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NIGERIA

Constitutional and Political

CORRESPONDENCE 1955—1958

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African

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Secret and Personal

NIGERIA

Constitutional and Political

CORRESPONDENCE 1955–1958

W.A.F. 97/405/01 [No. 1].

No. 1.

GOVERNOR, WESTERN REGION

to

SECRETARY OF STATE.

No. 2. (Secret and Personal.)

SIR, Government House, Ibadan, 19th January, 1955.

I have the honour to refer to correspondence ending with Sir John Macpherson's Secret and Personal letter of the 25th October, 1954,* to Sir Thomas Lloyd, in which you requested periodic despatches designed to give background information to Ministers, and to submit the first such despatch in respect of this Region.

2. Perhaps the most notable single feature of the Western Region to-day, certainly one which makes a great impression upon a newcomer from another part of Africa, is the extent and pace of the development taking place. I well remember about ten years ago reading a special article in *The Times*, I believe it was by Lord Balfour of Inchrye, in which it was stated that Nigeria was "lagging behind." The main argument then was that unless urgent and drastic steps were taken to extend and improve the main industry (oil palms) on which the country was almost wholly dependent, Nigeria's economic prosperity was threatened and there was little prospect of any material improvement in the standard of life. That certainly is not true to-day. The Region is now on the move, economically, socially and politically. The first impression which strikes any observer is a surging, bustling sense of forward progress. The Westerner has a new, almost aggressive self-confidence and is demanding advance in almost every direction. Moreover, the funds to finance capital development are now available. Everywhere there is evidence that this development is in fact taking place; new roads, buildings, enterprises can be seen on all sides. The building which has taken place in Ibadan alone during the past two years probably exceeds all that which had hitherto been erected since the First World War. As might be expected, when the pace has been so suddenly accelerated much of this development may not have been as well conceived or as well directed and co-ordinated as could be desired; some of it may even have taken the wrong course. Much of it must cause some anxiety as to whether the country will be able to sustain the consequent recurrent financial charges. None the less, the general effect is all immensely stimulating, and there is much truth in the maxim that confidence breeds confidence.

3. What are the reasons for this sudden and tremendous acceleration? Although there are obvious dangers of over-simplification in attempting to set out briefly the circumstances which produce so vast and complex a phenomenon, it might be attributed to three main causes. Firstly, the country is on the crest of a wave of prosperity. Never before has Nigeria received such high prices for her primary agricultural products as during the past few years. For the first time in Nigerian history money for capital development has been freely available; indeed on occasion the amount of it has almost proved an embarrassment since it has encouraged much reckless spending. But high prices for cocoa and palm products in their turn have provided new incentives for an extension and improvement of the industries. Small farmers hitherto engaged in subsistence agriculture now see the results of their labours in terms of things like bicycles and gramophones, and even motor cars. The following figures give some illustration of what is taking place. Last year no less than 2,000 sprayers, together with the chemicals, were purchased through the co-operative organization at a capital cost of over £76,000, for the control of black pod disease of cocoa. Already more than 7,000 more have been ordered for delivery this year. The second cause is the impact of education. In addition to the cumulative effect of our educational system, since the war comparatively large numbers of Nigerians have sought higher qualifications overseas, especially in the United Kingdom, and are now returning. By the end of this year there will be approximately 450 students financed from public funds pursuing studies abroad. The resulting large influx of educated Africans into all walks of life is beginning to take its effect. There has been a great awakening, economically, politically and socially. The third is the effect of Constitutional advance. The Action Group, the new Yoruba *bourgeoisie* party and the first African government, burst into power two years ago with an ambitious programme of reform. Much of its performance so far has been *gauche* and short-sighted but there is no gainsaying its enthusiasm and drive. These qualities, combined with the financial resources to give free rein to them, have added a great impulse to the momentum of development.

4. The new Constitution was brought into effect on the 1st October, 1954. At your request, I advanced my departure from the United Kingdom in order to assume duty here as soon as possible after this date, and I duly arrived at Ikeja Airport on the 3rd October. Although at first there was some disappointment that Sir Hugh Marshall, who had proved a popular Lieutenant-Governor, was not appointed, apparently Mr. Awolowo and the Action Group decided to make the arrival of the first Governor the centre-piece in a propaganda campaign designed to draw attention to the advanced nature of the Constitution and the appointment of an all African (Action Group) Cabinet. All the Ministers came to meet me at the airport and we proceeded to Ibadan by road in a procession of cars. For reasons which you will appreciate, I had been advised not to go to Lagos on arrival but to proceed direct to the Headquarters of the Regional Government in Ibadan. The Premier insisted on our breaking the journey at the more important towns *en route*, including Ikenne (his birthplace) in order to meet Chiefs, Local Councillors and other people of importance. The towns were decorated, large crowds turned out, the streets were lined with schoolchildren, Scouts and Guides, and volleys of Dane Guns were fired. Altogether they gave me a tumultuous and almost embarrassingly warm welcome

* W.A.F. 97/27/01 (No. 4): not printed.

and a great ovation to the Premier (the main object of the exercise). The journey from the airport took the best part of five hours, and coming as it did straight on top of an all-night flight from London was a most exhausting business, both physically and mentally.

5. On the following day I was sworn in, and after attending an official service of thanksgiving for the new Constitution at St. James's Cathedral, I appointed the Premier (Mr. Awolowo) and, on his recommendation, the other Ministers at a short ceremony at Government House. A list of the Ministers, together with brief biographical notes, is attached*. In the evening I held the first meeting of the Executive Council. I took the opportunity of informing Ministers that it was my intention to operate the Constitution in the spirit as well as according to the letter. I assured them of my sympathy and understanding in the tasks which lay before them, and I promised them at all times the best advice and all the assistance I could give them. The Premier, on behalf of the Ministers, pledged their co-operation in return and assured me that they would always be ready to listen to and to consider any advice I had to give them. I believe that the Council has got off to an excellent start and there is evidence of much goodwill. The next day I opened the Legislature formally and read the "Speech from the Throne." It was a long recital of Action Group policy involving an ambitious programme of reorganization and development in almost every sphere of government activity, together with the necessary legislation to give effect to it. I shall refer to this latter aspect in paragraph 11 below.

6. The Cabinet is composed mainly of lawyers and ex-schoolteachers. Although with one or two exceptions all have entered politics comparatively recently and are without administrative experience, it is not lacking in men of potential ability. The Premier is an outstanding lawyer, a very hard worker and a reasonably good administrator, but he does not put his case well in Executive Council and, what is surprising in one who has been thrown up by political ferment, is oddly lacking in magnetism and at times very inept politically. He seems to have reached his present position by hard work and organization and there is little of the demagogue about him. He is said to rule the other Members of the Cabinet with an iron hand. Of the rest, the following are the more colourful personalities. Chief Rotimi Williams, another able lawyer but young (34) and comparatively inexperienced, appears to be the Premier's right-hand man and has perhaps the most promising career of all. Chief Akran is a man of ability and more mature judgment who commands a good deal of respect amongst Europeans and senior officers, but is said to be somewhat out of sympathy with the Party's present aims and policies. I believe that he has recently had some disagreement with the Premier, and would probably welcome an opportunity to retire from active politics if he could secure appointment as Chairman of the new Co-operative Bank and possibly the Production Development Board. Awokoya, a teacher and the orator of the Party, is reputed to be the most powerful Member apart from the Premier and is a possible rival for the leadership. He is single-minded, very ambitious and greedy for power. There is a strong rumour that there has also been a serious split recently between him and the Premier. More is likely to be seen and heard of Enahoro and Akinloye, who are both ambitious and suspected of being political adventurers rather than loyal Party supporters. The former was brought into the Cabinet in order to bring support from the Benin–Delta area and the latter from Ibadan Town, in both of which areas the Action Group is weak. Rumour has it that neither is reliable from the Party point of view. The rest are hardworking men who give considerable study to the subjects within their Portfolios but are in no way outstanding. The Olowo and the Odemo, Ministers without Portfolios, are clearly included to gain some support from the House of Chiefs. The views of both these latter groups receive scant consideration from the Premier in Executive Council.

7. Before I proceed to describe some of the events of major importance there are one or two comments of a more general character concerning the attitude and conduct of Ministers which may be of interest to you. The first concerns the almost fanatical determination of leading members of the Party to have their own way. I do not suggest for a moment that the underlying motive which inspires the actions of men like Awolowo is not a genuine and altruistic desire to better the lot of his people. Indeed there is much to admire in his courage and sense of mission, but on the whole the general attitude of the Party so far seems to be that the end justifies the means. There is too little evidence yet of that tolerance and willingness to compromise which is so much a part of true democracy. On the contrary, there are continual instances of ruthlessness in method. One would like to believe that these will tend to disappear as they mature. At the present time it is disturbing and not a little ironic to find the first democratically elected Government of Africans by Africans taking wide powers to curtail the liberties of their fellow Africans which the old so-called "Imperialistic" Government would never have contemplated for a moment. Corruption and the pursuit of private and Party advantage at the expense of the public interest also indicate here at present the truth of Kant's epigram "From the crooked timber of humanity no straight thing was ever made."

8. The second concerns their chronic, almost pathologic, suspicion and impatience. Suspicion of the motives of Europeans, and in particular of expatriate officials, is nothing new in Africa and is no stronger here at present than elsewhere, perhaps even less so, but the Action Group is specially anxious to achieve quick results and is very impatient of delay in any form. Many of the measures which they have introduced, e.g., the increases in taxation, have little popular appeal and much opposition can be stirred up against them. They believe, with some justification, that it is only by being able to point, at the end of their present term of office, to an impressive record of implementation of their electoral promises, that they can hope to tip the balance of public opinion in their favour. This explains to some extent the almost indecent haste with which they attempt to rush through important and complex legislation and the impatience, suspicion and anger which is aroused by any delay. The time required for proper examination of such measures is almost invariably interpreted as opposition or a desire to undermine or obstruct their purpose. It remains to be seen whether their inability to brook any form of delay or opposition springs from a commendable sense of mission and urgency in their tasks or is explained by inclinations towards more totalitarian forms of Government.

* Not printed.

9. The third concerns the effect of the Party Caucus in the background. I do not know to what extent Awolowo controls the Party. At one time it was believed that to all intents and purposes he was the Party; it now appears that the Party insists on having a much greater say in the shaping of policy. It is certain that most subjects are discussed and a decision reached by the Party Executive before they come to Executive Council and this has frequently led to embarrassment. Ministers come to Executive Council with their minds made up and on occasion (the case of the 5s. a day minimum wage was an example of this) announcements appear in the Press as Government decisions before the matter has even been discussed in Executive Council.

10. It may prove useful also to give you here some account of the position of the Governor *vis-à-vis* the Premier and Ministers, as I see it under the new constitutional arrangements. Apart from the influence which the civil service generally exercises upon Ministers through the staffs of ministries and departments, the only influence which we can now exert upon the course of events here is that which I can bring to bear either within or without the Executive Council. The extent to which I can influence Ministers obviously depends mainly on two factors. The first is the degree of respect and confidence which I can command. The establishment of mutual confidence has been and is my first and foremost task. You will appreciate that in this respect I must go slowly and carefully. I have at least one regular weekly meeting with the Premier and I have already had many long frank and friendly discussions with him. I have told him that if I am to give him the advice and assistance which I think he deserves I must be kept informed; I must be consulted; and I must be given an opportunity to offer advice. He has fully accepted this proposition and he has undertaken that my advice will always be carefully considered.

11. The second is the extent to which I can obtain information as to what is in the wind in adequate time to enable me to examine the matter fully from all angles in order to give properly considered advice. The decentralization of the old Secretariat under the Civil Secretary and directly responsible to the Lieutenant-Governor and its replacement by a number of Ministries together with a separate Governor's office has left the Governor rather isolated. I do not see or hear of most subjects until they arrive on my desk in the form of a memorandum to be considered in Executive Council. For instance, I first saw the draft of the new Education Law two days before it was due to be considered in Executive Council, and it has since been passed by the House of Assembly within the month. In reply to my protest that this gave me, and other members of the Council, insufficient time to consider it, the Minister of Education pointed out that it must be passed by the end of the year in order to enable their universal primary education scheme to be put into operation in the new year. Executive Council memoranda are supposed to state whether the head of the department concerned has any objection to the proposals contemplated but they do not always do so. I have already referred to the acute suspicions of Ministers. In order not to arouse these suspicions and to avoid giving the impression that I am going behind Ministers' backs, I have so far had to take care not to send for Permanent Secretaries or heads of departments to discuss proposals. The result is that very often I only see or hear what Ministers want me to see or hear and I do not always have a full and complete picture. This is clearly unsatisfactory. It is obviously essential for me to hear full and frank views of heads of department if I am to consider a question properly from all angles. I do not intend to rush matters but I hope that in due course it will be possible to establish confidence to the extent that I can send for a Permanent Secretary or head of department at any time for discussion without arousing a suspicion that the main purpose of the interview is in some way to listen to complaints or objections from civil servants or to obstruct Ministers' purpose.

12. Let me turn now to some of the main events which have occurred during the last quarter. I have already referred to the speed with which Ministers wish to push legislation through the Legislature. This has already led to much ill-considered legislation and I am afraid there is more to come. I mentioned some of the reasons which prompt this desire for speed. It is not easy to get keen Ministers to understand how long it takes properly to draft legislation on a complicated subject. They look for quick results and many of them being lawyers themselves but without experience of legal drafting are apt to be critical of the Government's draftsmen. It is more difficult still to persuade them of the desirability of reference to you. They regard this as giving them greater responsibility with one hand and taking it away with the other. When I arrived here I found that there was a long list of bills which had been hastily drafted ready for immediate enactment as soon as the new constitution was brought into effect. An additional reason for speed on this occasion was that they wished to get legislation quickly out of the way in order to devote themselves to campaigning for the coming Federal Elections. The Legislature was formally opened and began its work the day after I took the oaths of office. There was neither time nor opportunity for me to see any of the bills, let alone study them, before they were enacted. In the event your advisers have already found serious objections to several of them. I have discussed these objections at some length with the Premier and have now given him my considered views on the two more important bills in writing. He has undertaken to consider them. I hope that he will agree to suitable amendment and thus obviate the need to veto or disallow them, but at the same time I feel that I ought to point out that several of the provisions to which objection is taken are extremely close to his heart and that up to now on any matter on which he feels strongly he has proved extremely obdurate. Finally on the question of legislation generally, I must point out that Ministers and other educated Africans are very jealous of their newly granted responsibilities. If we are to avoid the impression of giving greater responsibility with one hand and taking it away with the other I feel sure you will see the need to avoid raising objections unless they are absolutely fundamental. I am sure too that I can rely on your advisers to examine our legislation in the broadest possible perspective. I trust you will not think that I have over-emphasized this point. The present position is not easy. There are so many things which the Ministers wish to do under their newly granted authority but which I find myself forced to advise against, that at times I feel it is almost a case of "go and see what little Willie is doing and tell him not to do it."

13. The first major embarrassment which arose after my arrival was the decision to fix a 5s. a day minimum wage. This was a typical example both of the speed at which Ministers wish to move preventing adequate examination and of the Government being virtually committed by an announcement in the Press before the question came to Executive Council. You are already aware of the facts and I need only refer to them briefly here. Although the question of fixing a minimum wage above the existing rate had been a political issue for some time and although no doubt some Ministers were genuinely convinced of the need to raise unskilled wage rates, the decision to fix the 5s. minimum was little more than a snap decision taken suddenly just before the Election as a vote-catching device, due probably to serious misgivings as to the result. The only criterion of public usefulness which it could pass would be what a leader in *The Times* recently described as " the first near-sighted politician's test of immediate electoral advantage." When it came to discussion in Executive Council it was quite clear that the minds of Members were already made up ; indeed as I have said the Government was committed by a statement made by the Premier in the Press. I had to content myself therefore with expressing sympathy with them in their object of improving unskilled wage rates, but pointing out the very serious consequences and repercussions of a sudden decision of this nature and strongly urging delay in order to enable a proper examination first of all the relevant facts and implications. As an illustration of some of the difficulties which occur I might mention here that when I first learned of what was proposed I requested that the Federal and other Governments might be informed as they were obviously very much affected. Although the Minister of Finance permitted his Permanent Secretary to inform the Financial Secretary in Lagos privately, he forbade any official approach being made to the other Governments lest the N.C.N.C.* should become aware of what was intended and the Action Group should thereby lose the initiative and political advantage.

14. Apart from the serious long-term effects of this decision on the budget and economy generally its immediate consequences were also serious. Many anomalies were created. For instance, it resulted in Federal employees (e.g., in the Railways) and labour in private undertakings still on the old rates working alongside men here doing the same work but who, being in the employment of the Region, were earning up to 100 per cent. more. Strikes and labour troubles were to be expected. In the event there have been two surprising results. The decision brought the Action Group little advantage. On the contrary, on balance it may even have lost them votes by antagonising the farmer and middle-man who employs labour. So far there has been unexpectedly little labour trouble.

15. The relationship between the Action Group and the Nigeria Police is causing some concern. This is to some extent bound up with the question of attacks on civil servants in the Press. Shortly after my arrival I had cause to take up with the Premier a vicious and quite unjustified attack made on the Secretary of the Public Service Commission in the *Daily Service*, one of the Action Group's organs. As a result, I believe that the Premier has now called off all attacks on civil servants, at any rate for the time being. But for a long time previously the Police had been the victim of attack, and I am afraid that these attacks may have had an effect and that as a result the Police may not always be completely impartial. The Party is certainly very hostile to the Police, and I have no doubt that they are determined to replace the Nigeria Police by a force which they can control. A short time ago the Minister of Home Affairs, whose portfolio includes local government police matters, proposed that he should have an officer on his staff, to be appointed by the Minister, to advise and assist him in promoting the efficiency of local government police forces. This is a highly desirable object but when it was discussed in Executive Council it became clear that the real intention behind the proposal was to expand and amalgamate the local government forces into one Regional force, to be commanded by this officer, which would rival and ultimately replace the Nigeria Police. I drew attention to the danger of having two rival forces operating in the same area and pointed out that according to the Local Government Law it was already the duty of the Commissioner of Police to advise the Minister on local government police matters. In the end I had to state frankly that the proposal appeared to me to be contrary to the spirit of the decision taken at the Constitutional Conferences. The Ministers were adamant and finally, in order to avoid an adverse decision being taken, I succeeded in getting the question deferred for further discussions with the Commissioner of Police. I am glad to say that it has since been agreed that the Commissioner of Police should have on his staff an officer of rank and status equivalent to that of a Deputy Commissioner, seconded from the Nigeria Police to the service of the Region, in order to assist the Minister in improving the efficiency of local government forces. This officer will be under the control of the Commissioner of Police and will have an office both at Police Headquarters and in the Ministry. This is a reasonable compromise in the circumstances but I am afraid we have not by any means seen the last of an attempt to replace the Nigeria Police by a force under ministerial control.

