

## **The Colonial History of Nigeria as the Bedrock of Injustices in Nigeria**

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### **Abstract**

*The colonial history of Nigeria serves as the historical foundation from which a multitude of injustices in the country originated. This paper provides a brief overview of the key aspects of Nigeria's colonial past, highlighting its impact on the nation's various social, political, and economic aspects. It also discusses how these historical injustices continue to shape contemporary Nigeria, emphasizing the need to address and redress these legacies for a more equitable and just society. During the late 19th and early 20th centuries, Nigeria was subjected to colonization by European powers, primarily the British. The British colonial administration, driven by economic and political interests, imposed their structures, institutions, and systems on the indigenous peoples of Nigeria. This led to the subjugation of local populations, exploitation of resources, and a disruption of social and cultural practices.*

Keywords: Colonial History, Nigeria, Injustices, Colonial legacy, Resource Extraction, Racial Discrimination, Social Cohesion, Redress, Colonialism.

### **Introduction**

It has been contended elsewhere that the current injustices in Nigeria are strongly connected to the country's colonial history.<sup>3</sup> Colonial policies, laws, and structures have continued to be applied in Nigeria, either directly or indirectly and to various extents, long after independence.<sup>4</sup> Because it is certainly and largely believed that this contention is not at large, it becomes imperative to highlight Nigeria's colonial history to solidify this study's thesis.

### **The Concept of Colonialism**

The concept of colonialism has different meanings for different scholars. It could simply mean one country dominating another country and its people.<sup>5</sup> It could also mean an extension of control often politically motivated by a powerful nation over another which is presumed weaker.<sup>6</sup> It could equally mean the establishment and maintenance of foreign rule by a colonizing power over some people to get full economic benefit.<sup>7</sup> Whichever way or form it presents, it usually entails immigrants moving and settling in a country or countries and beginning to alter the local political, social, economic, and cultural frameworks inherent in the country or countries and gradually replacing them with Western ideals and in no time, they sustainably dominate the land and the people;<sup>8</sup>

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<sup>3</sup> OE Okeke, 'The Indivisibility and Indissolubility of Nigeria vis-à-vis the Right of Self-Determination', *International Journal of Comparative Law and Legal Philosophy (IJOCLLEP)*, Volume 2, Issue 2 (2020) p. 70 <<https://www.nigerianjournalonline.com/index.php/IJOCLLEP/article/viewFile/960/944>> accessed on 25 February 2024. See also OE Okeke & EOC Obidimma, 'Contours Of True Decolonization vis-à-vis the Right to Self-Determination', *Law and Social Justice Review*, Vol. 2, Issue 2 ((2022) pp. 1 – 12 <<https://www.nigerianjournalonline.com/index.php/LASJURE/article/download/2221/2165>> accessed on 26 February 2024.

<sup>4</sup> H Yusuf, 'Nigeria – The Colonial Legacy and Transitional Justice', Centre for the Study of Violence and Reconciliation (2017) p. 4 <<https://media.africaportal.org/documents/Nigerian-Report-Electronic.pdf>> accessed on 24 December 2023.

<sup>5</sup> EI Akorede, 'Colonial Experience in Africa: How it Affects the Formation of a United States of Africa', *International Journal of Issues on African Development*. Vol.2, NO 4. (2010) 158.

<sup>6</sup> S Aderibigbe, *Basic Approach to Government* (Lagos: Joja Educational Research and Publishers Ltd, 2006) p. 164.

<sup>7</sup> JO Fadeyiye, *A Social Studies Textbook for Colleges and Universities*. Vol 2 (Ibadan: Akin- Johnson Press and Publishers, 2005) p. 161.

<sup>8</sup> UA Bala, 'Colonialism and the Development in Nigeria: Effects and Challenges', *International Affairs and Global Strategy*, Vol. 70 (2019) p. 13 <<https://www.iiste.org/Journals/index.php/IAGS/article/download/46840/48368>> accessed on 4 February 2024.

they (colonial powers) seized the lands, settle there and impose various forms of taxes.<sup>9</sup> Many of the African states that were colonized were colonized by Western European countries like Belgium, Britain, France, Germany, Italy, and Portugal.<sup>10</sup> These Western Europe powers colonized with a major intention to dominate. In other words, they colonized to have free and unchecked control over all the affairs of the colony be it politics, economy, and society.<sup>11</sup>

Historically, the colonization of the geographical area now known as Nigeria started when Britain expanded and extended trade to the interior of Nigeria.<sup>12</sup> As Meredith narrated, the end of the Napoleonic wars gave the British international recognition as they laid claim to a West African sphere of influence, and about a year after, the Royal Niger Company was chartered.<sup>13</sup> By 1900, the British Government began the control of the company's territories and later consolidated the control to include most of the area of modern Nigeria, and by January 1<sup>st</sup> 1901, Nigeria was already part of the foremost world power at the time which was the British Empire. In 1914, the area was formally united as the colony and protectorate of Nigeria.<sup>14</sup> It is verily believed as a matter of fact that the borders of modern-day Nigeria were established in 1914 by British colonizers, but the histories of the peoples that make up the Nigerian polity go back many centuries.<sup>15</sup>

