are bi-cameral in the Northern and Western Regions consisting of a House of Assembly and a House of Chiefs. The Eastern Region has, at present, a single chamber Legislature; a House of Chiefs is to be set up in the future.

There is also a single chamber Federal Legislature, the House of Representatives, with exclusive powers of legislation over a limited but important range of subjects reserved to it by the Constitution; it also has power to legislate on other subjects concurrently with the Regions. In the concurrent field, Federal legislation prevails over Regional. Residual powers of legislation in the Regions reside with the Regional Legislatures, and in Lagos with the House of Representatives.

In each Region, Government is by the Executive Council. In the Eastern and Western Regions, which are now self-governing in matters within the competence of the Regional Legislatures, the Executive Councils are ministerial in form and wholly African. Ministers are nominated by a Premier appointed by the Governor from among the elected members of the Assembly as the person best able in his opinion to command a majority in the Assembly and who is willing to be appointed. The Premier presides over the Council.

In the Northern Region, which has not yet attained the status of a self-governing Region, the Governor presides over meetings of the Executive Council which, with the exception of the Attorney General who is an ex-officio member, is wholly African. Until self-government, the Governor will retain certain reserve powers with regard to the passage of legislation not now held by the Governors of the self-governing Regions, together with a wider range of powers to act against the advice of or without consulting the Executive Council which are reserved to him by the Constitution and by his Royal Instructions. His constitutional position in the Region is similar to that of the Governor-General in the Federation.

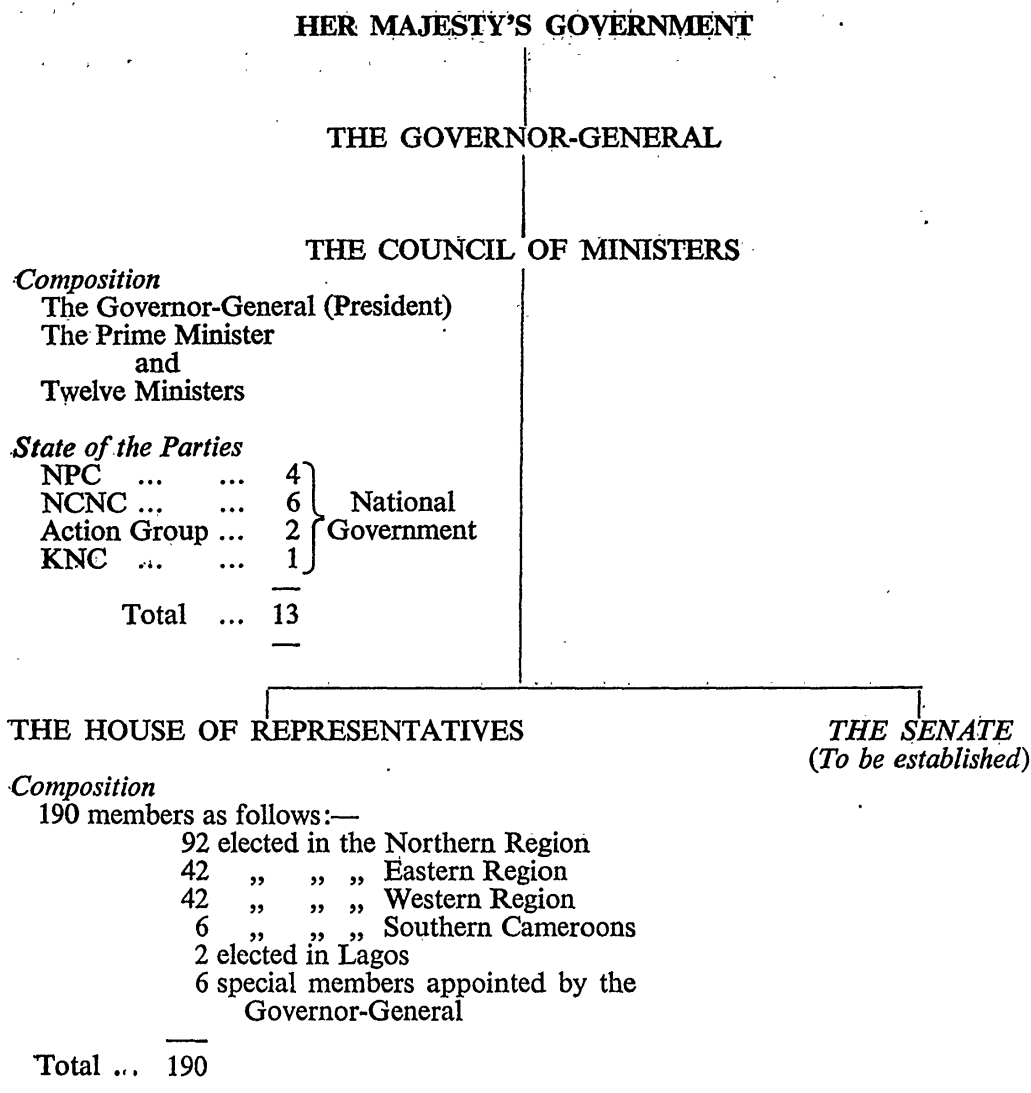
The Council of Ministers, which is the Federal Executive, consists of a Prime Minister and twelve Ministers chosen by him; it is presided over by the Governor-General. The Prime Minister is appointed by the Governor-General from among the elected members of the House of Representatives as the person who in his opinion will be able to command a majority in that House and is willing to be appointed.

At the head of the pyramid of government in the Northern, Eastern and Western Regions there are Governors appointed by Her Majesty The Queen whose representatives they are. In the self-governing Regions the Governor occupies a position approaching that of a constitutional ruler, acting on the advice of popularly elected Ministers in all but a limited category of subjects; the occasions on which the Governor is empowered to act in his discretion are limited principally to the making of certain appointments to the Legislature, the Judiciary and the Public Service and to the exercise of the power of pardon. Certain types of legislation remain reserved for Her Majesty's pleasure.

The Governor-General will, until the independence of the Federation, continue to preside over the Council of Ministers. Certain powers are reserved to him by the Constitution and by his Royal Instructions. He can for example act in his discretion on matters relating to the exercise of the prerogative in the Federal Territory of Lagos and the Southern Cameroons, he can make appointments to the Federal public service, and he retains responsibility for the armed forces and for external affairs. He is also responsible, in his discretion, for the use and operational control of the Nigeria Police and is empowered, in his discretion, to give directions to the Governors of the Eastern and Western Regions for the purpose of ensuring that the executive authority of the Region is not exercised in such a way as to prejudice the exercise of the executive authority of the Federation or to endanger the continuance of federal government.

Finally Her Majesty's Government in the United Kingdom retains certain over-riding powers until independence. These include the power to amend or to revoke the constitution, Her Majesty's power to disallow legislation, and the power of Parliament to legislate for Nigeria.