16. Another question which has caused anxiety is the future of the Provincial Administration. This was one of the first questions which the Premier raised with me. He wished to transfer all the present duties of the Administration, with the exception of that of helping and advising local government authorities, to departmental officers, and to withdraw administrative officers from divisions to provincial headquarters and make them only local government inspectors under the new Local Government Law. The effect of this would be to place the Administration completely under the control of the Minister for Local Government, since he appoints local government inspectors and by cancelling such appointments could deprive administrative officers of any duties and responsibilities. In conversation with the Premier it was clear that the Party was determined to abolish the Administration. I believe they realise its value but want to get rid of it for two reasons. They suspect that some administrative officers are reactionary, have not fully accepted the present constitutional position, and are endeavouring to " protect " the ordinary African from the politician. They recognize that the large bulk of the African peasantry still relies on the district officer for most of what he requires from the government. This places great power in the hands of district officers, which they resent and covet.

* National Council of Nigeria and the Cameroons

The Premier asked me to call a conference of Residents to discuss his proposals. Since I could not avoid such a conference it seemed to me essential to try and retain the initiative. I therefore circulated a paper of my own suggesting that it was vital to retain the Administration as the main executive agency of the government in the field, but that in order to meet modern conditions it required some modification in function and emphasis.

17. Once again, I am glad to say we reached what seems to me to be a reasonable compromise in the circumstances but I am afraid we have not seen the last of the Premier's proposal. As I have said, I believe that the more intelligent and responsible Members of the Party recognize the value of the Administration. The essential thing now is to convince the Ministers and Party leaders that the Administration have accepted the present constitutional arrangements and have assumed the well-known rôle of the British civil service, that is, to serve the government in power quite impartially, loyally and efficiently. Once we succeed in doing this I hope that they will be amongst the first to wish to retain the Administration. It is a part of the responsibility which we have assumed, the modern version of the white man's burden, to take the initiative in this, and to this end I have addressed a personal letter to all Administrative officers (which can be seen by Ministers) in which I have tried to set out what I believe to be their rôle in the present circumstances and have assured them of the backing of the government in carrying out these functions. Confidence between Ministers and the Administration must of course be mutual. Now that we have taken steps to make sure that the Administration gives Ministers the support they are entitled to expect, I hope that I may be able to approach the corollary, which is to induce Ministers in their turn to give the Administration the support they deserve.

18. There is probably no subject to which Ministers and Party Leaders attach greater importance than the " Nigerianization " of the Public Service and the establishment of a Public Service Commission. The setting up of a competent and impartial Commission, independent of political control, is vital from the Service point of view. After much difficulty we have succeeded in obtaining the services of an ex-Puisné Judge, who should make an admirable Chairman. After prolonged consultation with the Premier, I have appointed Mr. Ojo, at present Clerk of the House of Representatives but due to retire, and Dr. Ajose of the University College, as members of the Commission. The intention is that Mr. Ojo should become a full-time and Dr. Ajose a part-time member. I should very much like to have appointed a European member but unfortunately we have been quite unable to find an independent European who would be suitable. In the circumstances I have kept the Commission small. As constituted at present it is well balanced and workmanlike, but the Ministers would like to see a more imposing Commission of at least five members, the majority of whom would be full-time, and I will not be surprised if before long a demand is made to increase its membership. If so, it may well prove embarrassing as it is difficult to find suitable and really impartial Africans, and a Commission of four or five African members, plus a chairman, who in time may also be an African, is likely to raise apprehensions on the part of the expatriate members of the Service.

19. As you are no doubt aware, Party feeling runs strongly and one of our difficulties at the present time is to persuade Ministers that they are now the Government and in consequence must take a somewhat broader view of their responsibilities than is dictated purely by Party considerations. The Ibadan District Council is strongly N.C.N.C. and there has been much friction between it and the Government. The Ministers allege that there have been irregularities in Council affairs and they wish to institute a commission of enquiry. It is not unlikely that there have been abuses ; unfortunately, these are all too common in public affairs in the Region and there are many of our public institutions which might benefit from the searching light of public enquiry. On the other hand, the Ibadan District Council is no worse than many others, if it is not better. It has strong public support, having been recently elected with a large majority, and the institution of an enquiry, even if ostensibly intended merely to ascertain the facts, would certainly be regarded by the public as victimization for political reasons and strongly resented. In Ibadan Town, the N.C.N.C. is so strongly entrenched that I am advised that an enquiry at this stage might well provoke breaches of the peace. I have succeeded in persuading Ministers to defer it until the end of the financial year. At the present time, tax collection in the town is seriously in arrear and it is doubtful whether the leeway can be made up. I fear that if an enquiry were begun now it would give the Council a heaven-sent opportunity to wash its hands of all responsibility for tax collection. Moreover, if the Council should fail in its duty of tax collection it would greatly strengthen the hands of the Ministers in due course in taking action. Nevertheless, there is little doubt that Ministers are determined to try and dissolve the present Council by whatever pretext may be most expedient, and that such an attempt will be bitterly resented by the majority in Ibadan. It is a good example of the political ineptitude of the Action Group.

20. In my opinion, if they are sincerely anxious to promote healthy public administration and to eradicate corruption and abuse, the Ministers might direct their attentions with better advantage to the affairs of the Production Development Board. I am not at all happy about the manner in which this board is at present conducting its affairs. In the first place, it is difficult to persuade Ministers when appointing boards of this kind that members should be appointed because of their qualifications rather than their political affiliations, and should be representative of wide interests. This particular Board has been packed with good " Party " men, few of whom have any particular qualification for their task. Its members include some of the less responsible supporters of the Party and they have used their position mainly to further Party interests and to interfere disastrously in the detailed management of many of the undertakings sponsored by the Board. The latest example of this is a decision by the Board to appoint one of its Members as a " Special Commissioner " with powers which can only be compared with those of a Soviet Political Commissar, to tour all the Board's undertakings, to inspect the staff and to dismiss or transfer them on the spot.

21. Perhaps the most disturbing aspect of all at the present time is the increasing volume of public spending. Owing to the large sums which have been made available by the Marketing Boards there has so far been no lack of funds for capital expenditure. As I have said, the Region is at present on the crest of a wave of prosperity, and development in nearly all spheres of Government activity is gaining momentum. It would, however, be extremely unwise to assume that the present high prices of our agricultural exports will continue unabated, and recurrent expenditure has already reached the limits which prudence allows. It is time to apply a strong brake to public spending. The Premier, as Minister of Finance, controls the Board's purse strings. I should be happier if they were held in a tighter grip.

22. Chieftaincy disputes have long been one of the most potent threats to security in the Region and events in Oyo Division, particularly the growing antagonism between the Alafin and the Action Group, have been a cause of anxiety to the Administration for a considerable time. Some months ago, after repeated warnings by the Lieutenant-Governor and the Resident regarding the folly of taking part in politics, and after unsuccessful efforts by his brother Obas to effect a reconciliation between him and his Chiefs, the Alafin came out openly in support of the Oyo Parapo, a local political organization affiliated to the N.C.N.C., in opposition to his Chiefs and to the Native Administration Divisional Council. The steadily mounting political tension finally broke in September, when seven people lost their lives in rioting and much damage was done to property in Oyo town.

23. After order had been restored and the persons arrested during the riots brought before a Magistrate, a Commission was appointed to inquire into the causes of the riots and the political tension. The Commissioner concluded his investigation in December after a long-drawn-out inquiry during which both parties left no stone unturned in their efforts to discredit each other. He has now proceeded on leave to the United Kingdom where he will have an opportunity to consider the evidence and to write his report in a reasonably detached atmosphere. Meanwhile, in the interests of peace and order in Oyo, the Alafin has been removed from office under the Native Administration Ordinance and has sought "voluntary" and temporary exile in Ilesha. Pending the publication of the Commission's Report the state of stalemate appears to be having a good effect on nerves and tempers generally and Oyo has been comparatively quiet. The delay which must now inevitably occur whilst the Commissioner considers more than a thousand pages of evidence and writes his report may also prove to be an advantage since it will permit of a further lowering of temperature.

24. The Alafin's exile, albeit voluntary, has enlisted some public sympathy for his cause, and his supporters and the political opponents of the Action Group have not been slow to exploit this heaven-sent opportunity of accusing the Action Group of seeking to undermine and curtail the authority and prestige of traditional rulers. There are already indications that the more moderate and level-headed members of the Party realize the dangers of this threat and have urged the Party to adopt a more conciliatory attitude towards the Senior Chiefs. Nevertheless, they are not all moderate or level-headed, as is indicated by a recent move to install a new and rival Alafin, and the publication of the Report is bound to be a time of some anxiety.

25. I have left the results of the Federal Elections until the end. Although it was generally expected that the Action Group would lose some ground, what might be described as the landslide victory of the N.C.N.C. came as a surprise to many. The Action Group spared neither expense nor effort in their election campaign, and on the whole their canvassing was much better organized. Very considerable sums must have been spent on items like their fleet of loud-speaker vans. The result therefore must have been a shock and a great disappointment to their supporters. From all accounts there has been much heartburning and heart-searching. It is not easy to ascribe the causes. It is probable that their present strength, which was obtained through an indirect system of election, is based on a much more slender balance of public opinion than was generally supposed. In any case the size of the Party in the House of Assembly has been inflated by many who joined the band wagon when they saw the Party had obtained a majority. In non-Yoruba areas tribalism no doubt has had much to do with the result. Unfortunately the Yoruba–Ibo antagonism and jealousy show no sign of diminishing and are being continuously exploited by politicians. In addition to a normal swing of the pendulum it is likely that the Party's defeat was due to the unpopularity of much of their programme, especially the increase in taxation; to the maladroit manner in which it was "steam-rollered" through; and to their tactless and autocratic handling of Obas and traditional authorities. I believe also that to some extent the Action Group have lost touch with the men in the Bush although they would be quick to resent any such suggestion. At Headquarters there is much evidence of an African Government and what it is doing. Ministers drive about in large cars and lord it over ever-expanding ministries. Great publicity is given to such things as the introduction of universal primary education. But in country districts many people have yet to see the new schools (and what is more important their children actually being taught in them) and the many other promised benefits of the new régime. The Leaders of the Party have held many meetings to reconsider their policies in the light of election results and evidence is already accumulating of changes. One of these is that they are now making a determined effort to placate and to win over the support of the Obas and Chiefs. The Premier and Chief Williams have paid several visits to Ijobu to patch up the long-standing quarrel between the Awujale and some of his opponents which at least was aggravated by Action Group support. They have also told me of their intention to issue a public statement announcing the Government's support generally of traditional rulers, and have shown me a draft. It seemed to me that it was designed more to put the Obas in their place than to indicate the Government's support of them, and I have advised a much more tactful wording. It is also reported that they have decided to go more slowly with many of their reforms, particularly in Local Government matters, and to take greater care to avoid antagonizing expatriate officers. I hope that this latter is not mere wishful thinking on the part of those responsible for the Security Reports. On the other hand it is also known that the more extremist elements in the Party, especially the Youth Associations, are demanding a more positive and vigorous policy including more rapid "Africanization."

26. Although there have been endless rumours concerning an alliance between the Action Group and the N.P.C.* in order to prevent Dr. Azikiwe from being able to nominate all the Southern Ministers in the Council of Ministers, and although it is known that many meetings have been held between the Leaders concerned with a view to such an alliance, it has so far been impossible to obtain any confirmation that one has actually been formed. On the contrary, now that it is certain that the N.C.N.C. cannot secure an overall majority, common sense based on a knowledge of the Parties and the personalities concerned suggests that no such alliance has been or will be formed†.

27. What are the effects of the Election on local politics likely to be? I am afraid that there is little doubt on the whole that it will not make things any easier for us. The Action Group is much less sure of itself and the Premier and the moderate elements are less likely to be able to make a stand and take firm decisions on what they know to be the correct policy. They are likely to have to pay greater attention to Party opinion and to the various pressure groups within the Party. Above all, it will probably accentuate the already serious centrifugal tendencies and Yoruba chauvinism. An N.C.N.C.-dominated Government at the centre will undoubtedly drive the Regional Government back in upon itself. It will probably endeavour to consolidate in the predominantly Yoruba areas with a view to obtaining Regional self-government in 1956. The Premier has indicated to me that he contemplates a general election in December 1955, or April 1956, based on universal adult suffrage, and that he is beginning to wonder whether his hand might not be strengthened if he came to the 1956 Conference in opposition.

28. In conclusion, I must apologize for the length of this despatch and for the hurried nature of its drafting. As it is the first of its kind I have thought it advisable to write fully. On future occasions I hope that it may be more concise and better written.

29. Copies are being sent for information to the Governor-General and the Governments of the other Regions.

I have, &c.,

J. D. RANKINE.

W.A.F. 97/27/01 [No. 7]. No. 2.

GOVERNOR-GENERAL

to

THE SECRETARY OF STATE.

No. 4. (Secret and Personal.)

SIR, Government House, Lagos, 4th February, 1955.

The completion of the Federal Elections following the introduction of the revised constitution last October, the appointment of a new Council of Ministers for the Federation and the first meeting of the enlarged House of Representatives (which you had an opportunity of addressing during your recent visit) makes this an opportune time to review the events which have led up to the present stage of political development in Nigeria and to indicate certain of the factors that will influence further constitutional progress.

2. It is often asserted that Nigeria is an arbitrary block of country carved out of Africa, regardless of tribal boundaries, by the Berlin Conference of 1885. In point of fact the boundaries are largely natural: all the Northern and a large part of the Western frontiers follow the edge of the desert while on the Eastern frontier rises the natural barrier of the range of mountains which runs from Lake Chad on the edge of the Sahara down to the Bight of Biafra where the foot of the 14,000 feet Cameroons mountain falls into the sea.

3. Nigeria is the largest of Her Majesty's dependent territories covering an area of 373,250 square miles or four times the size of Great Britain, but it is only a very small part of this enormous continent. Nevertheless with a population of nearly 32 million it contains a sixth of the entire population of Africa.

4. The major political units into which the country is divided are not culturally self-contained. The Yorubas of the West spill over into the North. Centuries ago, the Ibos of the East pushed across the Niger into the West. Nevertheless, each of the Regions has a distinctive character of its own. The North is overshadowed by the autocratic Fulani Emirates and a deep attachment to the Moslem faith; the West by the more democratic Yoruba "Kingdoms." The East is a land of village communities, knit together by little more than the bonds of common language, and where chiefs are virtually unknown. The outlook of the Southern Cameroons is still coloured by the former German occupation.

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* Northern People's Congress.

† Since this despatch was drafted events have shown this assumption to be correct.

5. Prior to 1946, Nigeria had the usual form of Colonial Government, with a Governor, an Executive Council and a Legislative Council with an official majority. The latter was empowered to legislate only for the Southern (later divided into the Eastern and Western) Provinces and the Colony and the Governor still legislated by proclamation for the North, which in fact was not represented in the Council except by officials. In 1946, the Richards Constitution gave to each of these groups of Provinces, now termed Regions, their own assemblies which had limited powers to debate the budget and legislation in so far as it affected them but gave them no power to legislate for themselves. One of the most important functions of these Regional Assemblies was to select from among their own members representatives to sit in a greatly enlarged Legislative Council which now had an unofficial majority and which was competent to legislate for the whole of Nigeria. This Constitution inevitably whetted the appetite of the politicians, particularly those in the South, for yet further constitutional advance and in 1951 it was replaced by another which transferred a very substantial measure of power to Nigerians. The Regional Houses were given legislative powers, concurrently with the Centre, over a substantial range of subjects and a Ministerial system was established in the Regions, as well as at the Centre. In the Council of Ministers, which replaced the Executive Council at the Centre, each Region was represented by four Ministers. Despite strong Regional loyalties they managed to pull together with a considerable degree of success but it was the difference of outlook between the Regions, brought to a head by a motion in the Central House of Representatives declaring the aim of the House to be self-government in 1956, that, in 1953, gave rise to the difficulties that led to the present revised Constitution.

6. At this point it may be opportune to examine the three major political parties, to consider what they stand for and to what extent they represent the ambitions of the people. And first, because it is the oldest and because it is the only party which can lay claim to be other than entirely Regional in its interests, I shall take the National Council of Nigeria and the Cameroons (the N.C.N.C.) led by Dr. Azikiwe. One of the main planks in the party's programme has always been " one Nigeria," and it is a tribute to Dr. Azikiwe's personal statesmanship that, at the 1953 London Conference, in agreeing to the present Federal Constitution, he retired from a position which, if maintained at that time, would have driven the North into isolation. The critics of the N.C.N.C. allege, on the one hand, that what he means by " one Nigeria " is a Nigeria ruled by Dr. Azikiwe and, on the other hand, that the N.C.N.C.'s idea of government gets little further than " jobs for the boys " and the Ibo boys at that. This fear of Ibo-domination is one of the major factors in Nigerian politics; it was this fear that gave birth to the Action Group in the West and that caused the despotic Emirs of the North to tolerate the growth of the Northern People's Congress.