The British colonial claim over the territory known today as Nigeria received European official stamp of recognition at the Berlin Conference of 1884 - 1885.<sup>16</sup> The Berlin conference of 1884 – 1885 was a conference of all European powers and of how the continent of Africa should be shared among themselves for acquisition of raw materials and marketing of their products. While the conference was still sitting, protectorates and colonies were being declared in many parts of West Africa of which the British government had declared Lagos a colony and continued to advance the said Colony from *Epe, Badagry, Ijebu, Igboland* to the North. However, before this period, the Royal Niger Company, master-minded by George Taubman Goldie,<sup>17</sup> emerged victorious and succeeded in imposing its authority on the indigenous peoples of the Niger area.<sup>18</sup>

Though the geographical area constituting modern-day Nigeria was initially administered as a concession of the Royal Niger Company, it became a formal British Colony in the year 1900 and was ruled as three distinct political units: the Northern Protectorate, the Southern Protectorate, and Lagos Colony. In 1906 the Lagos Colony and Southern Protectorate were merged. In 1914 the three political units were fused/merged/amalgamated into one nation: the 'Colony and Protectorate of Nigeria'. Partly in recognition of the major ethno-linguistic differences between *Igbo* and *Yoruba* in the south, the Southern Protectorate was split in 1939 into Eastern and Western Provinces. This was given constitutional backing when in 1947 Nigeria was divided into Northern, Eastern and Western regions, a move that gave prominence to the three dominant groups: *Hausa-Fulani* in the north, *Igbo* in the east and *Yoruba* in the west. Each of the former three regions had minorities who formed themselves into movements agitating for constitutional safeguards against opposition from the larger ethnic group that dominated the affairs of the region.<sup>19</sup>

<sup>9</sup> O Adeyeri & KD Adejuwon, 'The Implications of British Colonial Economic Policies on Nigeria's Development', *International Journal of Advanced Research in Management and Social Sciences*. Vol. 1 No. 2 (2012) 3 <<https://garph.co.uk/IJARMSS/Aug2012/1.pdf>> accessed on 14 February 2024.

<sup>10</sup> UA Bala, *op. cit.*

<sup>11</sup> O Adeyeri & KD Adejuwon, *op. cit.*

<sup>12</sup> *Ibid.*

<sup>13</sup> M Meredith, *The Fate of Africa: A History of Fifty Years of Independence* (New York: Public Affairs Publishing, 2005). p. 195

<sup>14</sup> UA Bala, *op. cit.*

<sup>15</sup> T Falola & MM Heaton, *A History Of Nigeria* (New York: Cambridge University Press, 2008) p. 1.

<sup>16</sup> Berlin Conference of 1884-1885 available at <[https://cpb-us-e1.wpmucdn.com/cobblearning.net/dist/c/31/files/2015/02/Colonialism\\_Independence\\_-Part-II-blog-23k1x9z.pdf](https://cpb-us-e1.wpmucdn.com/cobblearning.net/dist/c/31/files/2015/02/Colonialism_Independence_-Part-II-blog-23k1x9z.pdf)> accessed on 24 February 2024.

<sup>17</sup> The British trader and empire builder, Sir George Dashwood Taubman Goldie created the Royal Niger Company, which secured British claims to the lower Niger and Northern Nigeria. See *Sir George Dashwood Taubman Goldie Facts*, <<https://biography.yourdictionary.com/sir-george-dashwood-taubman-goldie>> accessed on February 24, 2024.

<sup>18</sup> AM Deji, 'Historical Background of Nigerian Politics, 1900-1960', *IOSR Journal Of Humanities And Social Science* (2013) 88 <<http://www.iosrjournals.org/iosr-jhss/papers/Vol16-issue2/K01628494.pdf?id=7790>> accessed on February 20, 2024.

<sup>19</sup> Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples - Nigeria*, (2018) available at <<https://www.refworld.org/docid/4954ce6719.html>> accessed on February 22, 2024.

For Forsyth, Nigeria had never been more than an amalgam of peoples welded together in the interests and for the benefit of the Great Britain,<sup>20</sup> and since the 1914 fusion/amalgamation of the indigenous peoples in Nigeria by the British colonial government,<sup>21</sup> the indigenous peoples in Nigeria have continued to agitate, debate, and discuss the issues bordering on the peaceful coexistence of the various ethnic groups on the one hand, and between Christians and Muslims on the other. The question about living together in peace emerged early in the Nigerian national debate as a result of the numerous violent confrontations between, among, and within some ethnic groups in the North and some in the South, and between some Muslims and some Christians.<sup>22</sup> Scholars and Statesmen have expressed contending views in relation to negative and positive implication[s] and/or impact[s] of the 1914 amalgamation. For example, speaking in the Northern House of Assembly in 1952, Sir Alhaji Abubakar Tafawa Balewa, who later became the Prime Minister of Nigeria (1960–1966), reportedly dismissed the 1914 amalgamation of Nigeria by the British Government; he declared as follows:

“...the Southern people who are swarming into this region daily in large numbers are really intruders. We don't want them and they are not welcome here in the North. Since the amalgamation in 1914, the British Government has been trying to make Nigeria into one country, but the Nigerian people are different in every way including religion, custom, language and aspiration. The fact that we're all Africans might have misguided the British Government. We here in the North, take it that 'Nigerian unity' is not for us.”<sup>23</sup> (Underlining is the researcher's)

In the midst of the noted heterogeneity of Nigeria's population, and without a free and fair consideration vide plebiscite of the apparent differences among the various indigenous peoples especially among the three major tribes – *Igbo*, *Hausa-Fulani*, and *Yoruba*, independence was purportedly granted to Nigeria on Thursday, October 1, 1960, and she (Nigeria) became a Republic on October 1, 1963. Since the colonial masters stepped aside from the government of Nigeria, Nigeria has experienced many crises ranging and/or resulting from tribalism, religious intolerance, riots, toppling/overthrowing of governments by the military, protests turned bloody, clamours for independence/self-determination, corruption, abuse of power, electoral malpractices and so on.