For ease of reference the constitutional structure of the Federation is set out diagrammatically below. The strength of the parties in the various Legislatures were those existing at the time of writing.



*State of the Parties*

NPC ... ..	80
NCNC ... ..	54
Action Group ... ..	24
KNC ... ..	6
UMBC ... ..	7
UNIP ... ..	3
NLCP ... ..	1
Independent Members ... ..	5
Vacancies... ..	4
Special Members (appointed by the Governor-General) ... ..	6
<b>Total ... ..</b>	<b>190</b>

**THE NORTHERN REGION**

**THE GOVERNOR**

**THE EXECUTIVE COUNCIL**

*Composition*

The Governor (President)  
The Premier  
and  
19 Ministers  
and  
The Attorney General (ex officio)

} NPC Government

**THE HOUSE OF ASSEMBLY**

**THE HOUSE OF CHIEFS**

*Composition and state of Parties*

*Composition*

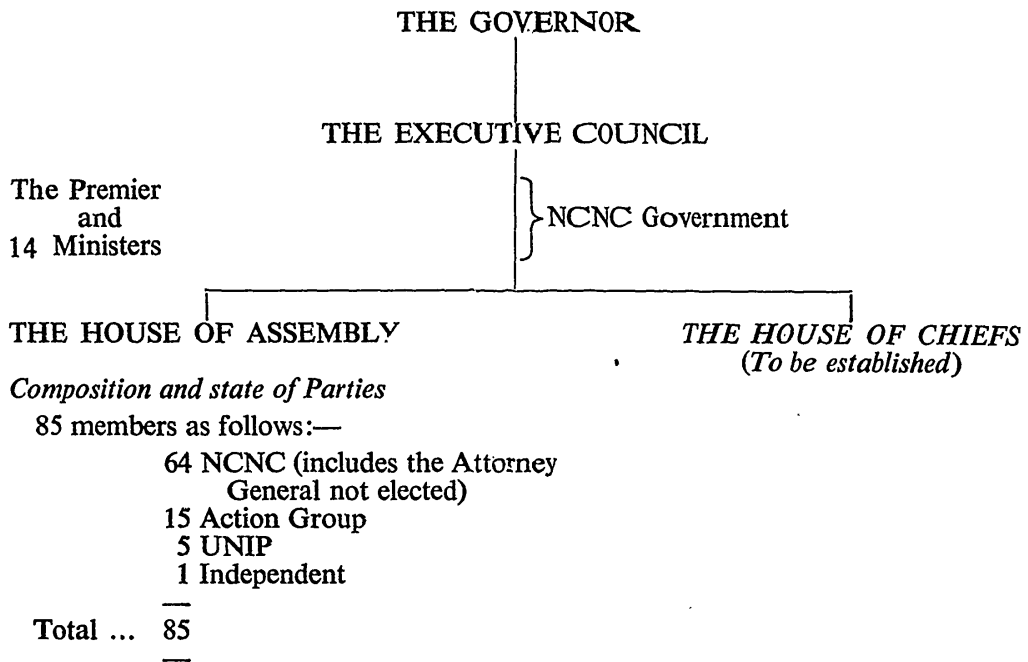
134 members as follows:—

NPC... ..	106	} 131 elected members
UMBC ... ..	12	
NEPU ... ..	5	
ITP—Action Group Alliance ... ..	3	
Bornu Youth Move- ment ... ..	2	
Independents ... ..	3	
Special Members (appointed by the Governor) ... ..	3	
<b>Total ... ..</b>	<b>134</b>	

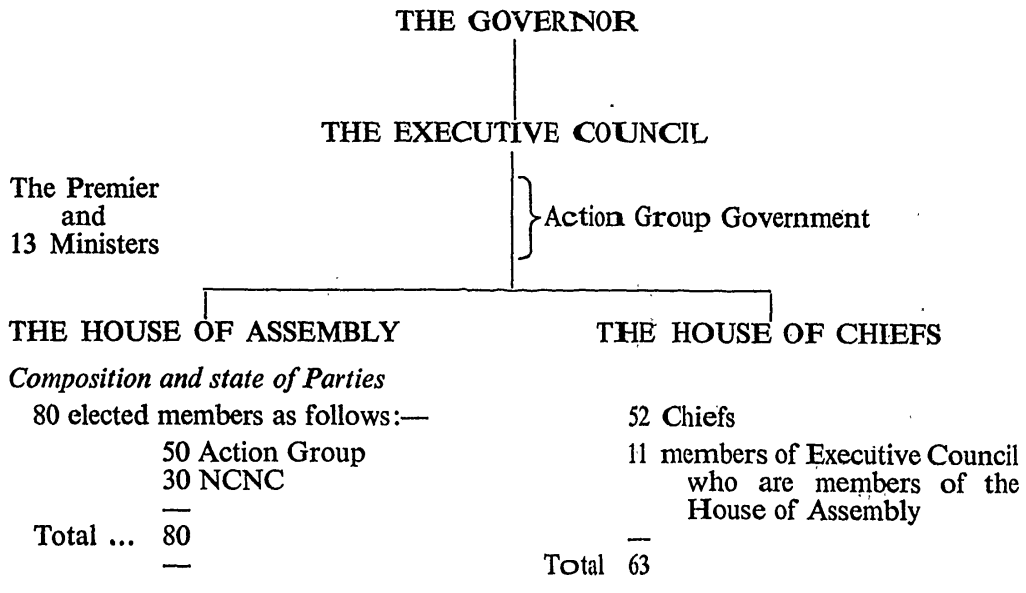
15 first-class Chiefs  
35 other Chiefs  
17 members of Executive Council  
who are members of the  
House of Assembly  
1 Adviser on Muslim Law

**Total 68**

**THE EASTERN REGION**



**THE WESTERN REGION**



## APPENDIX II

### PROCEDURE AND RULINGS

#### *Procedure*

We held 61 public sittings in Nigeria at the places shown in Appendix III; these are also shown underlined in red on Maps 1-3 accompanying our Report. 819 persons came forward to give evidence at our public sittings. Minutes of the evidence taken at these sittings were made available to counsel representing the interests who appeared before us. We also held private meetings with representatives of Federal and Regional Governments, and with other organisations as well as with individuals.

A large number of memoranda were prepared for us by interested parties to our invitation; in addition to these, we consulted official and unofficial documents supplied to us by the Federal and Regional Governments and other bodies. We made special use of the Census Reports for 1952-53. We have adjusted the figures given in them where necessary to take account of boundary changes made after the Census was completed.

#### *Rulings*

We made the following rulings in the course of our public hearings:—

##### 1. *Definition of Minorities*

We ruled that the word "minorities" in our terms of reference meant ethnic or religious minorities of a permanent nature; we were therefore not prepared to hear political minorities, that is to say, political parties in opposition, except in so far as their evidence threw light on the fears of either ethnic or religious minorities.