7. What are the real dangers of the 32 million people of Nigeria being dominated by the 5 million Ibos who inhabit the densely populated western areas of the Eastern Region? The Ibos are an industrious, intelligent and extremely individualistic people living tight-packed—in some areas there are as many as a thousand to the square mile—almost entirely on farming and the produce of the oil palm. The hard facts of existence compel many of them to migrate, while their industry and intelligence enable them to get work throughout Nigeria as clerks, artisans and petty bureaucrats. They are not a people who are easily assimilated and not only do they tend to form their own communities wherever they may be but they also have a peculiar facility for infiltrating their kith and kin into any posts that fall vacant. Their praiseworthy ambition which leads them to send money home so that a younger brother may be sent to a University to enable him to go yet further ahead than themselves is not appreciated by the fatalistic Northerner or the more easy-going Westerner. It is not true, however, that the N.C.N.C. is an exclusively Ibo party; it numbers among its members people from almost all the Southern tribes and a smattering of Northerners and in the recent elections won a majority of the seats in the Western Region. But it is certainly true that Dr. Azikiwe, himself an Ibo, has as his closest lieutenants other Ibos, and that the party as a whole tends to think and act like Ibos, though their marked individualism often militates against party cohesion except on the broad issues. In his natural habitat the Ibo is not much enamoured of government in any shape or form, and it is significant that Dr. Azikiwe has built up his position not by any concrete programme but by opposition to the Government. Now, for the first time, he finds himself, in the Eastern Region, the leader of a Government and as such having to take decisions, some at least of which must be unpopular. None of his colleagues in the Eastern Regional Government are of very high calibre and some are perhaps rather more interested in gathering the fruits of office for themselves than in ploughing and sowing for the benefit of others. Yet on the other side of the coin, those who have come to the centre, to the Council of Ministers, have made a sincere attempt to shoulder the responsibilities of office and have discharged them with no mean ability.

8. Dr. Azikiwe's only serious rivals in the South are the Action Group but, for all that in the Federal elections they won three seats in the East and intrigued in the North, they are essentially a Western Region party. It is a comparatively new party which was swept into power on the crest of the anti-Ibo wave and until its recent defeat in the Federal elections had never been in opposition. Since 1951 it has been the party in power in the West and with unusual fixity of purpose it started off with a constructive programme which it has followed precisely, regardless of the ensuing unpopularity which in effect cost it the Federal elections. That it is not yet a " popular " party may be due to its origin; it grew from the top down, being the child of the ruling Obas who feared Dr. Azikiwe. It has among its ranks a number of able men, not least among them its leader, Mr. Awolowo, who, though he falls far behind Dr. Azikiwe as a politician and lacks his appeal to the common man, is far ahead of him as an administrator. Unfortunately for Nigeria the Action Group pays no more than lip service to the idea of a united Nigeria. A united, self-governing Nigeria with Awolowo at the head might be acceptable, but short of this an Action-Group self-governing independent West is to be preferred to an Ibo-dominated or any other form of Nigeria even if it means allowing the non-Yoruba Provinces in the Region to break away. The Action Group, while it accuses the N.C.N.C. of finding " jobs for the

boys," is equally anxious to ensure that all key positions in the West are filled by party members but for different, and ultimately more sinister, motives. For the aim is to build up a position where the party in power will in all circumstances remain in power.

9. But the key to Nigerian unity lies neither in the East nor in the West but in the North, with its 17 million people just emerging from centuries of ignorance and Islamic fatalism. And here, far more than in either of the other Regions, there is a hereditary ruling class, proud, autocratic, brought up on the traditions not of Western civilization but of the Middle-East and North Africa, accustomed by long practice to govern a patient subject peasantry who acknowledge their rule as the right of the successors to their former conquerors. It is only within living memory that a few of this peasantry have been educated in the government schools and a middle-class has started to emerge in the North. But instead of this middle-class combining to democratize their local governments, by far the greatest number of them have rallied to the side of their rulers to ward off the supposed menace of Ibo-domination. Every time that one of these middle-class Northerners has to oil the palm of an Ibo clerk to induce him to carry out his duty, whether it be to sell him a railway ticket or accept a telegram or even bring a glass of water in hospital, the position of the ruling class is more firmly entrenched.

10. The Northern People's Congress (N.P.C.) started half-heartedly in 1950 when the first revision of the constitution was being considered. For some time the party was regarded with distrust by the Fulani Emirs who suspected it of being ultimately designed to curb their own powers. Gradually it became the party of the ruling class and, though by no means exclusively drawn from it, the party has reserved most of the seats in the legislatures for scions of the upper class families. Left with no other choice but an unacceptable left-wing " nationalist " party owing allegiance to Dr. Azikiwe, the middle classes have so far acquiesced in this arrangement. The party is not reactionary but it is predominantly Moslem and prefers to consolidate each position before attempting a further advance. As it is largely composed of Native Administration officials with half a century's ordered local government behind them, it has a far greater wealth of administrative experience than all the Southern parties put together and, unlike the Action Group, tries to solve the administrative problems before committing itself to a policy. Above all it is determined that the rate of progress in the North shall be decided by the capacity of the North itself to progress. Nevertheless it must be remembered that it is the fear, amounting among some almost to hatred, of the Southerner which welds together the diverse elements which form the N.P.C. For the North has plenty of problems of its own. Not least there is a very considerable non-Moslem population, mainly classed as " Pagans " and concentrated in the more inaccessible areas where their forefathers successfully resisted or escaped from the Fulani invaders who brought Islam with fire, sword and the slave-gang to the North. These " Pagans," although in many ways still very primitive, are virile, hard-working and more adaptive to Western education and Western ideas than the Moslem peasant. During the past thirty years they have also been the happy hunting ground of Christian Missions whose work in the Moslem Emirates was naturally subject to limitations. Under the Pax Britannica the " Pagans " have been brought out of their rock crevices and are now starting to look for a place in the Northern sun. They will not easily be denied it.

11. The ultimate goal of all parties is the same—full self-government within the Commonwealth. The political leaders of the two Southern Regions profess themselves competent to assume those responsibilities now but the Northern leaders, realizing their present lack of qualified men, fear that self-government now could only mean the government of the North by the South. To them it is a way of life that is at stake and their anxiety is to entrench themselves sufficiently strongly to withstand any political, economic or cultural onslaught from the South. There is no desire to continue to live in the last century: far from it indeed, but the Northern leaders are determined that when self-government comes things in the North will be done in the Northern way. They are not prepared to remove the protective fence of British control until that position has been secured and they are inclined to view any concession made to the South as a hole knocked in that fence by the Government itself.

12. The Northern leaders were sorely tested by the results of the recent elections to the Federal legislature, the House of Representatives. The revised Constitution provides that of the representative Ministers three shall come from each Region and one from the Southern Cameroons; and the Royal Instructions provide that these shall be appointed by the Governor-General on the recommendation of the leader of the party appearing to have an overall majority in the House of Representatives or, if there is no such party, then in respect of each Region on the recommendation of the person appearing to command a majority among the members elected in that Region. In agreeing to this at the Conference the Party leaders clearly assumed that each of the major parties would continue to return a majority of the members in its own Region, but when the N.C.N.C. won the elections in the East and the West, and with it the apparent right to nominate six of the representative Ministers, the Northern leaders' first reaction was to refuse to serve in the Council of Ministers. Luckily, the elections in the Northern Region took another month to complete which gave the North a period to think over their position without the need to come to any hasty decision. There was never any doubt that the N.P.C. would be the biggest single party in the House and the possibilities they explored were to detach a few members from the Southern parties so as to obtain an overall majority and so form a Government themselves; alternatively, to amalgamate with the Action Group, and at one time it seemed possible that such alliance might be formed. The adoption of either of these courses would have meant that the N.C.N.C. would have no voice in the government despite their election successes—a position which, understandably enough, they would never have accepted—and for several anxious weeks I was faced with the prospect of the revised Constitution falling to pieces even before it had begun to function. In the end wiser counsels prevailed and the North decided to play the cards as they had fallen and to accept the six N.C.N.C. Ministers.

13. Although it has been beneath the surface, we have in the last few weeks surmounted a serious crisis. That it was satisfactorily overcome is due, I think, to two main factors. The first is that the Sultan of Sokoto and other important Emirs put an end to negotiations with the Action Group by

decreeing firmly that there should be no alliance between the N.P.C. and any Southern party. The second, and more hopefully significant, factor is that all parties were very conscious of the poor figure Nigeria would cut in the eyes of the outside world if they proved themselves incapable at the outset of working a constitution which they themselves had hammered out.

14. Government at the centre for the next few months is likely to be a delicate operation. Unlike the Regions where government is carried on by the party in power, the Government of the Federation is an enforced coalition depending for its success entirely on compromise and accommodation among the Ministers. The danger is that the N.C.N.C. Ministers may try to push things too far or too fast, but a restraining influence is the fact that the Northern Ministers hold the balance of power in the House. Moreover, the N.C.N.C. have not got a majority in the Council for in the last resort the Northern Ministers, with the Official Members and the Minister from the Cameroons, could out-vote them. It is early days to speak with confidence and the new Council has not yet been called upon to consider any really contentious issues, but I can at least record that the members have so far shown a friendly disposition to regard themselves as colleagues in a common enterprise, which augurs hopefully for the future.

15. This despatch of necessity deals mainly with the hazards that beset the path of constitutional progress in this country. These dangers exist and no good purpose would be served by minimizing them, but I should be doing far less than justice to my Ministers, past and present, and to what I believe to be the innate good sense of the people of Nigeria, if I left you with the impression of a government bedevilled by a short-sighted determination to put person before tribe, tribe before Region and Region before the country as a whole. You have yourself seen something of the essential friendliness of Nigerians and it is, firstly, to this friendliness that I attribute the fact that the differences of recent years, though often sharp, have been resolved without any real bitterness. Moreover, behind these difficulties lies a record of sound achievement. This despatch is already over long and I forbear to recount what has been accomplished, but it would by any standard be an impressive record for men so new to office and untried in the arts of government. But it is these achievements, the fruits of the combined efforts of men from all three Regions, that are the true measure of the progress Nigeria has made in recent years, and it is in this that I and my officers find sober confidence for the belief that, despite the dangers that beset her, a united Nigeria will in due course take her rightful place as a full and responsible member of the Commonwealth.

I have, &c.

J. S. MACPHERSON.

W.A.F. 16/3/09 [No. 4]. No. 3.

SECRETARY OF STATE

to

OFFICER ADMINISTERING GOVERNMENT OF FEDERATION.

Saving No. 13. (Secret and Personal.) 22nd February, 1955. Repeated to Officers Administering: Northern Region No. 5; Eastern Region No. 4; Western Region No. 7.

Personal from Secretary of State.

Proposals for a Mid-West State, and the problem of the number of Regions/States in the Federation.

You will probably have seen (or can obtain from Ibadan) the record of my discussion on the 24th January with the Ministers of the Western Region Executive Council, in the course of which they urged me to agree to the establishment, in the near future, of a Mid-West State.

2. My provisional reply was discouraging, but I promised to consider the matter further.

3. Whether or not I shall now shortly receive a formal request from the Western Ministers for the creation of a Mid-West State, to which if it came I should wish to send a considered and reasoned reply, it seems fairly certain that the whole question of the number of Regions (or States) in the Federation will be one of the first issues to come up for discussion at the next review of the constitution, and I am anxious to have your views and advice, and those of the Regional Governors, on the matter as soon as possible. The problem is clearly one of fundamental importance for the future of Nigeria, and we must do some hard thinking on it together; and there is not very much time at our disposal for this, if the next constitutional conference takes place next year, as it is due to do.

4. You will recall that the matter was first broached formally by Mr. Awolowo at the London Conference on the constitution (see pages 6–13 of the bound Record of Proceedings, African No. 1182 Confidential), and it is now I believe the publicly declared policy of both the N.C.N.C. and the Action Group to increase the number of Regions beyond three. I have seen suggestions that the West might be divided into two States, the East into three, and the North into four, and the establishment of the Southern part of the Trust Territory of the Cameroons as a separate entity from the East has been quoted as a precedent. I should be glad to be informed as to the exact nature of the latest proposals

on this subject, and to know whether I am right in my belief that one of the main motives behind these proposals is the desire on the part of the N.C.N.C. and Action Group to split the Northern Region so as to reduce its present numerical preponderance in the Federal Legislature; also whether, in addition, the N.C.N.C. for their part are anxious by reducing the importance of the component parts of the Federation to work back to a unitary form of government which they would aim to dominate.

5. Questions of principle apart, there seems to me to be at least one fundamental objection, of a practical kind, to the creation of more Regions. The machine of government in Nigeria has undergone two major re-organizations in the last four years, the second of which is still far from complete. A further upheaval, such as would be necessitated by the creation of more Regions, would probably prove more than it could stand. The machine might well break down, and there would then *inter alia* be an end, for an indeterminate period, to much hope of further orderly economic development. This would seem likely even if there were not already a grave shortage of staff, especially in the Federal Service. Given that shortage, of which I am acutely aware, I would believe a breakdown to be inevitable. Subject to your views, I should be prepared to use this argument publicly.

6. A second objection which I see to the proposal for more Regions is this. Before agreeing to radical changes of this kind in the structure of the Federation, I should need to be convinced beyond all reasonable doubt that the resultant structure would be an improvement on the present one, and likely to command general agreement and to last for a long period of years. My present view—though it is admittedly intuitive rather than reasoned—is that imperfect though the present boundaries may be in a number of respects, we are unlikely to be able to devise anything which on balance would work better, at any rate at this stage. The real solution to the kind of problem raised by the Action Group Ministers is for people to learn to live together in amity, and for small minority groups to be treated fairly and indeed, because they are minorities, generously.

7. Thirdly I should mention—though the point is no doubt already in your mind—that the promise about full Regional self-government set out in paragraph 28 of the London Conference Report (Cmd. 8934) was made in the context of the existing Regional structure (taking into account the likely excision of the Southern Cameroons from the Eastern Region). If those Regions were no longer to exist in 1956 (or thereafter), the implications of any change on my predecessor's undertaking would require most careful study.

8. If, however, our conclusion should be that we should maintain the present structure of the Federation, the problem of the great numerical preponderance of the Northern Region would remain. This is liable to give rise to various anomalies, such as the present position in which the Northern People's Congress is the largest single party in the House of Representatives but has fewer seats in the Council of Ministers than the N.C.N.C. I am anxious to know what alleviation of those anomalies, if any, you think might be discussed at the next constitutional conference, or whether you consider that only time and the possible eventual emergence of a federal party with an overall majority at the Centre will solve the difficulty. Would some amendments of Clause 6 of your Royal Instructions and/or section 88 of the Constitution Order in Council be advisable, and if so what would you propose?

9. I have in this savingram expressed my provisional views. Although I realize that you have a heavy programme of engagements to fulfil before your departure from Nigeria in April, I very much hope that, given the importance of the problems to which I have referred, you will find it possible before you leave to let me have your considered advice upon them after consultation, perhaps in joint conference, with the Governors of the three Regions.

SECER.

W.A.F. 103/416/01 [No. 1]. No. 4.

GOVERNOR, NORTHERN REGION

to

SECRETARY OF STATE.

Saving No. 6. (Secret and Personal.) 14th February, 1955.

The last few weeks have been notable, on the one hand, for a change for the better in the attitude of Northern Ministers to Constitutional developments in the Federal sphere and, on the other, for signs of intransigence in Regional matters. Shortly before the January Meeting of the House of Representatives, a full Party Conference of the Northern People's Congress was held in Kaduna, to consider the attitude to be adopted by the Northern members in Lagos, and in particular to obtain

support for the decision of the Party leaders that, despite the most unwelcome situation that had arisen as a result of the National Council of Nigeria and the Cameroons' victory in the West, the North should take no steps, unless compelled by subsequent events, to upset the Constitution which they had helped to draft. This was in considerable measure due to the partly spontaneous and partly inspired influence of the Sultan, and the Emirs of Zaria, Kano and Katsina.

2. The Ministers obtained the support for which they asked, but there can be little doubt that they were subjected to appreciable obstruction from the extreme right wing of the Party. A few of the younger members of this group have recently adopted that anti-British form of nationalism, which has hitherto been confined to the supporters of the Northern Elements Progressive Union. The group in question mostly consists of that somewhat rare type in the North, the professional "small-time" politician, who has taken up politics for what he can get out of it, having failed in life in all other respects. A high proportion are renegade Northern Elements Progressive Union members. The group is prone to suggest that Ministers have no real power, that they are in the hands of the officials, and that the revised Constitution is not being implemented in the Region as rapidly or as willingly as in the East or West.

3. The effect of this "needling" became particularly noticeable in mid-January in the course of discussions on the reorganisation of Ministries. Ministers had been reminded of the apprehensions of senior Departmental officers, with regard to the powers and functions of Permanent Secretaries, and it had been emphasised more than once that professional officers normally concern themselves almost entirely with the carrying out of their professional duties, and have no training in, or ready appreciation of, political matters. Despite this the Sardauna, in particular, received very badly suggestions that a cautious and tactful approach was necessary, in the early stages, in order to maintain Service confidence. In fact, proposals for the internal reorganisation of the Ministry of Health, which were fully acceptable both to the Minister and to the Medical Department, were rejected by him on the grounds that a suggested equality in status of the Permanent Secretary and Head of Department, on the United Kingdom and Gold Coast model, as recommended by Sir Eric Pridie, was unacceptable to him personally.