### **Ethnicity, Culture and Religion in Nigeria**

Nigeria is a multi-religious and multi-ethnic country with over 250 ethnic groups,<sup>24</sup> but according to the 1952/53 census, there were more than 200 distinct ethnic groups in Nigeria (now there are over 450), most of whom have distinct customs, traditions, and languages. The large and dominant groups include the Yoruba (at the time of census 10 million), the Igbo (7 million), the Hausa (16 million), and the Fulani (5 million). Other prominent but less numerous groups include the Edo, the Ibibio of the Cross Rivers state, the Tiv of the Benue Valley, the Nupe of the middle Niger Valley, and the Kanuri of the Lake Chad basin. The large concentration of the smallest ethnic groups in the Middle Belt where there are more than 180 different groups is a significant feature of the distribution of ethnic groups in Nigeria.<sup>25</sup> This point was captured and summarized by Falola & Heaton as follows:

Nigeria's large population is very diverse, consisting of over 200 different ethno-linguistic groups. Three main ethnic groups make up the majority of the population. The Hausa, located in the northern savannas, account for roughly 21 percent of the population, while the Yoruba, located in the southwestern part of the country, make up 20 percent, and the Igbo of the southeast 17 percent. Other ethnic groups with relatively large populations include the

<sup>20</sup> F Forsyth, *The Biafra Story: The Making of an African Legend* (London: Leo Cooper, 2001) p. 4.

<sup>21</sup> M Crowther, *West Africa under colonial rule* (London: Hutchinson & Co. Ltd., 1968) cited in B. Ugorji, 'Ethno-Religious Conflict in Nigeria', *International Center for Ethno-Religious Mediation* (2016) 3 <<https://www.icermediation.org/wp-content/uploads/2015/08/Ethno-Religious-Conflict-in-Nigeria-by-Basil-Ugorji.pdf>> accessed 16 February 2024.

<sup>22</sup> B Ugorji, 'Ethno-Religious Conflict in Nigeria', *International Center for Ethno-Religious Mediation* (2016) p. 3 available at <<https://www.icermediation.org/wp-content/uploads/2015/08/Ethno-Religious-Conflict-in-Nigeria-by-Basil-Ugorji.pdf>> accessed 23 February 2024.

<sup>23</sup> A Adeleye, 'Amalgamation of 1914: Was it a mistake?', *Vanguard Newspaper of May 18, 2012*, available at <<https://www.vanguardngr.com/2012/05/amalgamation-of-1914-was-it-a-mistake/>> accessed on 10 February 2024.

<sup>24</sup> C Obiagwu & CA Odinkalu, 'Nigeria: Combating Legacies of Colonialism and Militarism' in AA An-Na'im(ed.), *Human Rights under African Constitutions: Realizing the Promise for Ourselves* (University of Pennsylvania Press 2003) 211 at 212.

<sup>25</sup> RK Udo, 'Environments and Peoples of Nigeria: A Geographical Introduction' in O Ikime (ed.), *Groundwork of Nigeria History* (Ibadan: Heinemann Educational Books (Nigeria) Plc, 1980) pp. 7 – 20.

pastoral Fulani of the savannas, the Ijaw of the Niger Delta region, the Kanuri of the Lake Chad region, the Ibibio in and around Calabar in the southeast, and the Nupe and Tiv of the middle belt region. Although over 250 different indigenous languages are spoken in Nigeria, English has been the official language of the country since 1960. Pidgin, a combination of indigenous languages and English that developed through hundreds of years of contact with British traders and later with colonial authorities, is also commonly used.<sup>26</sup>

In the aspect of religion, the indigenous peoples in Nigeria belong to many different religions as well, but the vast majority identify with either Islam or Christianity. About 50 percent of the Nigerian population is Sunni Muslim. Muslims are most heavily concentrated in the northern savannas, where Islam first appeared between the eleventh and fourteenth centuries CE. Until the jihad of Usman dan Fodio and the establishment of the Sokoto Caliphate in the early nineteenth century, Islam had been primarily a religion of the elite. Kings and wealthy merchants adopted elements of Islam to claim mystical powers and to build strong commercial and diplomatic ties with Islamic states in North Africa and the Middle East. Since the nineteenth century, however, the vast majority of the Hausa, Fulani, and Kanuri have come to identify religiously with Islam. About a third of all Yorubas are Muslim as well. Christians make up roughly 40 percent of the population and are concentrated most heavily in the south and middle belt. Christianity first became a popular religion in the Nigerian region in the nineteenth century, as the presence of European missionaries on the coasts grew. From about the 1840s Christian missionaries began to move into the interior. The spread of Christianity was aided by the influx of “recaptive” slaves from Sierra Leone, who had converted to Christianity and returned to their communities of origin to spread the gospel, as well as to preach the virtues of anti-slavery. Approximately 10 percent of the population practices indigenous religions, which are most commonly based on conceptions of ancestor worship and reverence for both natural and supernatural phenomena.<sup>27</sup>