##### 2. *Ethnic majorities forming a minority within a minority area*

We ruled that where members of a tribal majority in a Region were a minority in a minority area, as for example, Yorubas in the area proposed for a Mid-West State and Ibos in the COR and Rivers States, they would have the status of a minority within that area.

##### 3. *Dissident Sects*

We ruled that a sect within a religious majority would not be heard as a religious minority.

##### 4. *Privilege*

Counsel for the NCNC Opposition and the Yoruba Central State Movement sought a ruling from the Secretary of State that our proceedings should be privileged. We took the view that such a provision would not assist us in our task. The Secretary of State's ruling on this application, which was announced on 14th December, 1957, was as follows:—

"The Constitutional Conference left in my hands the selection and appointment of the members of the Commission. The method of appointment was not discussed at the Conference and no specific conclusion was reached on whether the Commission should be restricted to hearing ethnic and religious as distinct from political minorities. But in considering the appointment of the Commission I felt that the Conference had not conceived it as a judicial body to establish the kind of facts that can best be elicited by the compulsion of the witness and the hearing of evidence on oath. I felt rather that the first task of the Commission was to enter sympathetically into the minds of minority groups and individuals and to probe for an acceptable solution of fears exposed even though, as the terms of reference contemplated, those fears might prove ill-founded. The Commission would be concerned with conciliation as well as adjudication.

Representations by Counsel have been fully considered both by me and by the Commission, but we have found no reason to alter our original conclusion."

5. *Legal Acts*

We ruled that we would not conduct an enquiry into the legal validity of acts of the Government.

6. *The Right to Begin*

We ruled that this lay with those who wished to express fears or to propose safeguards.

7. *Exchange of Documents*

We ruled that memoranda submitted to us were confidential documents and would not be made available to other persons without the permission of the originator.

8. *Boundaries*

We considered that paragraph 71 of the report of the 1957 Constitutional Conference authorised us to consider boundary changes but did not oblige us to consider those which were of so minor a nature that they inevitably involved detailed fieldwork.

9. *Lagos and Colony State*

We considered a claim by the Lagos and Colony State Movement for the creation of a separate state consisting of Lagos and the former Colony Divisions. We ruled that we could not hear evidence in support of this claim for the following reasons :—

- (a) The decision of the Secretary of State to constitute the municipal area of Lagos as Federal Territory was taken at the wish of the 1953 Constitutional Conference. In our view, the position of Lagos could not be considered without express authority; no such authority was given either in our terms of reference or in the report by the Conference which recommended the appointment of our Commission.
- (b) We did not consider that those living within the area embraced by the proposal for a Lagos and Colony State constituted a minority within our terms of reference.

10. *The Yoruba Central State and the Ondo Central State*

We did not consider that those who supported the creation of a Yoruba Central and the Ondo Central States were minorities within the meaning of our terms of reference.



## APPENDIX III

## ITINERARY

## 1957

November 23rd	...	...	Arrived Lagos
November 24th-27th	...	...	At Lagos.
November 28th	...	...	To Ibadan.
November 29th-December 2nd	...	...	Public Sittings at Ibadan.
December 3rd	...	...	To Oyo.
December 4th-7th	...	...	Public Sittings at Oyo.
December 8th	...	...	To Benin.
December 9th-18th	...	...	Public Sittings at Benin.
December 18th	...	...	To Warri.
December 19th-23rd	...	...	Public Sittings at Warri.
December 24th	...	...	To Lagos.

## 1958

December 25th-January 2nd	...	...	Public Sittings at Lagos.
January 3rd	...	...	To Enugu.
January 4th-7th	...	...	Public Sittings at Enugu.
January 8th	...	...	To Calabar.
January 9th-15th	...	...	Public Sittings at Calabar.
January 16th	...	...	To Port Harcourt.
January 17th-22nd	...	...	Public Sittings at Port Harcourt.
January 23rd	...	...	To Enugu.
January 24th-26th	...	...	Public Sitting at Enugu.
January 27th	...	...	To Buea.
January 28th-29th	...	...	Public Sitting at Buea.
January 30th	...	...	To Lagos.
February 1st	...	...	To Kaduna.
February 2nd-3rd	...	...	Public Sitting at Kaduna.
February 4th	...	...	To Minna.
February 5th	...	...	Public Sitting at Minna.
February 6th	...	...	To Ilorin.
February 7th-10th	...	...	Public Sittings at Ilorin.
February 11th	...	...	To Lokoja.
February 12th-13th	...	...	Public Sittings at Lokoja.
February 14th	...	...	To Jos.
February 15th-20th	...	...	Public Sittings at Jos.
February 21st	...	...	To Yola.
February 22nd	...	...	Public Sitting at Numan.
February 23rd	...	...	To Makurdi.
February 24th and 25th	...	...	Public Sittings at Makurdi.
February 26th	...	...	To Zaria.
February 27th	...	...	Public Sittings at Zaria.
February 28th	...	...	To Kano.
March 1st-3rd	...	...	Public Sittings at Kano.
March 4th	...	...	To Sokoto.
March 6th	...	...	To Kaduna.
March 7th-13th	...	...	At Kaduna.*
March 14th	...	...	To Lagos.
March 15th-29th	...	...	Public Sittings and Private Meetings in Lagos, in particular with Representatives of the Federal and Regional Governments.
March 30th	...	...	To Jos.
March 31st to April 11th	...	...	Review of evidence and submissions at Jos.
April 12th and 13th	...	...	The Commission returned to the United Kingdom.

\* The Chairman and Mr. Mason were in the United Kingdom from the 9th to the 21st of March, 1958.

## APPENDIX IV

### MINOR PROPOSALS FOR THE REVISION OF BOUNDARIES

In the course of our enquiry, our attention was directed to a number of claims for the adjustment of boundaries. These arose sometimes from the desire of tribes who are divided by existing boundaries, either regional or provincial, to come together under one administration, and sometimes from the desire of one ethnic group to join another with whom it had linguistic, racial, cultural or other affinities. These were all small claims and of their nature could only be dealt with by detailed fieldwork, which was clearly outside the scope of an enquiry such as ours. Here we merely note the various claims put to us, and suggest that consideration should be given to the question whether these need investigating in due course by an independent Boundary Commission.

The approximate sites of the disputes are indicated on Maps 1 and 2 by a number enclosed in a red circle which refers to the number of the relevant paragraph in this Appendix.

#### (1) Sobe and Ijagba

The villages of Sobe and Ijagba are situated in Ondo Province close to the boundary with Benin Province. The people live in Ondo Province but many of their farms are said to be on the Benin side of the boundary. They are Edo-speaking and some of them expressed a desire to be joined with Benin Division in a Mid-West State. The number of persons involved is about 10,000.