4. Over and above this, in the course of a Northern People's Congress Party meeting, the Premier unwisely announced that he proposed to create a Ministry of Development (incidentally, a quite meaningless ministry, possessed of no machinery for development, whose only method of functioning would be by interfering with all the other Ministries) and that this Ministry would take over the control of the Development Boards. This approach was undoubtedly due to a disinclination on the part of the Premier to study, or concern himself with, the provisions of the Constitution in matters where the responsibilities of persons other than himself and his fellow Ministers are involved. He had not appreciated that the assignment of responsibilities is at the discretion of the Governor, and he had ignored the legal position of the Boards, which are, of course, statutory bodies and not subject to Ministerial control. When I explained the correct position to him, in a private interview, although I did my best to save his face by making one of the new Ministers responsible for Social Development, the blow to his vanity was severe. On the following day, after he had left for Lagos and most of the other Ministers had gone on tour, I received an intemperate letter signed by him and his colleagues, suggesting that the Constitution appeared to be a dead letter in the Region and making several quite incorrect statements, including unwarranted allegations about the obstruction of senior officials, and threatening to complain to the Secretary of State. This letter was clearly drafted by the Sardauna in an angry moment. Subsequently, several Ministers told me that they would not have signed the letter had they realised its full implications.

5. I should say at this stage that, although plain but sympathetic speaking has at times been necessary, my personal relationships with Sardauna have been almost uniformly pleasant. On the rare occasions when the atmosphere has been strained, tension has almost invariably relaxed within a matter of hours.

6. Later personal discussions with Ministers resulted in a considerable improvement in mood but they still expressed, with some force, their fear that Heads of Departments were determined not to accept the provisions of the Constitution regarding the supervision of their Departments by the Permanent Secretaries. My personal experience, incidentally, is that once the position had been fully explained, I have not found the Heads of Departments obstructive. Ministers have also frequently showed their suspicion and dislike of what they elect to regard as the "excessive influence" of the Civil Secretary and the Financial Secretary.

7. With regard to the latter, the Financial Secretary, as Secretary of Finance and Development, has always held the position of Chairman of the Production and Development Board and the "Loans Board." I had for some time, partly for political reasons, but more in order to relieve the Financial Secretary of some part of his heavy burden of work, contemplated appointing an independent official as Chairman of the Boards. I have now appointed Mr. Lockie, at present Chief Conservator of Forests, as full time occupant of this post.

8. A much better atmosphere was apparent in discussions with Ministers for the next two weeks but early in February the situation again deteriorated as the result of :—

(*a*) Attention being drawn to the damage that would inevitably be done to the good name of the Northern People's Congress and to the recruitment of overseas officers by the activities of the Alheri Youth Association, which is the right wing counter-part of the Northern Elements Progressive Union and is affiliated to the Northern People's Congress. Certain members of the Alheri Youth Association had recently made violently anti-British speeches.

(*b*) A sudden request, for political reasons, which could have been foreseen some weeks earlier, to make important changes in the draft Estimates when they were, in fact, already being printed. This request was met, but I have had to draw attention to the almost intolerable strain being placed on the Service by quite unnecessary late demands of this nature and by demands for last-minute legislation.

(*c*) Protest by the Premier that he "had not seen the Estimates." In point of fact the Estimates have, in accordance with custom, been prepared in the Ministries and not by the Financial Secretary. Any lack of familiarity with them is due solely to the fact that Ministers have toured so consistently during and after the Election period that the Estimates Sub-Committee, which consists of the Ministers responsible for the spending Departments, has scarcely functioned at all.

9. Ministers have in fact, during the last two or three months, shown increasing inclination to tour, an occupation which they find preferable to devoting themselves to the day-to-day work of their Ministries. Some of them have come to regard themselves as a new species of "touring Chief." Most of the delays of which they periodically complain are due to lack of application on their part. Despite this, there is occasional resentment at the work inevitably being done by Civil Servants on their behalf in order to avoid a breakdown.

10. By fortunate coincidence, Mallam Abubakar Tafawa Balewa was passing through Kaduna at the time of the latest upset. He came to see me and said that the Ministers were greatly upset and were talking wildly of the collapse of the Constitution. When the facts were explained to him, including the fact that the reorganisation of no less than four major Ministries had been fully agreed to on the previous day, he appreciated that Ministers were largely indulging in "tantrums" at having been shown to be manifestly unfair in their demands and their criticisms particularly in regard to the Estimates.

11. Later that morning, normal friendly relations were resumed. I had a further long talk with all Ministers by myself, on a purely personal basis, as a result of which I think that at last we are past our major difficulties. A decision has now been made, fully acceptable to Ministers, as to the staffing of Ministries, and the names of the substantive Permanent Secretaries have now been gazetted.

12. It is to be feared, however, that it is only too clear that certain Ministers, the Premier in particular, would like to regard the Permanent Secretaries as potential political subordinates. I have had to make it quite plain to them that Permanent Secretaries, as well for that matter as Private Secretaries, are members of the Public Service. In this capacity they will carry out, with complete loyalty, the policy of the Ministers, but they can in no sense be employed politically.

13. It should be emphasised that whereas Ministers have undoubtedly felt frustration at not having become on 1st October, as it were "with a wave of the wand," precisely what they thought the revised Constitution would make them in relation to the Departments for which they are responsible, the only individual who has shown himself really intransigent and excessively demanding has been the Premier himself.

14. All other Ministers, as individuals or corporately, have been friendly and co-operative particularly on informal occasions. It has been the Premier's influence that has always hardened them in Council, where otherwise they would have been reasonable. In their case it has been more a matter of genuine inability to appreciate all the issues involved without long and patient explanation, rather than a desire to establish themselves as petty Dictators in their own individual fields, and as a Committee of Dictators in matters of general policy as a whole. It would, however, be wrong to pretend that there is no such tendency at all in this latter direction.

15. In conclusion, it is appropriate to record the increasing tendency of many Ministers, and particularly the Premier, to indulge in anti-Southern diatribes on the one hand and to evidence a narrowing and more militant Islamic outlook on the other. This despite repeated reminders that a Southern exodus would result in total collapse and that one sure way of ensuring this is rabid racialism, particularly when this is combined with acute religious intolerance. These same two factors indeed could in time dangerously antagonise the non-Moslem elements in the Region thereby imperilling the unity we have so sedulously fostered.

Government House, Kaduna.

14th February, 1955.

W.A.F. 103/416/01 [No. 9]. No. 5.

GOVERNOR, NORTHERN REGION

to

SECRETARY OF STATE.

Saving No. 9. [Secret and Personal.] 5th April, 1955. Repeated: Governor-General, Lagos No. 14; Governor, Eastern Region No. 1; Governor, Western Region No. 7.

My last appreciation was written in mid-February* two weeks before the opening of the Northern House of Assembly which took place on 2nd March, 1955, to be followed by the Northern House of Chiefs, which was opened on 19th March and adjourned on 26th March.

2. The most significant occurrence since mid-February has been the quickening spirit of revolt against hooligan politics, rabid anti-Southernism and the attitude of the Premier, particularly in relation to Europeans, which has become manifest among the leading Chiefs, and notably those in Executive Council. It will be preferable, however, to take events more nearly in chronological order.

3. In general the atmosphere in Executive Council has been better. This has been due to two factors; firstly, the decision on the official side, for the time being to err in the direction of excessive self-effacement by attempting only to deflect, in a friendly manner, Ministerial extravagances rather than to oppose unless or until, either events would show who was right or until the point came when a firm position was unavoidable in the interests of the Region and the country. The second, and even more significant factor, has been the personal intervention of the Emir of Kano with the Premier. Apart from Abubakar Tafawa Balewa, whose influence is appreciable, the Emir of Kano is the only other Nigerian from whom the Premier will take straight talk. At my suggestion, the whole gamut of those things which have been giving offence in responsible quarters to the danger of Regional cohesion and public morale, was fully covered. The Emir of Kano informed me later that the Sardauna did not at all relish the hard but uncontrovertible facts with which he was faced but in the final event accepted them. Since then, his general behaviour, apart from the normal periodical outbursts to which we are so accustomed, has been better and the atmosphere in Executive Council has improved in consequence. For instance Council readily accepted the suggestion that a small and strong Committee should be set up, under the Chairmanship of the Minister of Education, which would be charged with imaginatively and ruthlessly tackling, from every angle, the problem of the crippling weight of routine which is hampering development and seriously affecting the morale of our seriously under-established Overseas staff, both administrative and professional.

4. The Ministers, and subsequently the Legislature, have accepted without question the necessity for the employment of Overseas personnel of the Personal Assistant, Office Manager category whom, a year or two ago, they would have scornfully rejected as being redundant in view of the number of "suitable Northerners" available. Realization is gradually growing that the number of "suitable Northerners" is deplorably small, possibly five per cent of what is required, and that years will be needed before any sensible degree of Northernization can be effected.

5. The Chiefs and their experienced Councillors have always realized this but Ministers, scourged by the Party "tail" and with their judgment impaired by their embittered feelings towards the South, still tend to be far too unrealistic in their outlook.

6. Ministers, in fact, have been over-intoxicated by all that their position has brought them in the way of power, patronage, money and motor cars. They have encountered no opposition so far, and have appeared to forget, despite reminders on a variety of informal occasions, that "1956" and the Elections are fast approaching. They have tended to go to Executive Council with their minds made up and with the intention of brushing aside either advice or objections from official or Chiefly sources. Their demands for personal transport, for instance, have become increasingly exorbitant as has also their lack of consideration in expecting last-minute arrangements to be made, or last-minute changes to be made, with regard to accommodation, air and train bookings, etc.

7. Nemesis, however, has been approaching. For some months many leading Chiefs and their Councils have been perturbed at the relationships between Native Authorities and Ministers, particularly as regards to the future. They have seen increasing signs of political influence, especially of the less desirable kind, being brought to bear upon the administration of justice, the personal position of office holders and senior officials and the Chiefs own personal status and security. Too many whispers have been heard abroad to the effect that unless the "Party line" is followed unpleasant consequences will follow. Probably most of this has been at the instance of lower level Party officialdom which, in general, is as disreputable as it is inept, but Ministers, in general, must bear responsibility and I cannot in my mind, in view of his associates and pronouncements, disassociate the Premier in particular. They also disapprove the recent disproportionate salary increases to Ministers and the Legislature. What is now occurring could be held to be analogous to a revolt of the big Local Authorities in the United Kingdom against interference, pointing to ultimate domination, not by Whitehall, but by the Party machine of the Party in power.

8. There are two groups concerned in this "revolt"; one comes from outside Executive Council, the Emir of Gwandu being one of the protagonists; the other comes from within the Executive Council. The three leading Chiefs concerned have offered to resign because, firstly, it has been made

* W.A.F. 97/115/01: [No. 1]: not printed.

plain to them that in the House of Chiefs many Chiefs would have opposed certain aspects of Government policy, and in particular, recent increases in salaries, but were deterred by the presence on the Government Bench of the Sultan and the two other Emirs, who have joint responsibility for Government decisions.

9. Chiefs emphasize that while limited increases were necessary and desirable, the actual increases were so excessive that Region-wide criticism will result. This has proved to be a fact. They also point out that the salaries of Ministers and of the Legislature are now such that the return of several Ministers at the next Elections will be problematical because they are responsible for these increases; furthermore a wild rush of new candidates of all kinds will threaten to wreck the cohesion of the Region and bring into being a multiplicity of local "splinter groups."

10. It is quite certain that, if a major constitutional crisis is to be avoided, there must be a readjustment in the balance of power which is now dangerously overweighted in favour of the Ministerial oligarchy. I am confident that there is sufficient good sense amongst the large majority of Ministers for this to be effected.

11. It is yet uncertain to what degree it will be possible to keep the present crisis quiet. There may well be cries to the effect that Chiefs "must keep out of politics." I can see no validity in this contention. The mere fact that there is a House of Chiefs and that the Chiefs are strongly represented in the Regional Government makes it essential that Chiefs concern themselves in the broad aspects of the political scene though, obviously, it is undesirable for them personally to enter the political arena as advocates, or opponents, of this or that political Party.

12. Whatever new alignment of forces emerges from present discussions, it is essential that there be realization that we are far from seeing a clash between "Democracy" and "Feudal Chiefs"; possibly Persia provides in many aspects a fair analogy.

13. The Chiefs in Executive Council find themselves puzzled by the fact that joint responsibility as Members of Executive Council ties them to a Party policy to which they do not necessarily subscribe. They point out, furthermore, that, whereas an overwhelming majority of the House of Assembly are members of the N.P.C., an equally overwhelming majority of the successful candidates in the earlier stages of the Election were Independent and, although the Chiefs took no active personal part in the Elections, it was their known preference for the N.P.C. as representing the only political group that combined a sense of responsibility with the desire for progress that resulted in the overwhelming N.P.C. victory. This contention is indisputable.

14. The Aku of Wukari is not taking part in present discussions. The other three Chiefs have kept him in touch but they have felt it unfair to involve him in an offer to resign in view of his extremely limited personal financial resources and of the fact that he does not come under pressure from other members of the House of Chiefs in the same way as they do. In point of fact the Aku's independently expressed views vary very little from those of the other Chiefs.

15. The Sardauna's personal position as Premier is very relevant to the present impasse owing to his various exhibitions of arrogance or loss of self-control. His "royal" entry into Kano City, preceded by a mounted escort of N.A. Police and his inspection of a N.A. Police Guard of Honour at the gates of the Emir's Residence, did not at all please the Emir who showed remarkable restraint; particularly in that the ceremony had been arranged direct by the Sardauna's staff without any prior reference to the Emir or his Household. A more dangerous example was the reference in the House of Assembly quite incorrectly described in "West Africa" as "humourous" to the virtues of mutilation as a deterrent to crime and of slavery as a practice. Reactions to the latter outburst have been sluggish, but the words are on record and they will not be forgotten.

16. Shettima Kashim is generally spoken of amongst the Chiefs as an alternative Premier, far preferable to the present one. On the other hand, the Sardauna's gift for achieving personal popularity with the crowd in every town and village he visits, a popularity which he enhances with acts of irresponsible munificence far beyond his means, renders his position far more secure than it was a year ago. He has in fact a very impressive façade but the great majority of his brother Ministers do not like him and neither of the two who are closest to him would readily follow him in adversity.

17. Throughout the Region there have been no incidents affecting public order of any significance. N.E.P.U., however, after a brief period of quite inexplicable reasonableness, has announced a resumption of attacks on established authority and threatens a greater degree of personal violence than in the past. Its recent general Conference in Yola brought nothing new and certainly nothing constructive. Its leaders appear to be more prone to violence and less capable of evolving a constructive policy than ever before.

GOVERNOR.

W.A.F. 103/416/01 [No. 10].

No. 6.

GOVERNOR, NORTHERN REGION

to

SECRETARY OF STATE.

Saving No. 10. (Secret and Personal.) 7th April, 1955. Repeated: Governor-General, Lagos No. 16; Governor, Eastern Region No. 2; Governor, Western Region No. 8.

Further to my Most Urgent Personal Telegram 13 of 30th March, 1955,* a meeting was held on 4th April in the course of which the Chiefs and Ministers present agreed to work together more closely in future. Ministers undertook to consult more frequently and more deeply with Chiefs instead of producing their own agreed decisions to Chiefs at the Council table.

2. There could with advantage have been more plain speaking by Chiefs on matters concerning which they had specifically complained, particularly the Emirs of Kano and Zaria, i.e., political hooliganism, political interference with Courts, threats against Chiefs personal position and anti-Southernism. The Sultan, however, prefers to avoid hard words if possible and the remaining Chiefs conformed. Furthermore it is habitual Northern practice once decisions are reached before any proposed meeting to avoid embarrassing matter when formal gathering takes place.

3. A further very good result is a decision that the Sultan shall call all Chiefs, not only members of the House of Chiefs, into Kaduna in mid-June. Candid speaking will, I feel confident, take place on this occasion which should have a healthy deterrent effect on present harmful activities of irresponsible N.P.C. Party officials and their immediate supporters and more powerful backers. In other words the dangerous activities of local small organised minorities should be countered.

4. A large majority of Ministers realise that this new understanding with Chiefs will give them opportunity to restrain their own irresponsible extremist adherents while Native Authorities will be similarly strengthened particularly in matters relating to law and order.

5. It is significantly admitted privately by leading Ministers that the personality of the Premier would have made a successful meeting of this nature quite impossible had he been present.

GOVERNOR.

W.A.F. 16/3/09 [No. 10].

No. 7.

SIR HUGO MARSHALL

to

SIR THOMAS LLOYD.

[Answered by No. 8.]

(Secret and Personal.)

DEAR SIR THOMAS LLOYD. Government House, Lagos, 18th April, 1955.

On the day before Sir John Macpherson left Nigeria he presided over a discussion we had with the Governors of the Eastern and Western Regions. Unfortunately, Sir Bryan Sharwood-Smith was prevented by indisposition from travelling to Lagos but his views on some of the matters discussed were on record. The greater part of our time was spent on the problems of possible division of the Federation in the course of further constitutional advance which were the subject of the Secret and Personal Saving issued from your file, W.A.F. 16/3/09, dated 22nd February†, and addressed to the Federation as No. 13 (and to the North as No. 5, the East as No. 4 and the West as No. 7). In that Savingram the Secretary of State expressed the hope that Sir John Macpherson would find it possible, before his departure, to send his considered advice on the views there recorded, advice which would be based on consultation with the Governors of the Regions. I am sorry that there was no opportunity earlier than 11th April to arrange a joint conference on this important subject and that it has therefore been impossible for Sir John Macpherson himself to prepare a letter setting out his views. But these particular problems have been much in all our minds, Sir John had prepared some notes upon them, the meeting with the two Governors resulted in a most fruitful and interesting discussion and the general outline of this letter has Sir John's approval and he has authorized, in principle, if not in terms, the views here set out.

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* W.A.F. 103/416/01 [No. 6]; not printed. † No. 3.

2. Paragraph 4 of the Savingram asked for information about the exact nature of the latest proposals for the division of Regions. None of the main political parties has given publicity to its proposals in this respect since the visit of the Secretary of State but opportunity was taken during the discussion with the Governors to ask for their understanding of the present views of political leaders. I shall set out their replies but, before doing so, I feel that I must make the point that on this subject, as on others, political views are apt to change so rapidly that it is dangerous to suppose that the latest views of the parties are necessarily those which they will advance in 1956. There was evidence of this in this particular connexion immediately after the Federal elections last year: when the Action Group were wooing the N.P.C. they said that they were willing to defer demands for Regional self-government if the Northern leaders would enter into an alliance against the N.C.N.C. Their view on self-government was very different when the Secretary of State visited Ibadan in January.