Culturally, Nigerians are influenced both by their indigenous traditions and by newer values and lifestyles that have been incorporated from the West. Traditional reliance on extended family and kinship networks remains strong throughout Nigeria, but a growing focus on smaller, nuclear families and individual achievement is recognizable, particularly in urban areas. While polygamy is still a common practice in the country, monogamous marriage is also common, particularly among Christians and the educated elite. Traditional forms of entertainment, such as indigenous musical styles such as juju and palm-wine music, the telling of stories or “moonlight tales,” and theatrical performances, coexist with radio, television, video cassettes, movies, computers, and other high-tech forms of entertainment, again in urban areas in particular. Modern media forms such as television and Nigeria’s home-grown movie industry, known as Nollywood, function in multiple cultural milieus. Some television programs and movies are based on traditional stories of long-standing local significance, while others mimic the plots found in Western movies and television programs, blending them with Nigerian surroundings and situations; this illustrates the extent to which Nigerians identify both with their traditional pasts and with the modern, global age in which they live. The wildly popular Afrobeat music of Fela Kuti and other musicians, which melds traditional forms of music with American jazz and funk, and the growing popularity of hip-hop as a musical style also serve as indications of Nigerians’ capacity to combine local, indigenous cultural aspects with newer, Western influences. Incorporating Western ideas and styles while retaining a strong foundation in indigenous traditions has been more successful in the cultural realm than it has been in politics, however.<sup>28</sup>

In the premises of the foregoing, it is thus axiomatic to conclude and submit that the geographical area that eventually evolved into modern-day Nigeria is a territory/country made up of a heterogeneous population that consisted, and still consists, of various indigenous peoples [of different ethnic groups and/or tribes, different languages, different aspirations, different cultures, and different religions] who, before colonization, existed and operated independently of each other. Accordingly, each of the said indigenous peoples maintained an independent pursuit of their political, economic, social, and cultural development as it were before colonization interrupted such independence and pursuits.<sup>29</sup>

<sup>26</sup> T Falola & MM Heaton, *A History Of Nigeria* (New York: Cambridge University Press, 2008) pp. 4 - 7

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> OE Okeke, ‘The Indivisibility and Indissolubility of Nigeria vis-à-vis the Right of Self-Determination’, *International Journal of Comparative Law and Legal Philosophy (IJOCLLEP)*, Volume 2, Issue 2 (2020) p. 70 <<https://www.nigerianjournalonline.com/index.php/IJOCLLEP/article/viewFile/960/944>> accessed on 25 February 2024. See also OE Okeke & EOC Obidimma, ‘Contours Of True Decolonization vis-à-vis the Right to Self-Determination’, *Law and Social Justice Review*, Vol. 2, Issue 2 ((2022) p. 4

### **The Conception and Birth of ‘One Nigeria’<sup>30</sup>**

The Lugard’s Constitution of 1914 fused/merged the Northern Protectorate with the Southern Protectorate, for British administrative convenience.<sup>31</sup>

On the 1<sup>st</sup> day of January 1914, the mix of various [indigenous] peoples in a large part of West Africa became ‘One Nigeria’. The announcement in the humid city of Lagos, which had been a British colony since the Treaty of Cession was agreed in 1861 between Great Britain and Oba Dosunmu, King of Lagos, was made by Frederick Lugard, later Baron Lugard. He was now Governor-General of the Colony and Protectorate of Nigeria, and he never liked Lagos. The name ‘Nigeria’ had been coined by his wife and admirer, Flora Shaw, colonial editor of *The Times*, in a letter she wrote to her paper in January 1897.<sup>32</sup> She used it to define the territories abutting the River Niger that were then being traded in or claimed by the Royal Niger Company.<sup>33</sup>

In his speech, Lugard argued that the key reason for the amalgamation of the Southern and Northern Nigerian Protectorates with the Lagos Colony was to provide a unified railway policy. If this were really the case, it was as if British Colonial policy had been hijacked by the heirs of George Bradshaw, publisher of the eponymous railway guides.<sup>34</sup> Lugard announced a new line from the head of the Bonny Estuary to join the Lagos–Kano railway and claimed ‘astonishing’ progress in the fourteen years since the King’s government – it was Queen Victoria’s at the time – had taken over from the Royal Niger Company trading monopoly. He concluded with the kind of grand eloquent guff that was expected at such a ceremony and echoed in later years as others came to power:

Today Nigeria enters on a new stage of its progress, and we all join in the earnest hope that the era now inaugurated will prove, not only a new departure in material prosperity, but also that the coming years will increase the individual happiness and freedom from oppression and raise the standard of civilization and comfort of the many millions who inhabit this large country. To these sole ends the efforts of my colleagues and myself, with God’s help, will be devoted.<sup>35</sup>

Seeing that without the British there would never have been a ‘Nigeria’, the question remains: “how could the British create a modern nation out of the 250 or so ethnicities in this region, with three large cultural and religious blocs?”<sup>36</sup> Could it be that Great Britain did not care and still does not care about the political stability and peaceful co-existence of the various [indigenous] peoples in Nigeria as long her administrative convenience and economic interests were/are secured? In his autobiography, Ahmadu Bello, Sardauna of Sokoto, wrote of the debates in 1953:

Lord Lugard and his Amalgamation were far from popular amongst us at that time. There were agitations for secession; we should set up on our own; we should cease to have anything more to do with the Southern people; we should take our own way. I must say it looked very tempting...<sup>37</sup>

The above may be one out of many opinions, suggestions, positions, dispositions, and/or agitations that the amalgamation of the various indigenous in Nigeria into one Nigeria was but purely a British idea imposed on the various indigenous in Nigeria solely for the administrative convenience and economic interests of Great Britain.