#### (2) Akoko-Edo

The Akoko-Edo inhabit the Akoko-Edo District of Afenmai Division. There was some evidence that the Yoruba language and customs had become widespread, although they originally spoke an Edo dialect, and that there was a desire to be joined for administrative purposes with Ondo Province on the other side of the Osse River.

#### (3) The Igbirras in Afenmai Division

There are about 8,000 Igbirras in Benin Province, nearly all of them living in some 25 villages in Afenmai Division in the Western Region. They belong to the same stock as the 148,000 Igbirras in Kabba Division, but they were placed in what is now the Western Region when the boundary between the Northern and Southern Provinces was demarcated in 1918. It was said that the people of these villages wished to be re-united with their kindred in Kabba Province; the Government of the Northern Region are understood to support their claim but did not press it before us.

#### (4) Ndoni

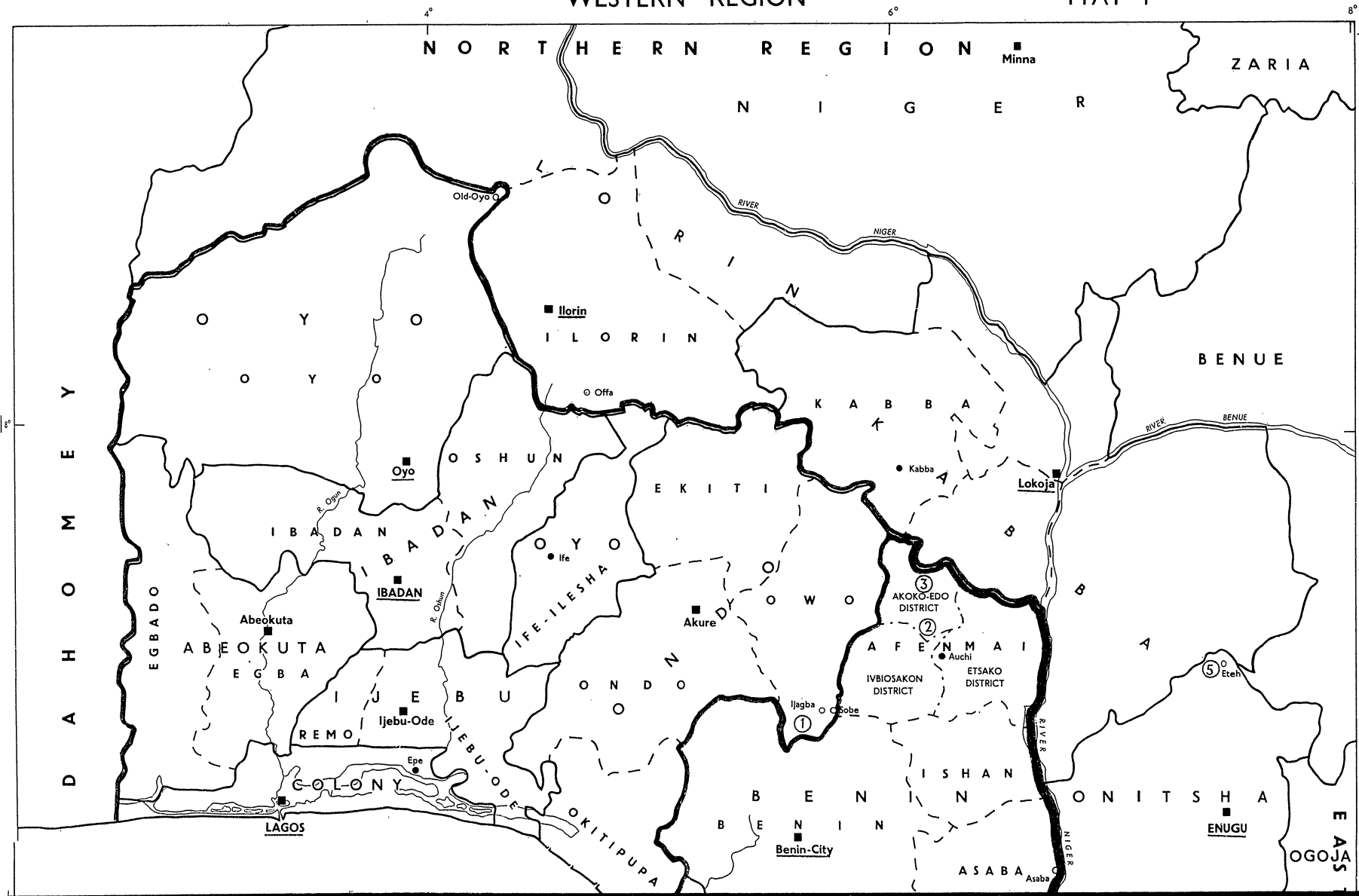
The Ndoni Clan has a population of about 2,000 and occupies an area between the Niger and the Eastern Regional boundary. Ndoni is at present administered as part of Aboh Division in the Western Region, but their representatives claimed some affinity with the Ibos of Ahoada Division, and have expressed a wish to be joined with them.