3. The first paragraph of the Savingram recorded that the Ministers of the Western Region Executive Council urged the Secretary of State, when he met the Council in January, to agree to the establishment, in the near future, of a Mid-West State. Sir John Rankine says that that is still the expressed policy of his Ministers but he found it difficult to obtain information about the shape of the "State" which they propose. At one time the Ministers were thinking of an organization in which there would be but one Governor for the Western Region although the Yoruba group of Provinces and the Mid-West group would each have its own legislature. Even then it was not clear whether it was proposed that there would be some common services or whether the governmental machinery would be duplicated; nor was it clear whether a complete division of ministerial responsibilities was intended. It is doubtful whether the Regional Ministers had worked out proposals in detail or whether they have done so yet, but Sir John Rankine understands that they are preparing a brief now.

4. The only overt act of the Western Ministers in furtherance of the expressed policy of a Mid-West State in recent months has been the preparation and distribution to the Western Legislature at its recent Budget meeting of an analysis, as between the Benin-Delta Provinces and the rest of the Western Region, of Estimates of Revenue and Expenditure for 1954–55 and 1955–56. This was prepared by officials of the Ministry of Finance at the request of Mr. Awolowo in order that he might be able to rebut allegations which he feared would be made in the Legislature that these two Provinces had received less than their due share of Government money. The Analysis was necessarily hastily prepared and can not claim to be based on unassailable principles. The revenue figures are said to have been determined by the division of all items of revenue in proportion to the population of the two areas, except in the case of revenue from export produce, which was divided on a derivation basis. The expenditure figures are said to have been determined "by derivation break-down." This Analysis shows that in 1954–55 the Benin-Delta Provinces were estimated to produce 18·5 per cent. of the Region's revenue and to receive 22·5 per cent. of the total expenditure. The corresponding figures for 1955–56 are 18 per cent. of revenue and 23·8 per cent. of expenditure. The population of the two Provinces is estimated to be 24·5 per cent. of the Regional total. The conclusion to be drawn from this admittedly inadequate Analysis is that there would have to be a substantial increase in taxation or a substantial reduction in the level of public services if a Mid-West State were to be financially viable.

5. Nevertheless, the Regional Ministers continue to support the project. Sir John Rankine believes the reason for this to be:—

(*a*) Mr. Awolowo's holding of conscientious views about self-determination.

(*b*) The practical facts that the Mid-West is largely N.C.N.C. in sympathy and is now a financial liability and not an asset to the solid Yoruba group.

(*c*) The desire to set in train a splitting of the rest of the country which might be calculated to leave the Yorubas as the most homogeneous and most powerful group. (In the alternative this group might wish to hive off from the Federation altogether if constitutional advance in the Federation were not immediately in sight.)

These reasons are further complicated by the cold truth that it would be political suicide for any Western politician in present circumstances to come out openly against the separate State now desired by the people of Benin and Delta Provinces.

6. Sir John Rankine has no reason to believe other than that the Action Group's support of the proposal for an Ogoja–Calabar–Rivers State is due solely to a desire to embarrass the N.C.N.C.

7. Sir Clem Pleass doubts whether there will be in 1956 any substantial body of organised opinion in the Eastern Region in favour of an Ogoja–Calabar–Rivers State. The "Ogoja" element is now confined to Ikom and Obubra (the N.C.N.C. having carried the rest of the Province) and the strength of the desire in Ikom is doubtful. The present opposition to the N.C.N.C. in the Eastern Region is of negligible strength; and the cause of a separate State is further weakened by the fact that although it derives some of its strength from non-Ibo fear of Ibo domination, it relies for its effectiveness in large part on Ibo politicians who now declare for it merely because they are opposed to the N.C.N.C. but who might take a different view if purely tribal considerations came to the fore.

8. Sir Clem prefaces his views on the current policy of the N.C.N.C. by pointing out that the course of events in the East has shown the party to be a collection of opportunists who will, if they think it expedient, be quite unabashed about going back on previous statements of "principle". The N.C.N.C. now supports the Benin-Delta agitation for a separate State and also the demands of the Middle Belt People's Party in its demands for a separate Middle Belt State. The 1948 "Freedom Charter" of the N.C.N.C. proposed a "Commonwealth organized into States on national and linguistic basis" and the election manifesto published in 1954 argued that the Regions should be divided into smaller States

so as to "ensure economic inter-dependence of the parts and political unity of the whole." Dr. Azikiwe's main aim is still a unitary government for Nigeria but he realizes that this is unlikely to be achieved unless the North can be split or unless there is a tremendous and totally unexpected change in the temper of the Northern leaders and of the Hausa and Fulani peoples. As an alternative, Sir Clem considers that Dr. Azikiwe will aim to capture the Western Region in the next general election and may then, with an N.C.N.C. majority in the Legislatures of the Eastern and Western Regions, claim self-government for a Southern Nigeria entirely separated from the present Northern Region. Any idea of "State" Governments based on ethnic groups would then be thrown overboard and the N.C.N.C. would press for the greatest degree of centralization which they thought they could survive at the polls.

9. (For this reason, as well as for others, the probable date of a general election for the Western Region Legislature is a matter of interest and importance. Sir John Rankine reports Mr. Awolowo's first thought to have been of an election *before* the next constitutional Conference. Then he put to the Governor the view that an election immediately *after* the Conference would enable a new Government to be formed charged with the duty of giving effect to the new constitutional arrangements desired by the people. He has now returned to the idea of an election *before* the Conference. There is no longer talk, as there was before, of the possible advantages of going to the Conference as a party in Opposition and relieved of the responsibilities of power. On this basis, it seems probable that there will be an election in the Western Region early in 1956. The present Ministers would like to hold on to the system of election through electoral Colleges but there will be so much harping, by the N.C.N.C. and by others, on the imperative need to have universal adult suffrage that the Western Ministers will probably have reluctantly to agree to elections on this basis.)

10. Sir Bryan Sharwood-Smith wrote recently to Sir John Macpherson about Northern views:—

> "I must underline the fact that, to both the N.C.N.C. and the Action Group, a measure of fragmentation is a major objective of policy . . . Both would like to see the North weakened as a result of being split up into smaller "States." The mere fact of this being a major objective of policy is quite enough to prejudice North/South relationships indefinitely, quite apart from other factors."

His ideal for the Northern Region would be the substitution for the present twelve Provinces of some fifteen to twenty units each with its own Provincial Council to which there would be a considerable devolution of authority subject to constitutional safeguards. (These are matters which he will doubtless wish to develop in later correspondence and I need do no more in this letter than record his view.)

11. N.E.P.U. has never made clear its stand on "States" but it is known to support the concept of "one Nigeria." The Middle Belt Peoples' Party has declared for a separate Middle Belt Region with its own bi-cameral legislature. The Middle Zone League is not essentially a separatist movement but resents Muslim domination of Middle Belt affairs: it contains, however, a section favouring a separate Middle Zone State, the extent of which does not seem to have been defined.

12. We were agreed at our meeting that the representatives of the great majority of the people in the Northern Region would, at a 1956 Conference, be so resolutely opposed to fragmentation of the Northern Region as to be likely to quit the Conference if there were signs that Her Majesty's Government was prepared to agree to demands for the creation of separate States. Increased autonomy of large local units within the present Regions would be acceptable to the North; but would not be acceptable to the present leaders of the East. The creation of new autonomous units within the Federation but not within the Region would be utterly unacceptable to the North and this assessment of the situation must be added to the weighty arguments against fragmentation in paragraphs 5 and 6 of the Savingram. There is also the important fact, stressed by Sir John Macpherson, that all these Southern notions of fragmentation spring from old rivalries of tribes, personalities and parties, and are given a chance to develop only because of the loosening of British unifying influence. The British made Nigeria and Nigerians. Young men and women now growing up value those conceptions and wish them to continue and develop further: it is the old rivalries which stand in the way, and these rivalries do not end at the Southern "States" which are now being discussed; there would be old rivalries and old jealousies within the proposed "Mid-West" State just as bitter as there are at present between the "Mid-West" and the "Yoruba West".

13. Sir John Rankine told us that although his conversations with Mr. Awolowo on the proposal for a Mid-West State had not shown clearly what Mr. Awolowo would do if that idea were rejected by Her Majesty's Government, it might well be that he and his colleagues would not be ill content with such an apparently adverse decision. They must support the proposal now; but if they could claim credit for supporting it and blame Her Majesty's Government for making it impossible of fulfilment, they might not be unwilling to accept the resulting situation.

14. To sum up our present conclusions—and I must again emphasise that circumstances may entirely change before the Conference takes place—there is likely to be some support for the creation of new "States" in the south, but this is unlikely to be regarded as a "sticking point" by any Southern party. There will be pressure from Southern politicians to split the North, pressure which will be bitterly opposed by Northern delegates and will be regarded by them as a "sticking point". If the Federation is to be held together it will almost certainly be necessary for Her Majesty's Government to support the Northern view and it will be easier for Her Majesty's Government to do so if it is unsympathetic to further fragmentation in the South.

15. If the outcome is on the lines which I have just suggested it will bring into prominence the only other matter upon which the Savingram asked specifically for an answer, the possible alleviation of anomalies resulting from the fact that under the present Constitution the N.P.C. has only half as many

seats in the Council of Ministers as has the N.C.N.C., although the former is the largest single party in the Legislature. The Secretary of State alludes to the possibility that a Federal party with an overall majority will ultimately emerge and that will remove the anomalies. Sir Bryan Sharwood-Smith has recorded the view that there is no possibility of the early emergence of any such party "unless something cataclysmic occurs either in the North or in the other two Regions." We all agree with this view but the problem wants further examination and I will address you further on it.

16. Long as this letter already is, I feel I must go on to record our feelings about matters other than fragmentation which resulted from Sir John Macpherson's discussion with the Governors.

17. It is essential that the ground for the Conference be thoroughly prepared by staff-work here and in London; staff for such work is desperately short and it will be well to settle during 1955 what Her Majesty's Government's "sticking points" are so that staff-work may be limited to what is necessary and be directed along the most useful lines.

18. Consideration of this brought us to the realization that there are two exceedingly important matters which can not be regarded as settled and about which careful thought is needed. These are the location of the Conference and its composition. The London Conference (paragraph 27 of Cmd. 8934):—

> "agreed to recommend that a conference consisting of delegations from each Region of the Federation chosen by their respective Governments in such a manner as to ensure adequate representation of all shades of political opinion in the Federation, should be convened in Nigeria not more than three years from the 31st of August, 1953, for the purpose of reviewing the Constitution, and examining the question of self-government."

But, unlike the matters of immediate moment which we resolved should not be reopened in Lagos in January, 1954, if they had been settled in London in 1953, there is no reason why this should be regarded as immutable insofar as the location of the Conference is concerned. As Mr. Awolowo readily agreed when Sir John Rankine pointed this out to him recently, there are grave disadvantages in having the Conference in Lagos. Expert advice on specialized constitutional matters is not available; even the supply of reference books is inadequate. Mr. Awolowo remarked to Sir John Rankine that the work done and the advice given by experts during the London Conference had been invaluable. This advice can, of course, always be obtained by adjourning the Conference and that was the course followed last time, particularly because of the need for a fiscal enquiry. But this course is open to the objection that an adjournment may result in an opportunity for the immediate acceptance (even if it be only a resigned, and not an eager, acceptance) of proposals being converted into frustrating delays in the course of which opposition develops. There is also the argument that the Conference would be much more likely to achieve generally satisfactory results if it were removed from the influence of local "pressure-groups" and even the leaders of the Nigerian delegations might be glad to be working away from the embarrassment of these groups. I shall say no more on this subject here but suggest that official advisers in your office and in Nigeria should give thought to it in the months immediately ahead.

19. Next, as to the composition of the Conference, the paragraph in the Report is manifestly incomplete. Nothing is said about the representation of Federal territory (and, as the quasi-Federal territory of the Southern Cameroons was a conception not then present to the minds of the Conference, nothing was said about that), nor, indeed, of the participation of Her Majesty's Government in the United Kingdom. It is clear that arrangements must be made to ensure that the advice of those experienced in the working of the Federation as such, during the operation of the present Constitution, is available to any Conference settling the future of Nigeria. But paragraph 27 of the London Report* makes no mention of that. Nor are these deficiencies remedied in the Report by the Resumed Conference. It seems plain to us, therefore, that paragraph 27 of the London Report can not be construed literally and that there must be further thought about the whole matter of composition of the Conference. The discussion with Governors resulted in general acceptance of the view that new constitutional proposals must inevitably be framed against a background of fear by minorities of being dominated by majorities once the era of *pax Britannica* is ended and we are no longer effectively "holding the ring". And some of the minorities may be so large as to merit very special consideration. For instance, were Dr. Azikiwe's hopes to be realized and were his party to win the next general election in the Western Region, there would have to be set against his claim to entitlement to demand a self-governing Southern Nigeria effective representation of those opposed to his views. Even if the number of seats which he won in the Western House of Assembly were large, it is undeniable that there would be very large numbers of people utterly opposed to his claim. He might, indeed, win many seats although polling only slightly more of the total votes than his opponents. It will not suffice to give representation at the Conference only to those parties represented in the Federal and Regional Legislatures; nor will it necessarily suffice to give representation to those parties in proportion to the strength of their representation in the Legislatures.

20. Although one cannot predict with certainty what issues will arise for discussion at the Conference, one can safely say that there will be matters for decision on which the electorate in the Eastern and Northern Regions will not have had an opportunity to record its desires through the election of candidates to the Regional Legislatures; and there may well be matters which have not been put to the electorate in the Western Region even if there is a general election next year. How then is representation at the Conference to be based? And should we, on this occasion, require that the decisions reached at the Conference should be referred to the Regional and Federal Legislatures for examination and comment before being put into effect? There were suggestions that this should be done in 1954 and as decisions taken in 1956 are likely to be more far-reaching and of greater consequence to the destinies of the peoples of Nigeria, the case for reference back is stronger.

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* Cmd. 8934.

21. Here again I need say no more for the present than that we were convinced of the need for close examination of this problem by officials in the near future.

22. The settling of the place and composition of the Conference will take some time but there is one matter in connexion with the problems of fragmentation upon which I should be grateful for a very early reply from you. Whether or not Her Majesty's Government decide to regard the rejection of fragmentation as a sticking-point, the Conference must be given all the arguments for and against and must have all the facts about the possible consequences. Most important among these facts will be the financial facts. As we saw it at our talk with the Governors, there is a choice between :—

(*a*) beginning work immediately on the collection of financial material showing the consequence of each one of the various divisions of the present Regions which are likely to be proposed at the Conference ; and

(*b*) adjourning the Conference as soon as it is known what proposals are desired to be made, and then instituting the necessary fiscal enquiries.

We all agreed that (*a*) is preferable. But we should have to get the approval of Regional Ministers to the making of the enquiries. Otherwise, the purpose of the enquiries would be misunderstood and ministerial resentment would be caused. If the deductions from the facts assembled in each case were to be unassailable, the enquiries would have to be made in much more detail and with much greater accuracy than (for instance) the recent Western Region "Analysis of Estimates of Revenue and Expenditure." They would have to be made as part of the work of the Ministries of Finance and the offices of Financial Secretaries and they would inevitably put no little strain on staffs already hard pressed. Therefore, if they are to be begun, the sooner they are begun the better.

23. The Governors of the Eastern and Western Regions thought that if the inevitable choice set out above were explained to Ministers, consent to the enquiries would be forthcoming (but Sir Clem Pleass made the point that he would have to wait for a time more propitious than the present to put the matter to his Ministers) ; Sir John Macpherson was a little doubtful what Northern views would be but thought that Northern Ministers might see the advantage of the assembling of fiscal information which is much more likely in the event to support their stand against fragmentation in the North than to show the viability of any of the separate units which have been proposed there.

24. Subject to your views, therefore, I should like to be able to suggest to all three Governors that they should seek the consent of their Ministers for the early beginning of financial enquiries into the possible consequences of each of the fragmentation proposals of which we have knowledge.

25. I am sorry that this letter is long and not particularly well shaped but there is advantage in showing how our consideration of the problem dealt with in the Savingram led to discussion of other matters and our desire to bring them to your notice. I am sending copies of this letter to Regional Governors.

Yours, &c.,

H. MARSHALL.

W.A.F. 16/3/09 [No. 12].

No. 8.

SIR THOMAS LLOYD

to

SIR HUGO MARSHALL.

[*Answered by No. 12.*]

(Secret and Personal.)

Colonial Office, The Church House, Great Smith Street, London, S.W.1, 12th May, 1955.

Thank you very much for your letter (247/) of the 18th April* in reply to our savingram of the 22nd February† on the subject of a Mid-West State and the number of Regions/States in the Federation.

2. We note that your present conclusion on this matter is the same as ours, namely that further fragmentation must be opposed. We have noted also that you emphasize that circumstances may change before the next constitutional conference, and we shall of course rely on you and the new Governor-General in Lagos, in consultation with the Governors of the Regions, to keep us informed of any important developments in this matter, and particularly of any change in your thinking. (Williamson has had two letters‡§ from Sharwood-Smith confirming and amplifying the views of his which you summarized on page 3. Sharwood-Smith's ideas for the North will need further study, but the essential point for present purposes is that he endorses the view that the Northern Region should not be split up into smaller States.)

* No. 7. † No. 3.
‡ W.A.F. 16/3/09 [No. 9] : not printed. § W.A.F. 43/3/01 [No. 8] : not printed.

3. We infer that you agree with the arguments adduced in paragraphs 5 and 6 of our savingram, but we should be glad if you would say whether you agree that the argument in paragraph 5—that the administrative machine would not stand another upheaval—might be used publicly.