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<<https://www.nigerianjournalonline.com/index.php/LASJURE/article/download/2221/2165>> accessed on 26 February 2024.

<sup>30</sup> R Bourne, *Nigeria: A New History of a Turbulent Century* (London: Zed Books Ltd, 2015) pp. 3 – 4.

<sup>31</sup> GN Okeke, *Introduction to Consular Immunities & Privileges, Jurisprudence and Constitutional Law* (Enugu: Nolix Educational Publications (Nig.), 2010) p. 179.

<sup>32</sup> The Treaty of Cession in K Whiteman (ed.), *Lagos* (Oxford: Signal Books, 2012) pp. 25 – 56.

<sup>33</sup> She lived from 1852 to 1929 and married Lugard in 1902. A skilled propagandist for the British Empire and a pioneering journalist, she travelled widely in southern Africa, Canada and Australia. She was a friend of Cecil Rhodes, and she joined Lugard in Hong Kong in 1907–12 when he was Governor of the colony.

<sup>34</sup> George Bradshaw launched a series of railway timetables that made sense of competing company services for nineteenth-century passengers.

<sup>35</sup> The full speech is published in appendix B to R of Olaniyan (ed.), *The Amalgamation and Its Enemies* (Ile-Ile: Obafemi Awolowo University Press, 2003) pp. 232 – 36.

<sup>36</sup> The definition and number of indigenous ethnicities are disputed; up to 350 are quoted.

<sup>37</sup> JN Paden, *Ahmadu Bello, Sardauna of Sokoto: Values and Leadership in Nigeria* (London: Hodder & Stoughton, 1986) p. 135.

### **Regional Structure of Government in Nigeria**

A regional structure of government was introduced in Nigeria vide Richard's Constitution of 1946; that is a glaring feature that was peculiar to the Constitution. Each region had its regional legislative council or House of Assembly. In the Northern region, apart from the House of Assembly, they also had the House of Chiefs. In other words, like the present-day National Assembly, the Northern region had a bicameral legislature.<sup>38</sup>

The regional structure of government was retained and strengthened by subsequent Constitution up to the 1963 Constitution of Nigeria which was interrupted by the Military and the eventual creation of States by General Yakubu Gowon. In 1951, the Nigeria (Constitution) Order in Council laid the framework for a strengthened regional system, buttressed by elections, which set the pattern for independence nine years later. This, the Macpherson constitution, provided for a central council of ministers presided over by the governor. It contained four ministers from each of the three regions – one from the east had to represent the Cameroons – which would be elected by the three regional houses of assembly. In addition to these ministers, there were six ex-officio members – a Chief Secretary, three Lieutenant Governors, the Attorney-General and the Financial Secretary.<sup>39</sup>

The Lyttelton Constitution of 1954 provided for both the executive administrative machinery for the federation of Nigeria and the executive administrative machinery for the regions. Lagos was made the center of control of the administration of the Federation of Nigeria. Regional autonomy existed.<sup>40</sup> The Independence Constitution of 1960 retained the regional arrangement of the Lyttelton Constitution but differs from it in that it provided for a bicameral legislature or two legislative chambers at the center.<sup>41</sup>

Furthermore, while *section 2 of the defunct 1963 Constitution of Nigeria* provided that 'Nigeria shall be a federation comprising Regions and a Federal territory, and shall be a Republic by the name of the Federal Republic of Nigeria', *section 3(1) of the said 1963 Constitution of Nigeria* provided that 'There shall be four Regions, that is to say, Northern Region, Eastern Region, Western Region, and Mid-Western Region'.

However, the incursion of the military into the governance of Nigeria truncated the regional structure of government in Nigeria and imposed the unitary structure of government in Nigeria, a vestige of which has remained even in the modern-day Federation of Nigeria.<sup>42</sup> The said truncation of the regional structure of government equally constituted a departure/derogation from and violation of the *Aburi Accord* whereby Ojukwu proposed, among other things, a resort to confederation and regional autonomy.<sup>43</sup>

### **The Nigeria-Biafra Civil War**

For thirty months, between 1967 and 1970, a civil war ravaged Nigeria's eastern region following an attempted secession by the Igbo people under the name of "Republic of Biafra."<sup>44</sup> The Nigerian Civil War (also known as the Biafran War and the Nigerian-Biafran War) was a civil war in Nigeria fought between the government of Nigeria headed by General Yakubu Gowon and the secessionist state of Biafra led by Lt. Colonel Odumegwu Ojukwu from 6 July 1967 to 15 January 1970. It was a three-year bloody conflict with a death toll numbering more than one million people. Having commenced seven years after Nigeria gained independence from Britain, the war began with the secession of the south-eastern region of the nation on May 30, 1967, when it declared itself the independent Republic of Biafra.<sup>45</sup>

Biafra represented nationalist aspirations of the Igbo people, whose leadership felt they could no longer coexist with the Northern-dominated federal government.<sup>46</sup> The conflict resulted from political, economic, ethnic, cultural and religious tensions which preceded Britain's formal decolonization of Nigeria from 1960 to 1963. Immediate

<sup>38</sup> GN Okeke, *op. cit.*, p. 181.