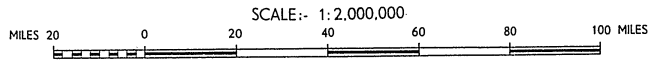
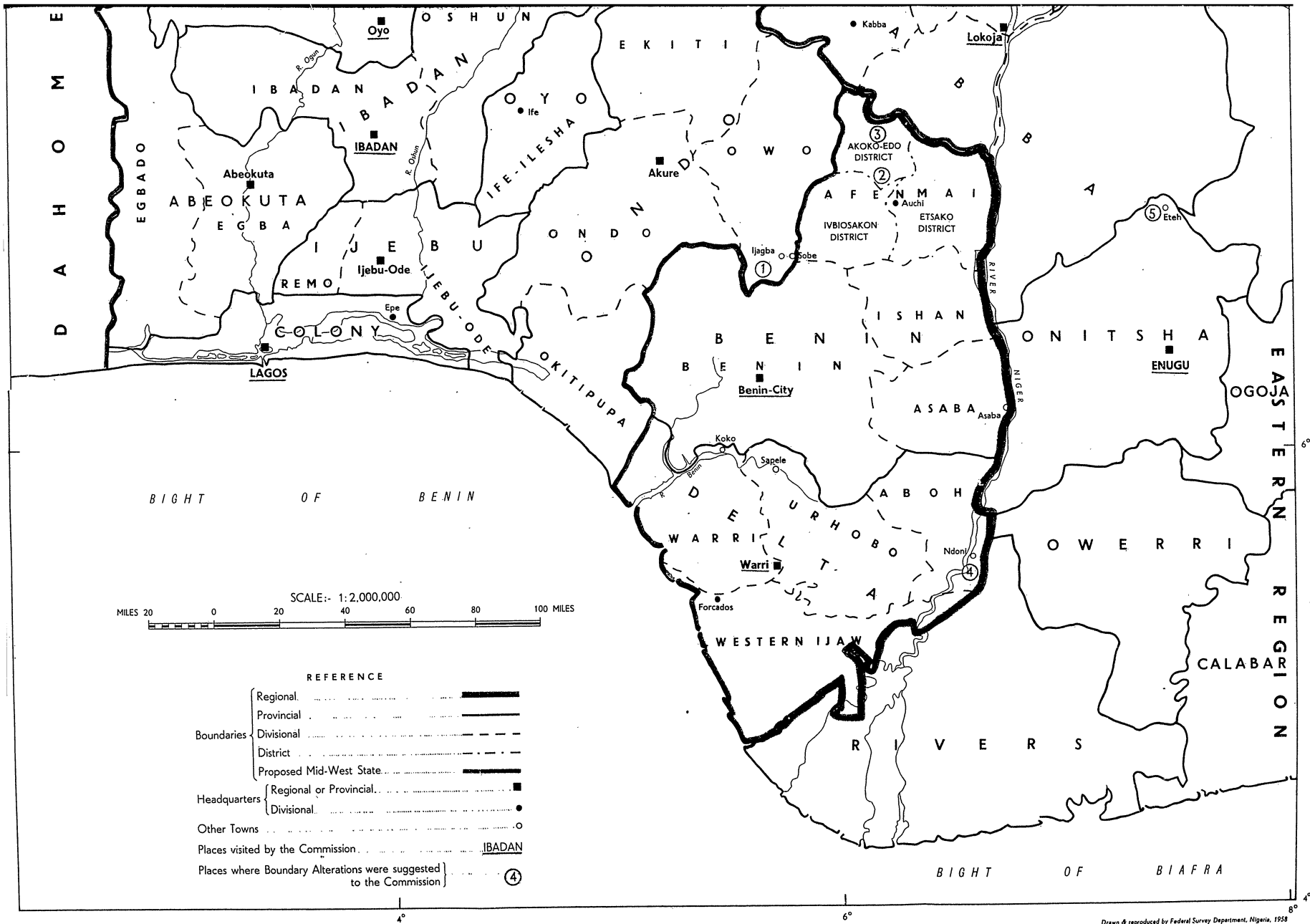
#### (5) Ete District

In conclusion, we received evidence that parts at least of Ete District in Nsukka Division wished to be merged with Igala Division. The population of Ete District at the last census was just over 11,000, and it is claimed that the majority of the people are Igala-speaking. We were informed that the District was originally administered as part of the Northern Region, but that it was transferred to the Eastern Region in 1924 when boundary adjustments were made.

# MINORITIES COMMISSION WESTERN REGION

# MAP I





REFERENCE

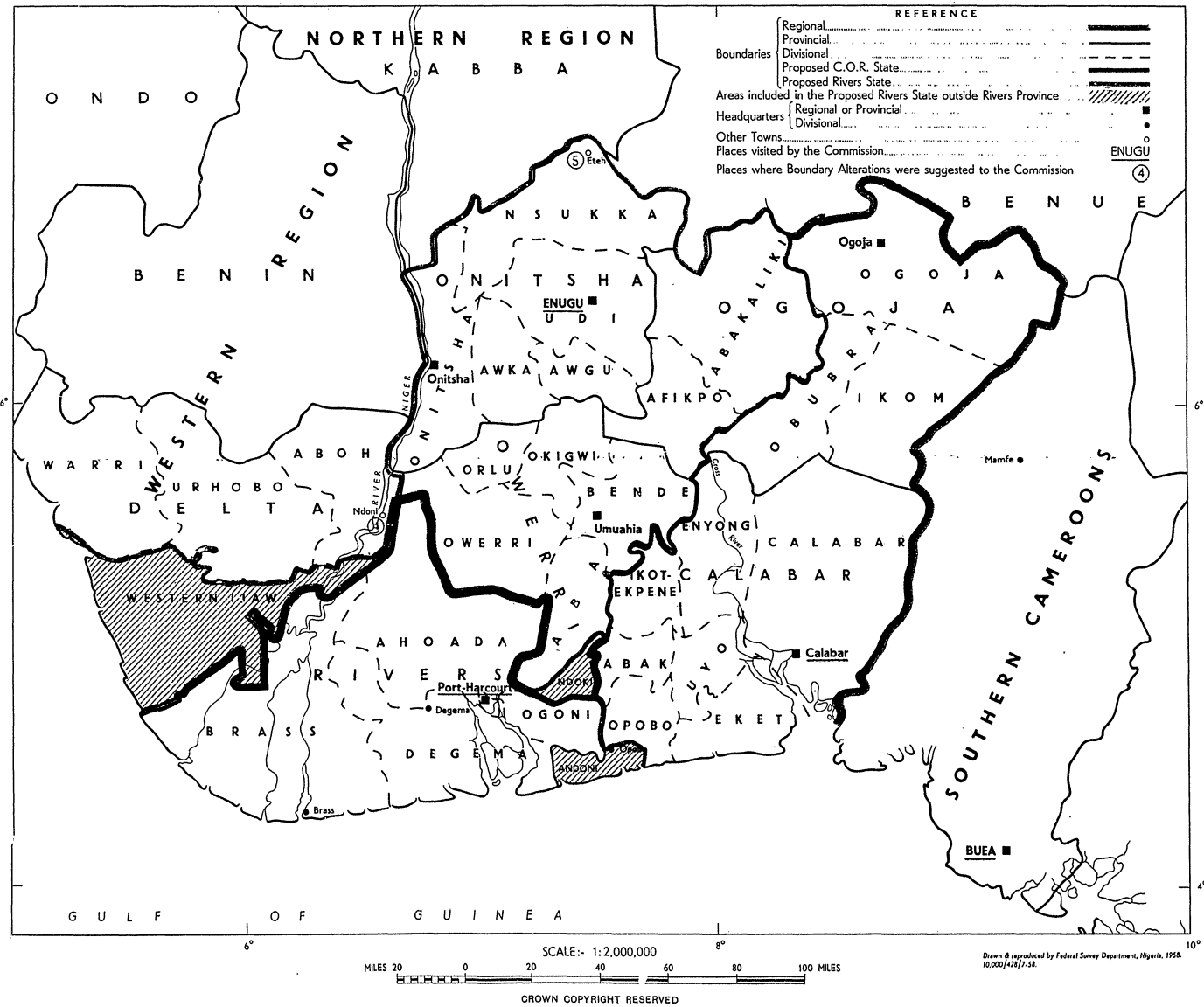
Boundaries	Regional	—————
	Provincial	—————
	Divisional	-----
	District	-----
Proposed Mid-West State		—————
		—————
Headquarters	Regional or Provincial	■
	Divisional	●
Other Towns		○
Places visited by the Commission		IBADAN
Places where Boundary Alterations were suggested to the Commission		④