4. Our agreed conclusion leaves unresolved at the moment the problem of the great numerical preponderance of the North, and the awkward anomalies to which it gives rise. On this we will await your further suggestions as promised. In one of his letters referred to above Sharwood-Smith has expressed the opinion that the North will go for a smaller Legislature and a Federal machine as strong, though with fewer functions, than at present. If that were accepted he thinks the North would probably not demand representation in the Council of Ministers proportionate to their representation in the House. We may well be faced again, as we were at the London conference in 1953, with a demand for a bi-cameral legislature at the Centre (with the Regions equally represented in the Upper House) and we hope that you and the Regional Governors will be thinking what our line should be if we were. But for the present I will not say more on this, pending your further communication, than that we are relieved to note that the North are still thinking in terms of a Legislature and Council of Ministers at Federal level, and not reverting to the idea of a mere central "agency".

5. Coming now to the other questions raised in your letter, our conclusion that there should be no further fragmentation seems to us to make it unwise to adopt the suggestion at (*a*) of paragraph 22, namely that work should begin now, with the knowledge and approval of Ministers, to collect financial material to show to what extent any new States, etc., might be viable or otherwise. Whatever explanations or assurances were offered, we believe that it would be difficult, if not impossible, to convince Ministers—particularly Northern Ministers—that the enquiry was not the first step by Her Majesty's Government towards abandonment of our present position, and that we were not going back on what Mr. Lennox-Boyd said at his Press Conference in Lagos last January, namely that further fragmentation would be "tragic". We feel we ought not to run any risk of loss of confidence in this matter, and we note that Macpherson himself was doubtful about Northern reactions to your suggestion. Moreover we can see no harm at all in waiting : if the next constitutional conference wants an enquiry of this kind put in hand, and Her Majesty's Government were to agree to it, the parties to the conference would have to be content to await the results ; and no Region could fairly complain if Regional self-government were not granted until the results were known and had been studied, for the reason given in paragraph 7 of our savingram.

6. At the same time we believe it would be imprudent to do nothing at all on the fiscal side in preparation for the conference, and accordingly we think our next move should be to test the reactions of Ministers (both Federal and Regional) to a new fiscal enquiry based, implicitly though not explicitly, on the present Regional structure. With this in mind I enclose for your comments the draft of a despatch which (bearing in mind that it may take as long as six months to find a suitable "expert") we should like to aim at submitting to the Secretary of State and, subject to his approval, sending out by about the end of June.

7. The advantages we see in sending out a despatch on these lines are as follows :—

(*a*) Her Majesty's Government keep the initiative generally, and if the next constitutional conference takes place in August, 1956, the report should be ready for consideration at it if the proposals in the despatch are accepted.

(*b*) While there is no explicit reference in this draft to a conference in 1956—which omission is deliberate—any criticism on this score could easily be met by our pointing out that by referring, as the despatch does, to paragraph 66 of Sir Louis Chick's report we obviously had such a conference in mind.

(*c*) If any of the Governments in Nigeria object to a fiscal review on the basis of the present regional boundaries, our answer to them should not be very difficult ; but any delay which might then ensue would not be Her Majesty's Government's fault.

(*d*) The terms of reference we propose seem to us fair and appropriate (though of course we shall welcome your comments and any alternative suggestions you may have), but here again if objection were raised to them—as we realize may very well happen—the responsibility for any delay involved in getting agreement would not be ours.

8. So far as the composition, location, and timing of the conference are concerned, our present views are as follows. On composition we agree that paragraph 27 of the Report of the London Conference (Cmd.8934) was incomplete, and that the Federation itself and the Southern Cameroons must be properly represented. Her Majesty's Government will of course be there too, as Lord Chandos made very clear at the Lagos conference, and it is probable that whoever is Secretary of State at the time will himself wish to preside. "All shades of political opinion" in Nigeria will have to be "adequately represented", and we shall look to the Governor-General, in consultation with the Regional Governors, to recommend to us in due course who ought to be invited. Here I should like to mention, for the sake of completeness, that we think the wording of paragraph 27 of Cmd.8934 should exclude such bodies as A.N.T.U.F. who, as you know, urged on Mr. Lennox-Boyd in Lagos last January that they should be represented. We do not think they ought to be regarded as representing a "shade of political opinion" in this context : the opinion they represent is, or should be, "industrial" opinion.

9. As you say, we need not decide now whether the conference should be in Lagos or London. We recognize that a conference outside Nigeria has some of the advantages which you mention. But pressure-groups can be built up even in London, and if they were they are more likely to be pro-Southern and pro-NEPU) than pro-Northern. Moreover, as you will recall, it was fairly strongly urged by

Nigerians at the London conference in August, 1953, that future conferences about the Nigerian constitution ought to be held in Nigeria. Hence the decision to hold the resumed conference in Lagos, and also the decision (recorded in paragraph 27 of Cmd.8934) that the 1956 conference should be convened "in Nigeria". The other disadvantages which you mention of holding the conference in Nigeria would be met if the Secretary of State presides and is accompanied, as he would be, by an adequate team of expert advisers (with any necessary reference books); and from a Secretary of State's own point of view Lagos is probably preferable in that he would be less preoccupied there with other matters than he would be in London and thus free to concentrate his attention on the business in hand. Lagos too offers the advantage that information and advice is readily available on local matters. Finally, it should be a much more convenient arrangement for a United Kingdom delegation of perhaps eight or ten persons (including, we would hope, a Conference Secretary-General from the Cabinet Office here) to travel to Lagos rather than that a whole regiment of delegates and advisers from Nigeria should have to travel to London. There might indeed be considerable difficulty (as there was last time) in suitably accommodating so many Nigerian visitors in London, especially if the conference were held during the summer season.

10. On timing, the present commitment is of course that the conference shall take place not later than August, 1956. When Mr. Lennox-Boyd was in Nigeria in January, there were signs that the N.C.N.C. in the East and the N.P.C. would be glad if somehow or other the date could be postponed. But Action Group Ministers, as you know, made it clear that they expected the conference to take place some time in the summer of next year. Until fairly recently we were trying to think of some way in which we could get the conference postponed by general agreement and without loss of face for any of the major political parties, because obviously the present constitution ought, other things being equal, to be given a longer run. But other things are not equal and the recent moves in Eastern Nigeria which have led to the use of the Governor's reserved powers there made us wonder whether we should in fact be wise to seek any postponement. Pleass has promised us within the next few weeks a careful assessment of the effect of his Ministers' actions on the Public Service. And if, as we fear, this assessment should indicate that a large exodus of expatriate officers from the Eastern Region is likely to begin next October and assume such serious proportions that good government would be jeopardized, then it might be that the Secretary of State would feel that it would be better for the Eastern Region to take Regional self-government if they want it in 1956 rather than that he should seek to carry any longer a responsibility to Parliament which he no longer had adequate means of carrying out.

11. On page 6 of your letter you ask whether we ought to require that the decisions reached at the next conference should be referred to the Regional and Federal Legislatures for examination and comment. Our present view on that question is that it can probably best be left for decision until the conference has met and is nearing the end of its labours. If it were—as we must try to make it—a truly representative conference, and the outcome seemed satisfactory from Her Majesty's Government's point of view, then I think we should probably want to translate its recommendations into legal effect with the least possible delay. If, on the other hand, the outcome seemed unsatisfactory, reference to Legislatures might then be proposed as a useful delaying factor and in the hope that in the outcome something more satisfactory might emerge.

12. Finally, we entirely agree that there are many matters (including preparation for the conference itself) which require careful thought by officials here and in Nigeria from now on. As you know from one or two recent letters from us, we are already studying some of the main questions. In particular we should welcome your views as soon as you can let us have them on the important question of the Governor-General's responsibilities for public order, and the maintenance of the constitution, referred to in Williamson's letter (W.A.F. 33/3/01)* of the 14th February to Macpherson.

13. I am sending copies of this letter (with enclosure) to Sharwood-Smith, Pleass and Rankine and shall, of course, be glad to have their comments on this letter and the draft.

Yours, &c.,

T. L. K. LLOYD.

Enclosure in No. 8.

W.A.F. 16/3/09 [No. 11].

DRAFT DESPATCH

to

(Confidential.) GOVERNOR-GENERAL, NIGERIA.

SIR, I have the honour to address you on the subject of the allocation of revenues within the Federation.

2. You will recall that in paragraphs 66 and 95(21) of his Report on the Financial Effects of the Proposed New Constitutional Arrangements (Cmd.9026) Sir Louis Chick recommended that the allocation of revenue should be reviewed after experience had been gained of the working of the revised constitution. The Lagos Constitutional Conference accepted this recommendation.

* W.A.F. 33/3/01 [No. 17]: not printed.

3. I should now be glad to receive the views of your Government on this matter, formulated after consultation with the Governments of the three Regions and of the Southern Cameroons. The following questions require consideration.

4. The first is when the review should take place. I am inclined to think that a suitable time might be in the early part of next year, say between February and May when the statistical and other material assembled in connexion with the 1956 budget sessions of the legislatures would be available, and up to date. If that period were chosen it should then be possible for the Commissioner's report to be available in June.

5. The second is the formulation of terms of reference. Sir Louis Chick suggested that these should be framed "rather more broadly" than the terms of reference given to him. (These will be found in paragraph 1 of his Report.) Accordingly I suggest that the revised terms of reference might be:—

(*a*) To review the system of revenue allocation under the constitution which came into effect on 1st October, 1954, in the light of experience gained of its working; and

(*b*) bearing in mind the requirement that all revenue derived from the Southern Cameroons must be devoted to that territory, to make any recommendations for changes in the system which may seem desirable, having regard to the need to provide to the Federal, Regional and Southern Cameroons Governments an adequate measure of fiscal autonomy within their own spheres."

6. As regards the selection of a Commissioner—and I assume that it would be the general desire that the enquiry should be undertaken by a sole Commissioner—I shall be glad to receive any suggestions your Government or the Regional Governments may wish to make, and also to know whether you would wish to charge me with the final responsibility for finding and appointing a suitable expert.

7. As it may take some months to find a suitable Commissioner who would be available at the time eventually agreed upon, I should be glad to receive a reply to this despatch, dealing with the questions I have raised and including any other comments Governments may desire to make, at the earliest possible date.

8. I am sending copies of this despatch to the Governors of the Northern, Eastern and Western Regions.

I have, &c.

W.A.F. 97/115/01 [No. 5]. No. 9.

GOVERNOR, NORTHERN REGION

to

SECRETARY OF STATE.

No. 17. (Secret and Personal.)

SIR, Government House, Kaduna, 18th May, 1955.

I have the honour to submit a general review of the course of events in the political field in this Region during the past few years, together with an assessment of probable future trends.

2. Three-quarters of the land mass of Nigeria, and more than half its population, lie within the borders of the Northern Region. It is, in fact, approximately six times as large and approximately twice as populous as either the Eastern or Western Regions. The population of 18 million is two-thirds Moslem and one-third non-Moslem, the Christian element amounting, possibly, to 3 per cent. of the whole.

3. In the more northerly Provinces of Bornu, Kano, Katsina and Sokoto, total population 9 million, which stretch from Lake Chad to the Middle Niger, a highly organized Islamic form of civilization persists, on the modernized Emirate pattern, with roots going back many centuries. The Sultan of Sokoto and the Emir of Kano, for instance, administer, "in Council," populations of 2 and 3 million respectively. Their Native Administration revenues, which are devoted to local government in all its aspects, amount to over £½ million and £1 million. At the other end of the scale are Emirates whose populations do not exceed a few score thousand.

4. Further to the south lie the Provinces of Adamawa, Bauchi, Plateau, Zaria and Niger. Here again the Emirate pattern mainly predominates, except in the case of Plateau Province, the headquarters of the Tin Mining Industry, where the people are largely primitive and unsophisticated. Equally, in all the Emirates of this group there are considerable areas inhabited by pagan tribes influenced in varying degrees by Christian Missions. Still further to the south, lie Benue, Kabba and Ilorin Provinces. In these, apart from the Emirate of Ilorin, with a population of rather less than half a million, the prevailing pattern is that of Federations and Chiefdoms.

5. The Moslem Emirates of Northern Nigeria and, " mutatis mutandis," the non-Moslem Chiefdom and the Federations follow in general the same pattern. This implies, in the case of an Emirate or Chiefdom, the existence of a natural ruler who, by law, must abide by the advice of his Council, except in emergency or in matters ephemeral.

6. Emirates or Chiefdoms vary in size in accordance with historical boundaries. Each is sub-divided into Districts. Districts, in turn, are sub-divided again into Village Areas. Each District and Village Area is administered by an official who normally has strong family or territorial connexions with the area. Federations can consist of groups of petty chiefdoms or groups of units administered by Councils. Each Emirate or Chiefdom or Federation is self-contained, within the limitations imposed by size, wealth and capacity, normally having its own Treasury, Courts, Police, Prisons, Works Department, Agricultural, Educational, Medical, Forestry and Veterinary institutions and staff. The Regional Government provides supervisory staff. Village Councils, District Councils and Outer Councils afford representation at all levels below the Native Authority Council.

7. Whereas both in area and population the North is a long way ahead of the other two Regions, it is, on a *per capita* basis, less wealthy than the East and considerably less wealthy than the West, though its actual revenues are equivalent to those of the West and appreciably more than those of the East.

8. The principal exports of the Region are groundnuts, tin and columbite, cotton and hides and skins.

9. Up to the end of the late war the Northern Region as a whole took little or no interest in politics; its leaders and people were content with the culture and the way of life which they had inherited and, despite all the efforts of the administration, they could not be persuaded that they would sooner or later be compelled to withstand the impact of political and economic forces from without, in respect of which their refusal to interest themselves, as a people, in Western education in any form would prove a grave handicap.

10. In contrast to this general attitude of indifference the Chiefs, as a whole, loyally, though not always necessarily from conviction, followed the advice given them and also influenced their personal adherents to join them in sending their own children and the children of their relations to school as an example to the common people. One result of this has been that, while the percentage of literates in Roman script in the Region is considerably less than 5 per cent., the number literate in Arabic script being rather more than this, a very high percentage of the elder generations of the former in particular belong to the ruling or official classes and it is from these that the Northern representatives in the Central and Regional legislatures are very largely drawn. In the present House of Representatives, for instance, only half the Northern members are commoners, the balance being evenly divided between members of Chiefly families and of titled officials of the ruling classes who are, in general, the educated classes.

11. After the war the situation rapidly changed. In 1946 the activities of the Ibo-dominated N.C.N.C. (National Council of Nigeria and the Cameroons) in Northern urban centres shocked Northern leaders into the realization that they must fight politically for cultural and economic survival. The shock was the greater in that the North, from whom the combatant units of the Nigeria Regiment had almost entirely been recruited, had always despised the Southerner as a man, holding his superior academic and technical knowledge as being fundamentally of little account. Added to this there was the natural antipathy of the conservative Moslem to those whose way of life he dislikes. The situation was aggravated by the fact that the normal tolerant Northerner had in recent years begun to resent, with increasing heat, his exploitation by minor officialdom of Southern extraction, particularly at the railway stations and the Post Offices and in Government offices in general.

12. In 1946, therefore, the North, in the political sense, became suddenly alive and took seriously the Richards Constitution, which for the first time provided it with representation in the legislatures.

13. This first shock was to be followed later by another. The Yoruba Action Group of the Western Region, which itself came into being largely as a counter to threatened Ibo domination, began, in order to increase its strength and influence, to cast envious eyes on the Northern Yoruba of Ilorin Province. The political manœuvres, the Press " smear " campaign and the " subversive " activities of Action Group agents in this area caused increasing resentment throughout the Region. This was further aggravated by general Action Group political activity in urban centres directed largely against established authority in the North.

14. It should here be emphasised that the Southern Nigerian elements in the North are almost entirely concentrated in the Stranger Settlements in large towns, particularly on the railway and, to a less extent, in rural trading centres. In numbers they amount to no more than between 1 per cent. and 2 per cent. of the whole population. The heaviest concentration is at Kano where, out of a total population of 130,000, 25,000 Southerners all reside in one settlement outside the city walls.

15. Before 1950 no Northern political party existed, though in the previous year a non-political cultural organization, called the Northern Nigerian Congress, had been formed which did little more than provide a forum for educated Northerners. In 1950 a number of its members, led by a schoolmaster called Aminu Kano, who had always been conspicuous for his warped outlook and personal ambitions, formed a party which eventually became the Northern Elements Progressive Union. This Party attracted, and has continued to attract, all those who felt, for any reason, a grudge against established authority.

16. In late 1951 the Macpherson Constitution came into being and the Northern People's Congress arose, as a political party, from the ashes of the Northern Nigeria Congress. It was not sufficiently organized, however, to affect the Elections until the latter stages, with the result that N.E.P.U., largely as a result of their Southern allies' organization and advice and the apathy of the general public, had appreciable success in Kano City and at one or two urban centres. However, the vast mass of population in the Primary Elections preferred to select solid local citizens whom they trusted, a process which continued through the various Electoral Colleges with the result that the ultimate membership of the legislatures consisted almost entirely of senior Native Administration officials, amongst which class alone could be found the requisite degree of education and experience.

17. It should here be emphasized that so great has been the rate of expansion in the North that the demands, both of the Native Authorities and of Government, have resulted in every educated boy having a vast range of posts for which to apply. Probably 95 per cent. of the educated members of the community in the North are, therefore, employed by the Native Administration or in Government.

18. The two outstanding personalities in the N.P.C. were, and are, Ahmadu, Sardauna of Sokoto, a titled relation of the Sultan, and Mallam Abubakar Tafawa Balewa, an ex-schoolmaster of relatively humble origin from Bauchi Province. Nearly all the Ministers, including the Sardauna, and the principal leaders of the North had, incidentally, been schoolmasters early in their career.

19. The Sardauna stayed in the North as leading Minister with the Portfolio of Local Government. Mallam Abubakar, on the other hand, became a Central Minister, a circumstance which gave him the opportunity for greatly broadening his knowledge and experience, an opportunity which he reaped in full measure. He is now, in all probability, the most able and balanced political leader in the country.