<sup>39</sup> R Bourne, *op. cit.*, p. 74.

<sup>40</sup> GN Okeke, *op. cit.*, p. 183.

<sup>41</sup> *Sections 2 & 3 of the 1960 Constitution of Nigeria.*

<sup>42</sup> GN Okeke, *op. cit.*, p. 177

<sup>43</sup> R Bourne, *op. cit.*, p. 263

<sup>44</sup> EI Orji, 'Issues on Ethnicity and Governance in Nigeria: A Universal Human Rights Perspective', *Fordham International Law Journal*, 25(2) (2001) 433 <<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1819&context=ilj>> accessed on 14 January, 2024.

<sup>45</sup> R Hurst, Nigerian Civil War (1967-1970) <<https://www.blackpast.org/global-african-history/nigerian-civil-war-1967-1970/>> accessed on 9 January, 2024.

<sup>46</sup> SF Daly 'A Nation on Paper: Making a State in the Republic of Biafra', *Comparative Studies in Society and History* 62 (4) (2020) 868–894

causes of the war in 1966 included ethno-religious violence and anti-Igbo pogroms in Northern Nigeria,<sup>47</sup> a military coup, a counter-coup and persecution of Igbo living in Northern Nigeria.

According to Hurst, the cause of the civil war is somewhat traceable to the Great Britain's failure or negligence to consider the pre-existing ethnic, cultural and linguistic divisions in Nigeria and having neglected and/or failed to consider the aforesaid divisions, the colonialist went ahead to merge the various indigenous peoples in Nigeria into one nation.<sup>48</sup> The researcher agrees with Hurst and this agreement is made manifest although this work.

### **The Making of the Extant Constitution of Nigeria**

*In tandem* with the primacy and supremacy of a constitution and its strict enforceability in pursuance of the concept of constitutionalism, most states involve their citizens in the constitution-making process so that the constitution will be people-oriented. This is carried out using a representative body elected directly by the citizens for constitution-making. In some states, the outcome of this process is further subjected to a referendum to enable the people to vote for or against the proposed constitution. This process is known as direct democracy. A constitution that evolves from this process is regarded as autochthonous having been made by the people themselves.<sup>49</sup>

A legitimate constitution must evolve from the legitimate will of the people. A promulgation or enactment of a constitution by an undemocratic government does not bestow the same with the character of legitimacy. Even the stereotyped phrase in almost all the successive Constitutions of Nigeria to the effect that 'we the people of the Federal Republic of Nigeria ...'<sup>50</sup> made the Constitution, does not, and cannot clothe them with legitimacy.<sup>51</sup> Hereunder is a concise examination of the period of military constitution-making in Nigeria up to the making of the extant Constitution of the Federal Republic of Nigeria.<sup>52</sup>

The period of military constitution-making is the period commencing from the period of conception of the 1979 Constitution of Nigeria to the present 1999 Constitution of Nigeria. The operation of the Republican Constitution of 1963 could not be sustained as the military made their introit into the Nigerian political scene. A failed military coup had taken the lives of the Prime Minister and other top government functionaries. As the President, Dr. Nnamdi Azikiwe was on vacation at the moment, the Acting President then, Dr. Nwafor Orizu, having been overwhelmed by the incident voluntarily handed over power to the military expressing his 'fervent hope that the new administration would ensure peace, and stability of the Federal Republic of Nigeria and that all citizens will give them (the military) their full cooperation'<sup>53</sup> to maintain law and order and of maintaining essential services. Thus power was handed over to the military under the headship of the General Officer Commanding, General J. T. U. Aguiyi-Ironsi. This military government which was stated to be ruled by way of decree<sup>54</sup> promulgated Decree No. 1 of 1966 abolished or suspended certain democratically functional parts of the 1963 Republic Constitution to give full effect to the military government.<sup>55</sup> These ushered in what later became a protracted period of military Dictatorship with its attendant ill effect on Constitutional order.<sup>56</sup>

From 1966 to 1999, the different military governments did attempt to introduce a constitutional order through a somehow thwarted programme of transition to democratic governance usually intertwined with the reconstitution

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<sup>47</sup> L Plotnicov, 'An Early Nigerian Civil Disturbance: The 1945 Hausa-Ibo Riot in Jos', *The Journal of Modern African Studies* 9 (2) (1971) 297-305.

<sup>48</sup> R Hurst, *op. cit.*

<sup>49</sup> EI Amah, 'Nigeria—The Search for Autochthonous Constitution', *Beijing Law Review* Vol. 8, No. 1 (2017) <[https://www.scirp.org/pdf/BLR\\_2017033117584200.pdf](https://www.scirp.org/pdf/BLR_2017033117584200.pdf)> accessed on 9 January 2024. Also available at <<https://www.scirp.org/journal/paperinformation.aspx?paperid=75142>> accessed on 19 January 2024.

<sup>50</sup> For instance, see the *preamble to the Constitution of the Federal Republic of Nigeria 1999*.

<sup>51</sup> EI Amah, *op. cit.*, p. 150.

<sup>52</sup> EI Amah, *op. cit.*, pp. 145 – 147.