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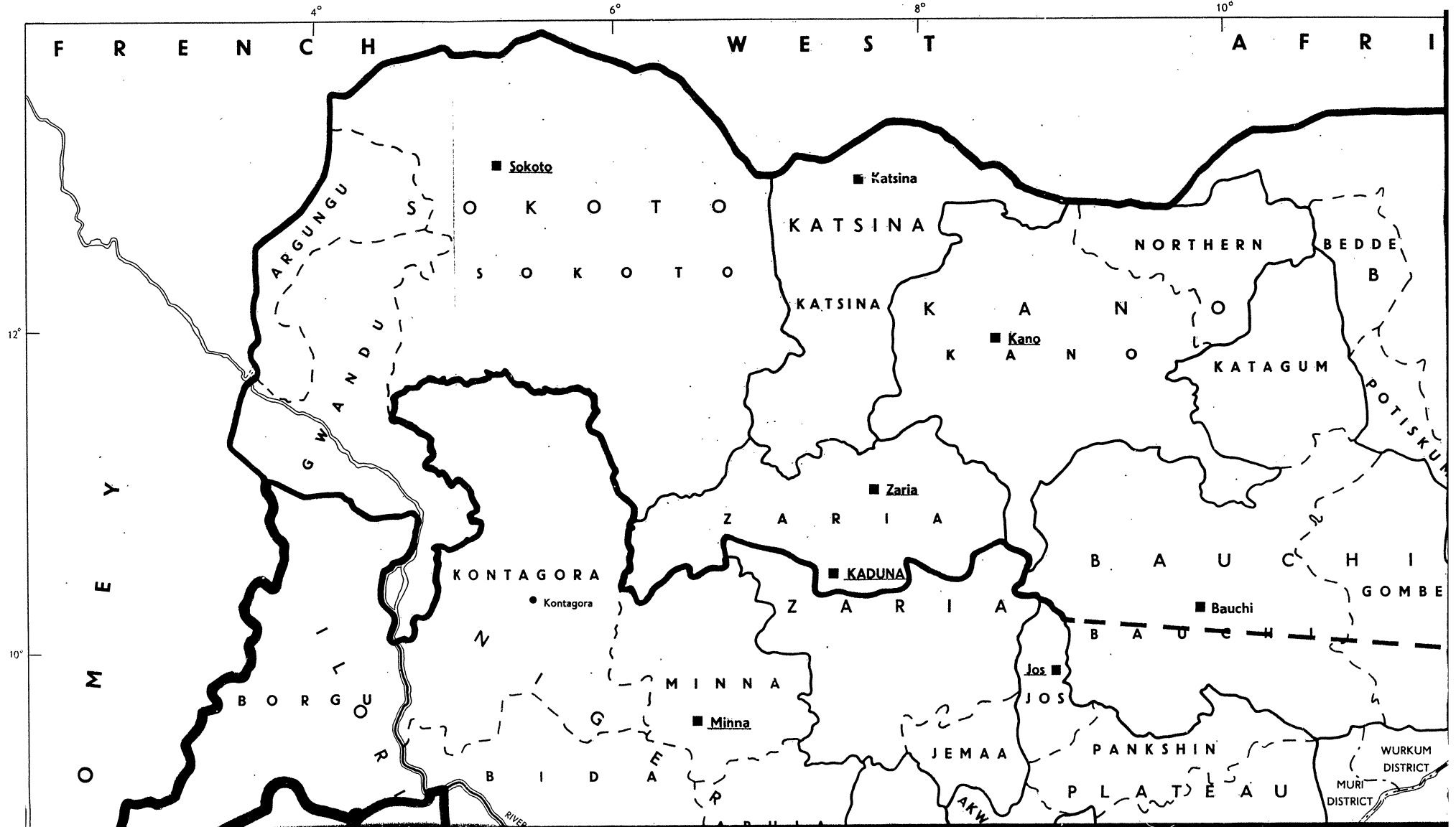
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# MINORITIES COMMISSION EASTERN REGION