20. In the earlier years of the 1951 (Macpherson) Constitution relationships between Chiefs and politicians and European officials were, in general, extremely good, for it had always been a characteristic of the North that European officials and Northern leaders had been integrated, both as regards outlook and objectives. " We " in the North has always, so far, implied the North as a whole irrespective of race or occupation.

21. Therefore, when the Ministerial system first came into being in Nigeria, the North started with a very great advantage in that the senior members of the Service had grown up with, and were on very friendly terms with, the political leaders, great and small, of the Region. Personal relationships which were characterized by mutual respect and confidence, were, with very few exceptions, admirable.

22. Though power, patronage, high salaries and position began later to affect the perspective of some of them, for at least a while Ministers admirably shouldered their high responsibilities. To their very great credit they mastered, in so far as their background permitted, their new and varied duties. It was unfortunate that the two Ministers, whose personal qualities and sense of conscience stood above the average, i.e., Mallam Bello Dan Amar of Kano and the present Waziri of Bornu, felt compelled to resign because of the claims of their respective Native Administrations.

23. The only instances of disharmony in earlier years resulted from a somewhat natural desire of Ministers, unhappily at times carried to excess and to their own disadvantage, to demonstrate their new importance in the scheme of things. This outlook became aggravated by the Party " tail " which, before long, with its various accretions in the shape, for instance, of disappointed renegades from N.E.P.U. and other extreme groups, became almost as disreputable in conduct and character as N.E.P.U. itself.

24. The large majority of the Ministers had begun their political careers with the intention of paring the powers of the Chiefs as a class to a point where they, as the new power in the land, became predominant, but they soon began to find that along that road lay chaos.

25. The Chiefs as a body had a long record of devoted service to their people and many of them had worn themselves out through overwork and neglect of personal comfort. Furthermore, as Chiefs, they had no need to emphasize their own importance. In the eyes of their people that importance was unquestioned. There were, as could be expected, a small number amongst them whose outlook tended to be reactionary and who abused their position at the expense of their peasantry and some forfeited the confidence of their people and their Councils to a point where it became necessary for them to choose between retirement and deposition.

26. One of the first major reforms of 1952 was the withdrawal of the old autocratic powers of the Chiefs. From then on they became either " Chiefs in Council " or, in a more limited number of instances, " Chiefs and Council." The second major act was the launching of a campaign called the " Yaki da Jahilchi " (" The War against Ignorance ") which was designed not so much to spread literacy as such but rather, by means of literacy, to enable the common people to protect themselves against exploitation in any form and from any quarter, having particular regard to the rapid political advance which then seemed certain. As a result of this campaign approaching 150,000 persons have become literate who would otherwise have largely remained illiterate.

27. For over a year the Macpherson Constitution worked smoothly and harmoniously in the Region despite events in the other two Regions and continual clashes at the Centre. At the Budget meeting of the Central House in March 1953, however, matters took a turn for the worse. North and South came into open conflict and the Northern representatives, amongst whom were twelve Chiefs, returned Northwards, smarting under the insults and indignities suffered, and swearing never to return.

28. This feeling originally rooted in resentment at exploitation (paragraph 11) culminated in the bloody three-day rioting which took place in Kano in May, 1953. These riots were finally provoked as a result of Action Group (Yoruba) political activity in Kano followed by an N.P.C. counter demonstration. This rapidly turned into a straightforward battle between the Northerners of Kano City and the Ibos in the Sabon Gari, the Stranger Settlement outside the City walls. Thirty-five deaths resulted. Atrocities were committed by either side, the Southerners being the first to offend, the Northerners retaliating with great savagery. The importance of the Kano riots lay more in what nearly occurred than in what in fact occurred. Had it not been for the devotion and patience of the Police and the courage and initiative of responsible persons on the spot, a massacre of Southerners would undoubtedly have taken place which would have had physical and political repercussions throughout Nigeria.

29. Thereafter followed the London Conference of July 1953 and the Resumed Conference at Lagos in January 1954 as a result of which the Constitution was revised with effect from 1st October, 1954, on which date Nigeria became a Federation and the election campaign opened for the new Federal House.

30. The 1951 Elections had been fought under Electoral Regulations, designed to provide for an extremely widely scattered and politically unsophisticated peasantry which, so far, had few interests outside their own towns and villages. The rural communities which constitute 95 per cent. of the North had little experience of, or concern in, the world beyond their own local market town. They were therefore ready and qualified to choose a man whom they trusted to represent them at a centre say fifty miles away, but no more than that. Equally these representatives were themselves, of necessity, circumscribed in outlook. As a result the Electoral Regulations provided for a series of Electoral Colleges culminating with Provincial Colleges which elected to the Legislature.

31. Mr. Apa B. Pant, the Indian Commissioner for East Africa, who visited the North in 1952, was most emphatic in his advice to political leaders that they should not too hurriedly abandon in full the system of Electoral Colleges which, he claimed, had proved a most valuable insurance against the irresponsible demagogue in India.

32. By late 1954, when Federal Elections were fought, a considerable modification of the original Electoral Regulations was possible. The ordinary citizen's political horizon had by now extended from a two day's journey from his own home to at least his local "County Town." Except in a few areas, where the population was so scattered and the communications so bad that there was no other alternative, the tiers in the Electorial College system were substantially reduced. In most cases one tier only was retained.

33. The opposition groups, i.e., N.E.P.U. and the Middle Belt Peoples Party together with the N.C.N.C. and the Action Group, whose interests lay in a less united and less powerful North, had all protested against the indirect system as being deliberately calculated to prevent them obtaining representation. This claim was thoroughly vitiated by the results of these Elections. The successful candidates in the Primaries were :—

N.P.C.	1,646
N.E.P.U.	262
N.C.N.C.	37
Action Group	46
Middle Zone League	144
Middle Belt Peoples' Party	7
Sundry minor Parties, including various tribal Unions	76
Independents	9,065
	11,283

34. The Independent candidates at the Primaries represented purely local interests. Independents elected to final Electoral Colleges tended to support what appeared to them to be the Party which most represented stability and progress and the general interests of the Region.

35. The greatest handicap from which the North has always suffered has been the complete absence of a responsible opposition. Aminu Kano's disreputable following could at no time be construed as entering this category though the mere fact of their existence has undoubtedly been of considerable value in pin-pointing abuses and combating total complacency.

36. This Party is almost entirely composed of the less reputable members of the community, men with criminal records and unemployables and men who have lost their employment as a result of irregularities or misdeeds, a fact which has given them, for obvious psychological reasons, a strongly anti-European bias.

37. N.E.P.U. has always possessed value in that any opposition essentially possesses value, but apart from acquiring influence by attacking abuses which Government itself has been concerned to counter and taking credit therefrom, its policy had been almost entirely opportunist and destructive and its methods subversive or provocative, slander and invective being its principal weapons, supplemented by violence as occasion offered.

38. It is typical that, in the initial stages, popular support was canvassed by means of attacks on certain prominent Chiefs whose conduct the Administration was investigating with drastic measures of reform in view. Where such Chiefs were either compelled to retire, or were deposed, N.E.P.U.

promptly conspired with them and their personal following with a view to acquiring their support. Aminu Kano, subject to financial assistance, even went so far as to offer to campaign in favour of the corrupt and discredited Lamido of Adamawa with a view to securing his restoration and the return of those Adamawa territories which lie on the French side of the International Boundary.

39. N.E.P.U.'s attacks have since switched from the Chiefs to the Councils which, with popular support, had instituted reforms.

40. The party derives much of its financial support from local "blackmail" of Syrians and Lebanese and from the offerings of the well-meaning in the United Kingdom.

41. Aminu Kano was interviewed by Miss Margery Perham during practically the only period during which he has thought fit, for reasons never apparent, to adopt a reasonable attitude to constituted authority. She described him as "a tame little revolutionary." This "tame little revolutionary" has quite recently, and with effect, at his Party Conference re-proclaimed violence as a major instrument of policy, and has called for support for the "unjustly deposed Chiefs."

42. By 1953 new Movements had begun to come into being sedulously encouraged by the East and West as a means of weakening the North. The more important of these were the Middle Zone League and the Middle Belt Peoples' Party. Both parties took limited root in the Provinces situated in the Centre, the South and the South-East of the Region. The Middle Zone League has varied in character from a cultural, though political, Movement, led by Northern Christians in the Plateau and Southern Zaria, and a wholly political movement supported by rabidly politically conscious groups of Mission-influenced communities in Adamawa in particular.

43. The Middle Belt Peoples' Party operates mainly in Kabba and Ilorin Provinces. Its leader is Bello Ijumu who broke away from N.E.P.U. hoping to found a political empire of his own. He draws support and sustenance mainly from the Action Group.

44. The proclaimed object of the M.B.P.P. and the M.Z.L. extremists is the creation of a new Region in the predominantly non-Moslem Provinces. They claim, without justification, that the North has neglected the areas in question. In point of fact statistics prove the reverse.

45. It has, on the other hand, been far too true that many Northern leaders for a long time tended to look down their noses at all who live below the 11th parallel and, in this respect, the tendency to separatism in these areas is a fitting reward for excessive race and class consciousness.

46. The hooligan tactics of N.E.P.U. from 1950 onwards increasingly exasperated the Chiefs and their Councils and it was scarcely surprising that, by 1953 in Kano in particular, right-wing reactionary groups came into being. These groups were supported and encouraged by the less responsible leaders of the N.P.C. and were tolerated, or even tacitly encouraged, by some of the Chiefs on the grounds that they brought retribution to persons who had, with almost complete immunity, consistently reviled and abused them and their Administrations and had been a constant menace to the public peace.

47. Despite advice and warnings by the Administration the right wing of the N.P.C. continued to encourage these movements and to employ disreputable unemployables as Field Secretaries and in equivalent capacities.

48. Wiser and more moderate men, such as Abubakar Tafawa Balewa, and Makaman Bida became increasingly concerned at these tendencies. The first major reaction, however, came from the new Emir of Kano who decided personally to tackle these social pests whatever their political sympathies. They were not only making Kano a by-word but they were also threatening the stability of the regime. He in person, during the last twelve months, has tried many cases of political gang warfare and, by means of exemplary sentences and complete impartiality, has brought to Kano an atmosphere of confidence and security that it has not known for many years.

49. To return to the main political field. So far Ministers had not been given individual responsibility for their Ministries. This they acquired in the Revised Constitution of October, 1954, and, at once, fresh stresses and strains became manifest. Regional Ministers, whose background and experience was, in the nature of things, limited, imagined that, as it were with the wave of a wand, they would enter on a new inheritance where their authority was unquestioned and their opportunities unlimited.

50. They would or could not realize that the conversion of Departments and groups of Departments into Ministries with Permanent Secretaries was far from being a simple operation. They could not appreciate that Doctors and Engineers and other professional and technical officers had little interest in or knowledge of the finer shades of political development. They were concerned primarily with building roads and bridges, healing the sick and carrying out the duties for which they were trained and paid. The sudden curtailment of their powers and responsibilities, which the creation of Ministries involved, and the incursion into the scheme of things of Permanent Secretaries who, perforce, were for the most part Administrative Officers because they alone had the requisite political experience and background knowledge, caused apprehension throughout all Departments affected and, at times, resentment. It was a long time before both political and professional susceptibilities could be soothed and harmony established.

51. By the end of 1954, after the total N.P.C. victory in the Federal elections, new trends began to be noticeable. Firstly, the rabid anti-Southern propaganda with its slogan "The North for the Northerners," which, though regrettable, could be in some measure understood as a plank in an

election campaign, showed no signs of relaxation. None of the Regional Ministers have particularly strong personalities, and they have found themselves hag-ridden by politically conscious junior Northern Civil Servants, or would-be Civil Servants, who blandly feel that they have arrived at the shores of a new world of boundless opportunity where appointments and promotions should be a matter of personal patronage irrespective of General Orders, Staff Regulations and normal conceptions of ethical standards in such matters.

52. A further trend has been the emergence of a more militant and conservative form of Islam. In certain instances there has been a genuine resurgence of religious feeling. In other cases religion has largely been a cloak for politics.

53. An additional source of trouble has been the failure, common to political parties in comparable parts of the world, to realize that the democratic form of Government for which they cry, but do not necessarily intend to establish, is quite incompatible with a Civil Service rendered incompetent and corrupt by patronage. Northern youth, only lately conscious of the value of education, very frequently expects appointment to highly paid posts for which it does not possess even a fraction of the required qualifications. The determination of the Administration to keep the Civil Service clean is apt to result in bitter complaints, particularly in less reputable political circles, that white officialdom is deliberately blocking the path to promotion of " deserving young Northerners," either " in favour of Southerners " or " as a means of hindering Northern political progress."

54. Attempts in the highest circles to indulge in patronage on the flimsiest of excuses are, when deflected, apt to cause emotional outbursts. It is widely said, in circles which should know better (I exclude those comprising the Native Authorities and leading personalities of the older regime), that membership of the " Party in power " is quite objectless unless that Party can materially advance the fortunes of individuals or political groups, however unimpressive the claims of the former, or however insignificant the numbers of the latter in relation to the community in which they live.

55. I have referred to the lack, hitherto, of any organized and responsible opposition to the Ministerial oligarchy and its supporters. That defect has now been remedied largely owing to the factors to which I will now refer.

56. For some months the Chiefs and leading personalities of the older generation had been growing increasingly restive. They felt that the N.P.C. leaders were heading for a situation where European officials would not wish to remain, where the Southerners on whom they depended for the maintenance of public utilities, telecommunications and the like, would be driven out and where the Native Administrations which are the backbone of the Region would become mere pawns in the political game.

57. It would be idle to pretend that Chiefs have ever liked the increased power and wealth of the new generation of politicians in office but the majority had accepted the situation as being inseparable from political progress however objectionable at times its impact on their personal lives and status. In this recent revolt, however, there is no doubt that they were on excellent ground.

58. They had further reasons for resentment. Hooligan politics had invaded every large town in the Region, N.P.C. extremists being often as much to blame as their opponents and N.P.C. leaders being apparently incapable of, or unwilling to, control them. Furthermore there were frequent attempts, almost certainly inspired from higher circles, to influence the Courts of Justice and to bring political pressure to bear on individual Chiefs by minor Party officials. Matters came to a head after the Budget meeting of the House of Chiefs. The three leading Chiefs, who are members of Executive Council, the Sultan of Sokoto and the Emirs of Kano and Zaria, threatened to resign because of their general dissatisfaction at the existing state of affairs and because they felt that they were losing the confidence of their brother Chiefs who were apprehensive concerning the future of the Native Administrations.

59. They were particularly incensed at the large increase in Ministerial salaries in which they themselves were involved and which had been approved without prior reference to them, and they preferred to devote their own increments to charity.

60. At first Ministers tended to dismiss this new development as a mere exhibition of jealousy and obstructiveness on the part of certain individual Chiefs. They could not believe in the possibility of a challenge to their hitherto undisputed authority. After a while, however, the majority were induced to take a more realistic view and also to see that an alliance with progressive and influential Chiefs in matters of major policy, as opposed to pure party affairs, could secure them against the attacks of irresponsible pressure groups within the Party. The Premier, however, viewed developments more from a personal angle.

61. As a result of a meeting between the Chiefs and representative Ministers, the Premier being designedly omitted, agreement was reached that Chiefs should be more frequently and more thoroughly consulted in all major Council matters. Resignations were then withdrawn.

62. As a further measure designed to re-establish confidence, a meeting of all the Chiefs of the Region in their personal capacities and as representing the Native Authorities of the Region is to take place on 7th and 8th June. The principal N.P.C. leaders will also be in Kaduna at the time and the joint discussions which will result will undoubtedly determine the leaders' line of action at the Party Convention which is due to take place in Bornu on 13th June. There are those who hope that the next development will be a Convention on a more national basis which will make a declaration of future major objectives of policy. Amongst these objectives certain influential leaders hope to include

a promise of a drastic delegation of authority to Provincial Councils in each of the twelve Provinces of the Region, delegation to take the form of quasi-Provincial autonomy in all appropriate matters, such delegation, furthermore, to be written into the next Constitution.

63. It is also hoped to make a further declaration to the effect that the fundamental rights of all the communities within the Region, irrespective of race, religion or political creed, will be safeguarded by that Constitution.

64. Such substantially is the position today. As regards the future the pattern will largely be determined during the next few weeks. There are three possibilities. Firstly, an alignment between leading politicians and Chiefs as desired by Abubakar Tafawa Balewa and the more responsible political leaders and also the Chiefs and progressive territorial leaders themselves. This would lead to a major delegation of authority to the twelve Provinces as a means of strengthening their ties with the Region and thereby countering the fragmentation policy of the N.C.N.C. and Action Group leaders. This could be termed the " Twelve Pillars Policy."

65. A second possibility would be a refusal by the more ambitious and less responsible political leaders to accept moderate advice and to attempt to dominate the political scene and flout the Chiefs and independent opinion in general.

66. The third possibility, emerging from the second, is a split in the N.P.C. ranks resulting in a change of leadership and the probable later adoption of the " Twelve Pillars Policy."

67. It is most probable that, with or without a change in leadership, the " Twelve Pillars Policy " will prevail. Certain M.Z.L. leaders hitherto allied to the N.P.C. have shown signs of changing their allegiance in order to work with the small Middle Belt Peoples' Party for a separate Region, a development which would give them the power and high salaries which the N.P.C. leaders have got. The taste for power which election to the Federal House has provided has now sharpened into an appetite for more. The N.P.C. must at all costs counter this tendency and delegation is the only way.

68. I have made no reference so far in this despatch to the present and future relationships of the Region with the Federal Government. I have rather contented myself with internal political development. There are definite separatist tendencies in the minds of several leading Northern leaders but the degree to which tendencies will crystallize one way or the other will depend upon the actions of the political leaders in the East and West. Northern separatism, with all its disastrous consequences would be purely a defensive policy forced upon the North as an act of self-preservation.