<sup>53</sup> B Igwenyi, *Modern Constitutional Law of Nigeria* (Abakaliki: Nwamazi Printing & Publication co. Ltd., 2006) p. 170.

<sup>54</sup> *Constitution (Suspension and Modification) Decree No. 1 of 1966*.

<sup>55</sup> For example Decree No. 1 of 1966 modified section 1(1) of the 1963 Republican Constitution on issues of its supremacy as follows 'this Constitution shall have the force of law throughout Nigeria and if any other law including the Constitution of a region is inconsistent with this Constitution, this Constitution shall prevail and the other law shall to the extent of the inconsistency be void, provided that this Constitution shall not prevail over a Decree and nothing in this Constitution shall render any provision of a Decree void to any extent whatsoever'

<sup>56</sup> EI Amah, *op. cit.*

of a constitution-making body. while the first military government did not establish any programme of transition before the untimely demise of the Head of the military government, Major General J. T.U. Aguiyi Ironsi in an unsuccessful military coup, his successor General Yakubu Gowon promised to hand over power to civilian administration in 1976 after the civil war of 1967/1970 but retracted from his promise.<sup>57</sup>

On 29th July 1975, General Murtala Mohammed succeeded him in a military coup. It was this military administration that for the first time initiated a programme of transition, and to make good its promise, the government appointed a Constitution Drafting Committee in October 1975 comprised of forty-nine (49) persons. The result of the Constitution Drafting Committee (CDC) was subsequently tendered before a constituent assembly of 230 members elected through members of the Local Government Council; appointed by the military government. The Draft Constitution on completion was submitted to the Military Government of Olusegun Obasanjo whose administration tinkered with the Draft Constitution and thereafter promulgated same into the 1979 Constitution.<sup>58</sup>

This military-promulgated Constitution of 1979 heralded the brief exit of military rule and a short introit of the democratic government of Shehu Shagari who was elected on 1st October 1983 but was overthrown on December 31<sup>st</sup> 1983 barely two months after the inauguration of his government. The democratic system was regrettably a stillbirth. The new military government headed by General Mohammed Buhari and Tunde Idiagbon could not initiate a transition programme to civil rule before it was ousted by another military Junta led by General Ibrahim Babangida.<sup>59</sup>

The Babangida administration initiated the most elaborate and expensive programme of transition which took eight years but could not yield any tangible result. This transition programme initiated a process of constitution making resulting in a Draft Constitution of 1983. The Babangida administration set up three bodies specifically for the purpose of piloting a new democratic constitution. These include the Constitution Review Committee, which was mandated to review the past constitutions and make recommendations, the reviewed report was to be submitted to the second body; The Constituent Assembly made up of 450 members inclusive of 111 members nominated by the military government. The constituent Assembly took about one year to deliberate on the Draft Constitution and made recommendations to the Armed Forces Ruling Council Presided by President Babangida.<sup>60</sup> The members of the constituent assembly were forbidden from deliberating on what was described as sensitive matters which were left to the Armed Forces Ruling Council to determine. The third body was the Political Bureau set up in 1986 to organize debate on the future of the Nigerian political system.<sup>61</sup> The outcome would have been the promulgation of the 1989 Constitution of Nigeria and a successful transition to civil rule. The annulment of the Presidential Election of June 12, which Chief Moshood K. O. Abiola was popularly acclaimed to have won, led to the demise of the stillbirth 1989 Constitution. An interim government took over power as President Badamasi Babangida stepped out of power. The new Interim National government which was believed to be illegal could not survive as the head of the interim government was removed in a palace coup by General Sanni Abacha who took over power.<sup>62</sup>

Between 1994 and 1998, General Sanni Abacha commenced his own protracted programme of transition to civil rule. A Constitutional Conference Commission was set up under Decree 1 of 1994 and charged with the task of organizing conferences, inviting and receiving memos from Nigerians for submission to the Constitutional Conference Commission. The commission was made up of 369 delegates among whom 96 were nominated by the Provisional Ruling Council (P.R.C) headed by General Abacha. Like its previous constitution-making assembly, the delegates were not permitted to deliberate on issues of Nigerian unity, the federal structure as well as the June 12 annulled election.<sup>63</sup>

The Provisional Ruling Council further appointed a review committee to advise the government on the necessary changes to the Draft Constitution. A Constitution Analysis Committee was appointed to review the work of the

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<sup>57</sup> O Olamide, 'History of Nigerian Constitutional Development', *Nigerian Constitutional Law* (2016) <<http://www.djetlawyer.com/history-nigerian-constitutional-development/>> accessed on 10 January 2024.

<sup>58</sup> *Ibid.*

<sup>59</sup> EI Amah, *op. cit.*, p. 146

<sup>60</sup> IM Oraun, 'The Military and Constitution Making: the Nigerian Experience' cited in EI Amah, *op. cit.*

<sup>61</sup> N Tobi, 'The Legitimacy of Constitutional Change in the Context of the 1999 Constitution' in IA Ayua *et al* (eds.), *Issues in the 1999 Constitution* (Lagos: NIALS, 2000) p. 214.