## MAP 2



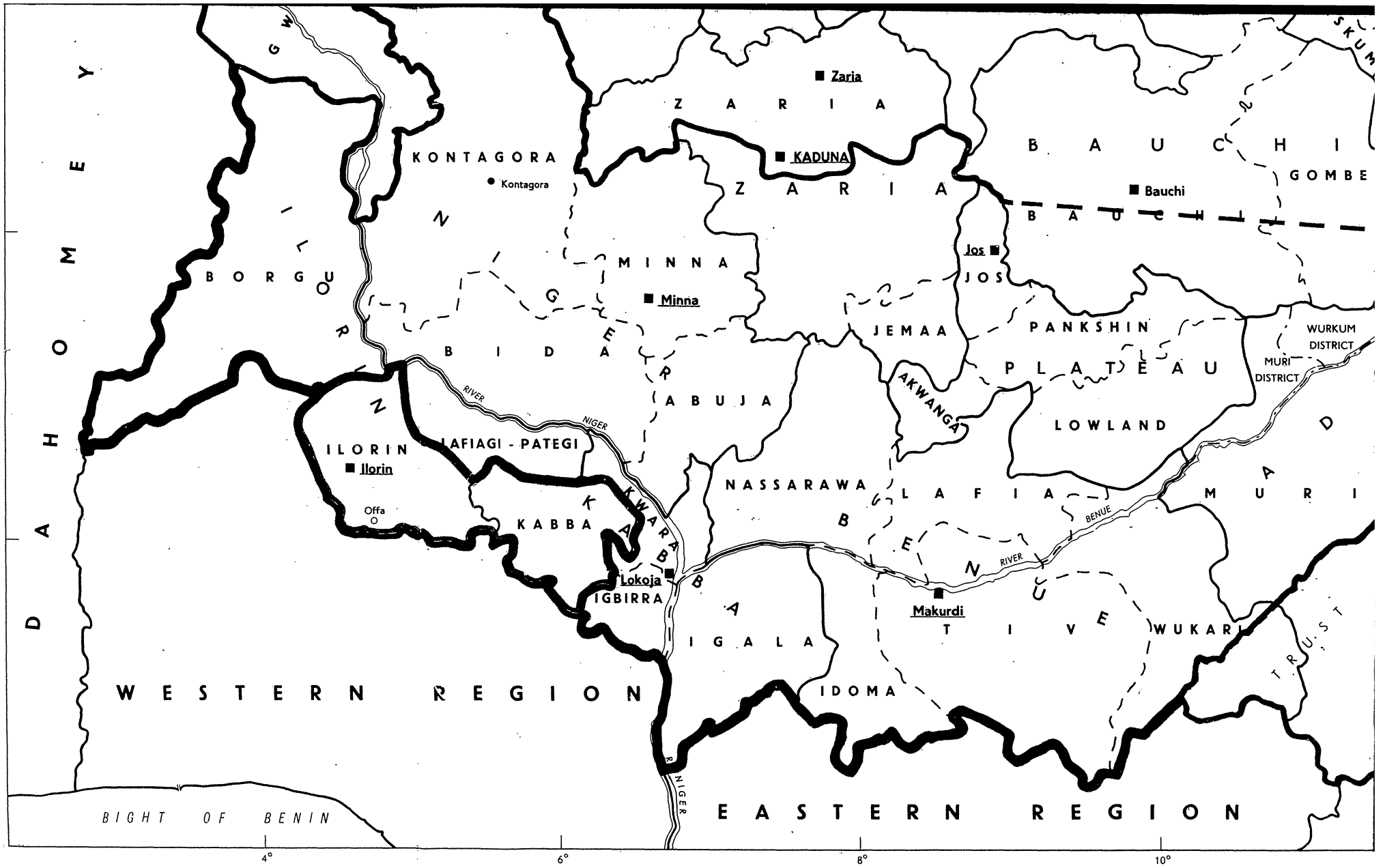
MINORITIES COMMISSION  
NORTHERN REGION



# MINORITIES COMMISSION NORTHERN REGION

## MAP 3



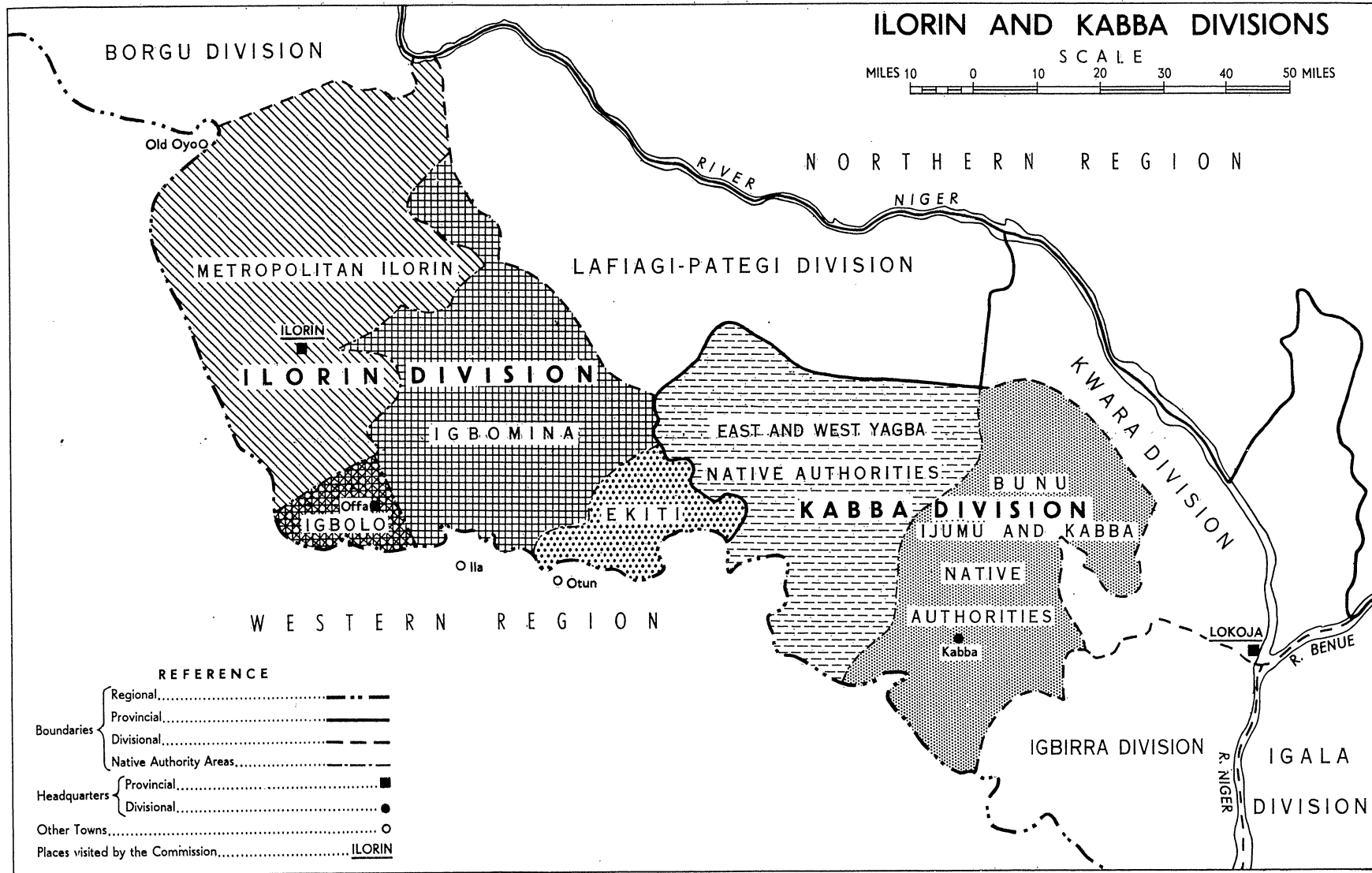


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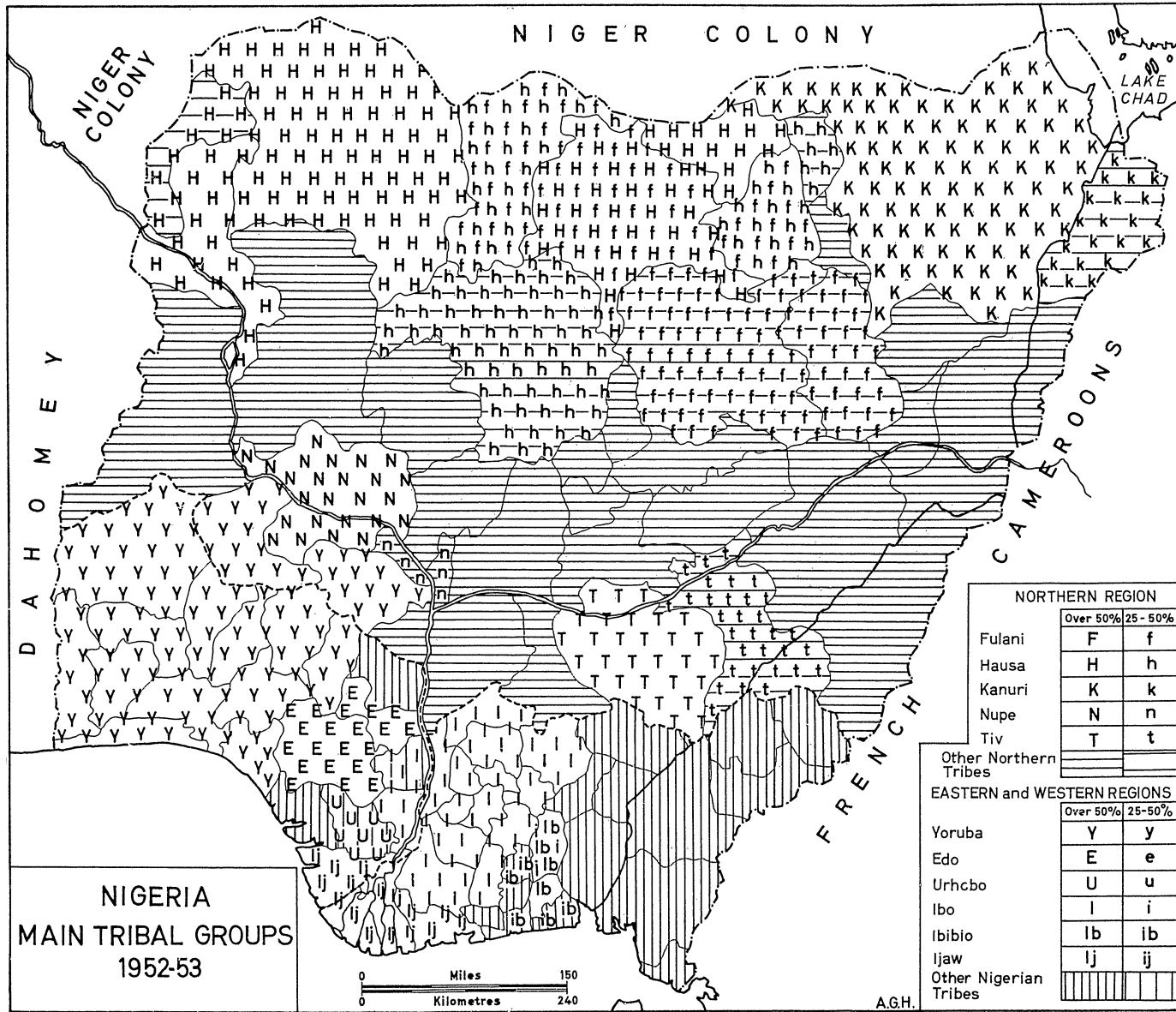
# MINORITIES COMMISSION MAP 4