<sup>62</sup> EI Amah, *op. cit.*, p. 147

<sup>63</sup> *Ibid.*



Review Committee after which the Draft Constitution was examined by the following bodies; The Federal Executive Council, The Council of States and the P.R.C. By October 1, 1995, the government announced the changes on the final Draft Constitution. The Mysterious Death of General Abacha the head of the ruling Provisional Ruling Council, saw the end of the constitution-making process as another military government headed by General Abdulsalami Abubakar took over power.<sup>64</sup>

On assumption of office, General Abubakar vowed to commence an accelerated transition to civil rule. To make good this promise, a 24-member Constitution Debate Committee (CDC) was constituted to deliberate on the 1995 Draft Constitution to adopt. The idea of adopting the 1995 Constitution was not palatable to many notable Nigerians as a result of the stigma of illegitimacy attached to it owing to the misgivings associated with the personality of the late Sanni Abacha the brainchild of the Draft Constitution.<sup>65</sup> As a result, the military government led by General Abdulsalami decided to review and promulgate the 1979 Constitution as the new 1999 Constitution of Nigeria with little amendment. This remains the current Constitution of Nigeria.<sup>66</sup>

It may be axiomatic that a constitution needs not to be necessarily ‘enacted’ by the people to have legitimacy but that what is necessary is that the people should be involved in the process of its making. However, the problems confronting the Nigerian federal state are of such complexity and enormity so much so that it has become imperative to search for a people-oriented Constitution that will accommodate the legal rights, aspirations, and interests of the various [indigenous] peoples in Nigeria; a constitution that can truly be said to have been made by the various [indigenous] peoples in Nigeria and not imposed on them. It is such a people-oriented Constitution that will constitute a litmus test for the justifiability and/or enforceability of the indivisibility and indissolubility of Nigeria as declared in section 2(1) of the Constitution of the Federal Republic of Nigeria 1999.

#### **The Connection between Colonization, Decolonization and Self-determination**

Colonizers enforced their colonial interests, operations, and advantages through the introduction and/or imposition of facets, concepts, structures, and/or infrastructures that are convenient and beneficial to them (the colonizers) usually without any [true] resort or recourse to the indigenous peoples in the colony.<sup>67</sup>

Broadly, decolonization signifies the conscious, continuous, and systematized struggle by formerly colonized people[s] to overcome or overthrow unfavourable and oppressive facets, structures, infrastructures, and traces of colonization.<sup>68</sup> According to Frantz Fanon,<sup>69</sup> decolonization is thus a complex but “permanent motivation” felt by all those subjected to colonial logic (colonialism/colonization).<sup>70</sup>

Decolonization is the full liquidation and undoing or dismantling of colonialism which encompasses *inter alia* the transfer of sovereignty from the colonizer to the colonized.<sup>71</sup> In fact, it is the ending and the very end of colonialism in all its forms and manifestations.<sup>72</sup>

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<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> A Murrey, ‘Colonialism’ in A Kobayashi (Ed.), *International Encyclopaedia of Human Geography* (2<sup>nd</sup> Edn, Vol. 1, Elsevier Ltd.: Amsterdam, 2020) p. 315.

<sup>68</sup> *Ibid.*, p. 317.

<sup>69</sup> Cited in *Ibid.*

<sup>70</sup> *Ibid.*

<sup>71</sup> AWM Smith & C Jeppesen, ‘Introduction: development, contingency and entanglement: decolonization in the conditional’ in AWM Smith & C Jeppesen (Eds), *Britain, France and the Decolonization of Africa: Future Imperfect?* (London: UCL Press, 2017) p. 2 <<https://discovery.ucl.ac.uk/id/eprint/1543203/1/Britain-France-and-the-Decolonization-of-Africa.pdf>> accessed on 6 February 2024.

<sup>72</sup> *Last paragraph of the Preamble to the Declaration on the Granting of Independence to Colonial Countries and Peoples - General Assembly resolution 1514 (XV) of 14 December 1960* <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/Independence.aspx>> accessed on 12 February 2024. See also the first paragraph of the Preamble to *the United Nations’ General Assembly Resolution 2621 (XXV) – Programme of Action for the Implementation the Declaration on the Granting of Independence to Colonial Countries and Peoples* <[https://undocs.org/pdf?symbol=en/A/RES/2621\(XXV\)](https://undocs.org/pdf?symbol=en/A/RES/2621(XXV))> accessed on 5 February 2024.

The nexus between decolonization and self-determination can be captured by the fact that self-determination is the legal means provided by the United Nations for the accomplishment of decolonization; little wonder it has been posited that self-determination is without controversy in the context of decolonization.<sup>73</sup>

### **Conclusion and Recommendations**

In conclusion, the colonial history of Nigeria serves as the bedrock of many injustices that persist in the country today. The period of British colonial rule imposed external systems and structures that disrupted the indigenous culture and exploited Nigeria's resources. This legacy has contributed to various challenges such as political instability, economic inequality, ethnic tensions, and a sense of injustice among Nigerians. Acknowledging, discussing, and addressing the injustices rooted in colonial history are recommended as crucial for creating a more stable, peaceable/peaceful, equitable, and harmonious society in Nigeria.

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<sup>73</sup> M Abdullah, *The Right to Self-Determination in International Law: Scrutinizing the Colonial Aspect of the Right to Self-determination* (Göteborg: University of Göteborg, 2006) pp. 3 – 4  
<[https://gupea.ub.gu.se/bitstream/2077/1888/1/gupea\\_2077\\_1888\\_1.pdf](https://gupea.ub.gu.se/bitstream/2077/1888/1/gupea_2077_1888_1.pdf)> accessed on 29 January, 2024.