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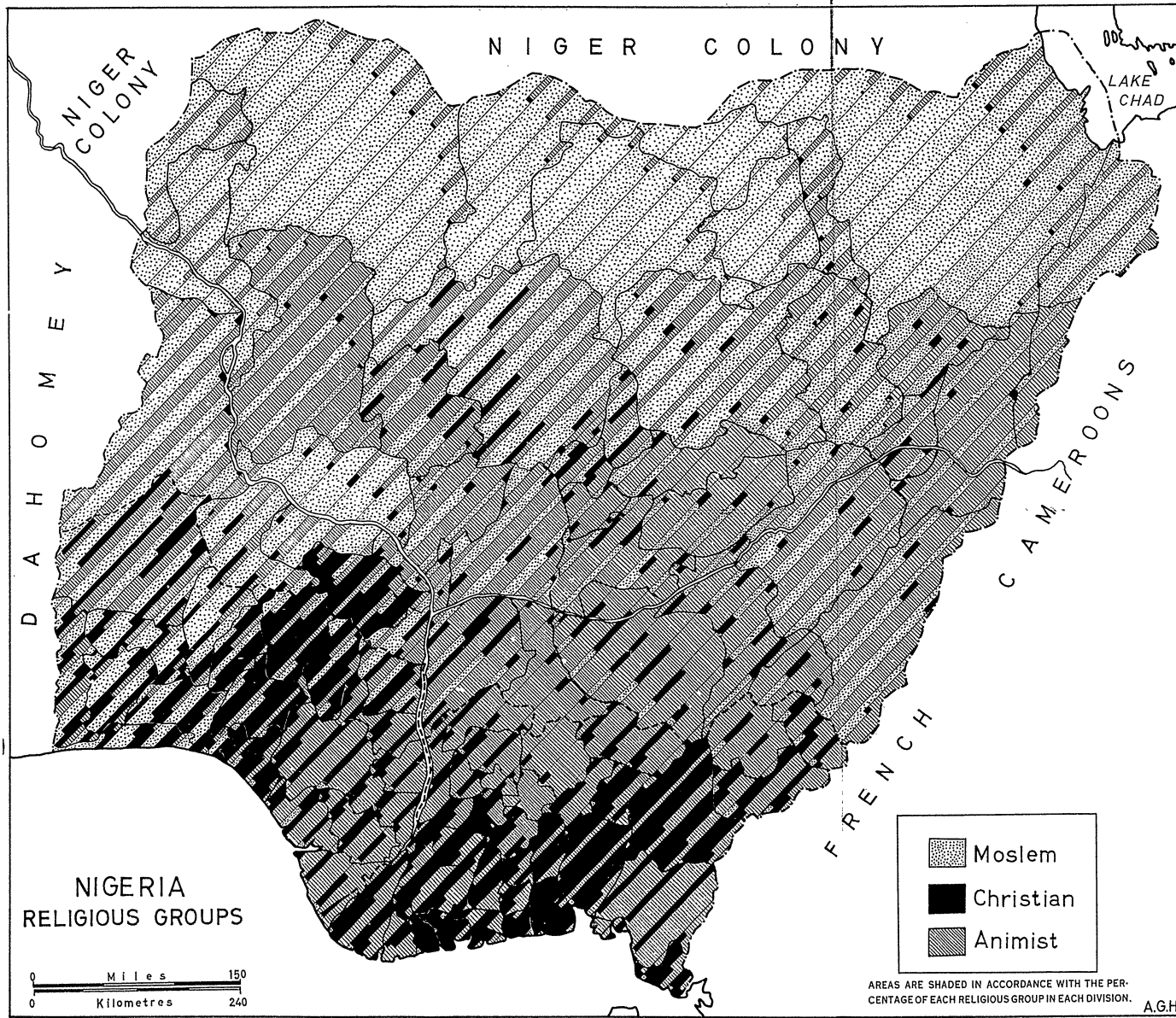
# MINORITIES COMMISSION MAP 5



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# MINORITIES COMMISSION MAP 6



	Moslem
	Christian
	Animist

AREAS ARE SHADED IN ACCORDANCE WITH THE PERCENTAGE OF EACH RELIGIOUS GROUP IN EACH DIVISION. A.G.H.

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