69. I conclude with certain reflections of a general nature. It is significant that Ministers regard themselves as being very much a new and distinct class in the society of the territory. Whether as individuals they are right or whether they are wrong in any matter they tend to band together in a herd, however much they may disagree with each other, or dislike each other, individually. Their newly whetted appetite for power and privilege does not always permit certain of them to give adequate consideration to the maintenance of that stability which will ensure their retention, as a class, of these new-found privileges which they hold so dear. For instance, when prevented early this year from doing certain things which would have only redounded to their discredit and discomfiture, they wildly claimed, in private session, that " the Constitution had broken down " and that a Royal Commission alone could put matters right. The hysteria passed but the fact remains that, knowing full well and having stated publicly many times that the Region cannot survive or progress without not only the retention but the enlargement of its Overseas staff, they could, under emotional strain, threaten to throw everything into the melting pot to preserve their status as a class. It is the danger of " reason flying out of the window " and emotions taking control which must always be in the forefront of a Governor's mind in territories such as this. Local emotional reactions could take a variety of forms, acute xenophobia, directed against Europeans or Asians or Southern Nigerians, or all three, or religious revivalism. This divorcement from reality and this unpredictability of behaviour is symptomatic only of the politicians. Responsible opposition in the political field and years of experience will alone provide the cure.

70. The time has now come in this Region when, except where major matters of principle are at stake, politicians must be largely allowed to learn from their own errors. Too frequent exercise of restraint by officials, however justified in theory, is in practice treated as " interference." The more remote our control the more effective it will remain.

71. On the other side of the picture the territorial leaders of the country, great and small, fortunately suffer from no such handicap. They are faced from day to day with the hard facts of life. Their positions at present are secure. They have no illusions whatsoever as to the dangers which lie ahead. Stability is what they desire above all things and particularly the stability that will enable overseas staff to continue to assist them and their peoples to progress in every sphere. The immediate future of the Region, therefore, depends largely on the maintenance of a balance of power between the political leaders and the progressive traditional leaders.

I have, &c.,

B. E. SHARWOOD-SMITH.

W.A.F. 97/493/01 [No. 1].

No. 10.

GOVERNOR, EASTERN REGION

to

SECRETARY OF STATE.

No. 10. (Secret and Personal)

Governor's Office, Enugu, 25th May, 1955.

SIR,

I have the honour to refer to Sir Thomas Lloyd's Secret and Personal Letter of the 24th June, 1954.*

2. It is true, in any country, to say that contemporary conditions and the prevailing attitudes towards problems of economics, politics, religion and social life cannot be understood without a knowledge of that country's history and of the personal characteristics which its people has developed in response to history and environment. If this remark has general validity, however, it is particularly true in Eastern Nigeria; and the most important historical factor to be emphasised is that, for the greater part of the Region, recorded history goes back no further than forty years.

3. Until the advent of the European this Region, to a greater extent, perhaps, than any other area in Nigeria, was almost wholly undeveloped. It was inhabited by people living at an extremely primitive level with few social or political institutions, other than those arising naturally from blood relationships.

4. The coastal belt, extending some thirty miles into the interior, has been in touch with European civilisation for many years, and this contact, in the case of such river ports as Calabar, is several centuries old. Penetration into the hinterland, however, was almost unknown. European traders confined their activities exclusively to transactions with the tribes inhabiting the coastal belt—their agents in any dealings with the people of the interior. By far the greater part of the Region, therefore, had no direct contact at all with European civilization until the first decade of the twentieth century; the area surrounding the present Regional capital, Enugu, for example, was not brought under effective administration until 1910.

5. The population of the Region comprises a number of tribes; the most important are the Ibos, numbering nearly five million, occupying the Onitsha and Owerri Provinces, the north-eastern parts of the Rivers Province and parts of the Ogoja and Calabar Provinces; and the second, both in numbers and importance, is the Ibibio Tribe, numbering three-quarters of a million, which is almost entirely confined to the Calabar Province. In the period before European occupation, neither in these Tribes nor in the other Clans in the Region was there any marked degree of cohesion. The dialect of Ibo or Ibibio spoken and understood in one area frequently differed from that spoken in neighbouring areas. In these circumstances, it is surprising neither that "wars" between village and village within the tribe were common nor that any extended form of social or political organization was absent. In the case of the Ngwa Clan of the Aba Division, for example, the history of which has been studied in detail, there was no such institution as a Clan Head or Council and, while the Clan had been organized into twenty-four groups of villages, the group organization was to all intents and purposes non-effective.

6. The personal characteristics of the Ibo, and to a slightly lesser extent of the Ibibio, are distinctive. He is very friendly, intelligent, resourceful, thrifty and hard-working and has shown a surprising capacity for absorbing the European "way of life." He is, above all, an individualist and as such is naturally both argumentative, intensely suspicious and determined to have his share of whatever is going. But he will trust no one, not even—unless he must—his own brother, and it is this ingrained habit of distrust which is, perhaps, his most noble characteristic. It is this, more than any other factor, which accounts both for the centrifugal attributes of all his social and political institutions at home and for his intense clannishness abroad. The latter is not unimportant, for the Ibos, more than any other Nigerian tribe, have made use of the Pax Britannica to establish extensive settlements in parts of the Colony outside their original tribal area. By their resourcefulness, foresight and thrift always they prosper, always they multiply, and their success produces a resentment and jealousy among the indigenous inhabitants which in turn reacts still further to increase their normal distrust and suspicion.

7. A further characteristic, and one of great relevance when considering the political scene, is an intense acquisitiveness. In primitive circumstances he is always land-hungry; when he has risen above the level of mere subsistence farming, he is always money-hungry. In politics this produces an attitude of mind not unfamiliar to students of the eighteenth century political scene in Britain. Political allegiance must be paid for, either in hard cash or by other favours which can ultimately be converted into this commodity. This blatantly materialist attitude is due to the combination of his qualities mentioned above and the fact that, while the advent of Western civilization has broken down the ancient tribal sanctions, our own Christian sanctions have as yet achieved only superficial acceptance. The result is that a large proportion of the literate population can only be described as amoral. Bribery and corruption are rampart and cases of peculation in Government service are all too frequent. This disquieting inadequacy of standards persists in spite of the fact that the most outstanding development of the past thirty years has been the boom in education. There now exist

* I.N.F. 90/151/02 [No. 17]: not printed.

in the Eastern Region 5,567 Primary Schools and 52 Secondary Schools, while almost 3,000 scholars are studying overseas. The desire for education is none the less passionate for being prompted, in the majority of cases, by purely material considerations. It is a desire of such overmastering urgency that it presents, and would present to any Government in the Region, a tremendous problem. An ambitious educational policy is virtually a political necessity; but education is expensive and the Eastern Region is poor. It is in this context that the present Government's policy for educational development must be viewed.

8. With an actual budget balance of not much more than £100,000, it is estimated that the increases in Grants-in-Aid for education required for 1956–57 by Institutions already in being, without providing for any expansion at all, will be some £350,000. This estimate assumed that the Assumed Local Contribution will be increased in 1956 by an amount which will call upon local government bodies to produce a further £160,000. If, owing to the difficulty of collecting education rates, it is decided not to increase the Assumed Local Contribution, then Government will have to find an additional £510,000.

9. Against this background, the Minister of Education, with the support of the rest of the Government, persists in his policy of introducing universal primary education by the end of 1956. He has been touring the country busily urging local government councils to establish teacher-training centres and secondary schools and promising Government capital grants on a fifty-fifty basis and recurrent grants-in-aid when the Institutions are established. But the Estimates for 1955–56 contain no provision for capital grants to Voluntary Agencies for the expansion of teacher-training facilities and no provision for local government teacher-training centres. If development takes place, therefore, as the Minister plans, there will have to be large applications for supplementary provision which will unbalance the budget.

10. A Central Minister of the Northern Region once graphically described this Region as an "education factory." The sad truth is that such an excessive load is being placed upon the factory's machinery that a complete breakdown may well be imminent. The consequences of such a breakdown would be most grave; but when the possibility was discussed with the Minister he said, "If we fail in this we shall smash everything and bring everything—including the Voluntary Agencies—down with us." Comment is superfluous.

11. One of the most powerful influences in Eastern Nigeria to-day is the daily press. The most important newspaper from the viewpoint of circulation is the Lagos *Daily Times* owned by the proprietors of the English *Daily Mirror*. Then there are various local papers produced by *Zik's Press*, a number of free lance newspapers and the Action Group's *Daily Service*. It is a matter for regret that the standard of journalism practised by all sections of the Press is of such a low order, and the shameless commercialism of the *Daily Times* is particularly to be deplored. The policy of this newspaper is to "sell at any price" and no opportunity is missed of building up comparatively minor matters into sensational headline news.

12. It has been said that the influence of the Press is exaggerated, that there are many educated Africans who laugh at its irresponsible effusions and who see through its blatant misrepresentations of fact. There are such Africans; but their number is infinitesimal compared with the vast mass of the semi-literate public with whom the printed word retains an almost magical authority. In my view it must be accepted that Nigerian public opinion to-day has been very largely conditioned by the propaganda disseminated by the local press.

13. This propaganda is not subtle; the technique used is simple to plug systematically and with inexhaustible persistence a very limited set of ideas each represented by a number of slogans, almost meaningless in themselves, but which stick in the minds of the simple people to whom they are addressed.

14. One such idea, and perhaps the most dangerous, is that "it is not our fault, it has been imposed on us." Anything that is wrong is never the fault of the African, but always the fault of some other person, or class, or race, or system (e.g., "British Imperialism"). This technique of blaming the other fellow, or finding a scapegoat for any and every ill, is not, of course, confined to the West African Press; but the extremes to which this kind of thinking has been carried here constitute a grave danger to the future of the people of this Region.

15. From this idea there is a natural progression to the idea that Africans are an exploited race, that their lives are a misery, that they are ground down, oppressed, that they are always the victims of swindling foreign "vested interests." Every opportunity is taken to make capital out of the inferiority complex which afflicts so many Africans, and anything to do with the colour bar provides particularly good material for this. It is almost true to say that the outpourings of the Press on these lines have, over the years, produced a kind of mass self-pity with which is associated a hyper-sensitiveness to any kind of criticism of the African or anything which can be construed as representing a slight on his race.

16. A very dangerous aspect of press propaganda, which follows naturally from those already described, is the line which it takes towards posts in the Government Service. Every time a European is appointed the Press want to know why an African could not have been appointed in his place. The struggle for self-government is represented as a struggle for posts. It is not a matter in which more Africans must do more for their country, whatever posts they hold, great or small, nor a matter, when an African is given a responsible post, of what he does with it. It is a matter simply of fighting for every post which is at present held by a European. The dangers inherent in this kind of thinking are

plain—it encourages a tendency which, even without encouragement, is all too prevalent, to create a class of Africans whose idea of working for their country is simply to agitate for more and more Government posts for themselves and for their friends, without regard to standards or to service.

17. The growth of active political parties in this Region dates from 1947, when the National Council of Nigeria and the Cameroons was formed. The N.C.N.C. won the elections held at the end of 1951, although it was notable that a large number of Independents were elected who, only after election, boarded the party band-wagon. With the coming into operation of the Macpherson Constitution in January, 1952, an N.C.N.C. Government was formed in the Eastern Region although, because the leader of that party—Dr. Azikiwe—had stood for Lagos, he could not himself be a member. The unfortunate consequences of the leader of the party being outside the Government were clearly seen in January, 1953, when, as a result of a party split, the majority of the House of Assembly voted against the Appropriation Bill so that it failed to pass the House and reserve powers had to be used to certify it. Subsequently, the House was dissolved and at the elections which followed the N.C.N.C., this time with Dr. Azikiwe standing for an Eastern constituency, was returned with a large majority.

18. It was as a result of the party split that the United National Independence Party (formerly the National Independence Party) was formed. This party, which now forms the official Opposition in the Eastern House of Assembly, operates in alliance with the Action Group, the party in power in the Western Region. It must be recorded, however, that the differences between the N.C.N.C. and the U.N.I.P. arise almost entirely out of personal conflicts and that there is very little real divergence on matters of policy. Moreover, although much is talked in this Region of the virtues of Parliamentary democracy and of the desirability of having an efficient Opposition, this is little more than lip-service to a very partially comprehended ideal. The real ideal of all Nigerian parties is, in fact, one-party Government and the last thing that any of them desire is an alert and lively Opposition. To strong and valid criticism—of which there has been pathetically little by the present Opposition, although they have not lacked ample opportunity—the reaction is always pronounced and vitriolic.

19. It is difficult to write with any clarity of the Government's aims and policy, for these, in spite of numerous policy papers, have not been thought out in a realistic manner, i.e., policy has not been related to its cost and the ability to bear that cost in the immediate future. Certain generalisations can, however, be made.

20. There is a distressing failure to conform to the sensible precept that one's coat should be cut according to one's cloth—that is well exemplified in the Government's educational policy which has already been described. There is also a curious predilection for the establishment of Corporations, and during the past six months legislation has been introduced to establish a Finance Corporation, a Development Corporation, a Tourist Corporation, a Cinema Corporation, a Printing Corporation and a Pharmaceutical Corporation. The reasons why Ministers favour the establishment of Corporations are difficult to ascertain. It has, of course, been the policy of the Government of Nigeria during the past five years to create Corporations to carry out those functions of Government which are of a commercial nature and which have hitherto been carried out by Government Departments, for example, Electricity, Colliery, Railway and Ports Authority, and it is difficult to argue against an extension of the system, particularly where the functions to be undertaken are of a commercial or quasi-commercial nature. It is probable that one of the objects of Ministers in establishing this plethora of Corporations is to reduce the size of the Civil Service and to offer further scope for party patronage. Another probable reason is that with an all-Nigerian Board there is no opportunity for the offering by any expatriate of inconvenient advice.

21. The extension of local government to all Divisions is being pressed forward as rapidly as possible, and by the end of this year all except one or two Divisions in the Eastern Region will have been brought into the local government structure. The Local Government Bodies are frequently, as might be expected, both very inefficient and very corrupt, and during the past six months inquiries have had to be held into the actions of three of the major Urban District Councils of the Region. The degree of corruption which has been revealed has been astonishing and, as a result, the bodies concerned have had to be replaced by Caretaker Councils.

22. A revised Local Government Law has now passed the House of Assembly containing provisions which will confer upon the Minister of Internal Affairs (at present the Premier) greatly increased powers over the Councils and also the right to delegate such of these powers as he considers appropriate to Local Government Commissioners. The objects of these provisions are an improvement in standards of efficiency and the elimination of corruption.

23. There can be no doubt that it is a major aim of the Ministers, whatever they say, to secure as quickly as possible complete control of the Civil Service. The provisions of the present Constitution, which exclude Service matters from their competence, are regarded as tiresome and out-dated shibboleths to be circumvented and discarded wherever possible, and the possibility that, after the grant of full self-government, a Public Service Commission would be allowed to function with any real degree of independence is, on present form, remote.

24. The Ministers' intentions in this matter have been clearly indicated by recent events in connexion with the Appropriation Bill, which I shall now briefly describe.

25. The Executive Council decided that in the 1955–56 Appropriation Bill expatriation pay should not be provided for the posts of six Permanent Secretaries, on the ground that these posts were new posts, and two Assistant Secretaries in the Governor's Office. They also decided that the post of Secretary to the Premier should be down-graded from Group H to Group K. I informed the Council that in my view

their decision was unconstitutional in that it would affect adversely the salaries and conditions of service of the officers acting in the posts concerned and would limit the discretion conferred upon the Governor with regard to the posting of officers. It was, of course, precisely so to limit my discretion and thereby to ensure that the posts concerned were filled by Nigerians, that the Ministers acted in this way.

26. There were protracted discussions in Council and between the Premier and myself. The Ministers were informed very early on in these discussions that if they persisted in their proposed course I should be compelled to use reserve powers to restore the position. I impressed upon them, to no avail, that to bring the matter into the open in this way would have a most unfortunate effect on the Public Service.

27. The next development was that, during the course of the Session, the Ministers decided to reduce the establishment of Residents by one. They had made the same proposal earlier when the preparation of the Draft Estimates was under discussion and had also suggested that provision for the remaining four posts of Resident should be removed from the Administration Head and alternative provision made. On this occasion it was pointed out that, while some changes in the form of Provincial Administration might be necessary, these could not be made without careful thought. It would, in any event, be wrong to abolish a Resident's post overnight since, apart from other considerations, there were statutory duties which, under existing legislation, only a Resident could carry out. These arguments convinced them and they accepted the necessity for a thorough investigation of the problems involved in devising an alternative form of organization to the present Provincial Administration before any action was taken. The Premier made a statement to this effect in reply to a Private Member's motion to the House.

28. It therefore became necessary to send to the Speaker a message requiring him, in accordance with Section 67 of the Constitution, to introduce to the House a Supplementary Appropriation Bill restoring not only the provision for expatriation pay for Permanent Secretaries, the Assistant Secretaries in the Governor's Office and the Group H post of Secretary to the Premier, but also the provision to restore the establishment of Residents. The evening before this message was to be sent I had a talk with the Premier and, because I did not think it right that he should be taken by surprise by such a message, I told him what I proposed to do.

29. On the Order Paper for the day on which the message was to be sent was the presentation of eleven Bills, while the Committee Stage of two other most important Bills had already been fixed for the two days following. The first and second readings of the Bills listed for the day were taken, the Committee Stage in each case being put off until the next meeting of the House. Then, without notice or any previous intimation to me, the Premier moved that the House adjourn *sine die*. The motion was carried and the House adjourned.

30. As a result of this surprise adjournment (for which the only explanation the Premier could offer was that it was in response to the wishes of the back-benchers who were "demoralised and feeling frustrated") it was necessary to send a message to the Speaker requiring that the Supplementary Appropriation Bill be introduced not later than the 20th April; this had to be done in order that the correct salaries for the month of April could be paid. A special meeting of the House was called for the 19th of April; the Speaker introduced the Bill; the Premier, in moving the adjournment of the House *sine die* reiterated the arguments which had been used on previous occasions with the addition of a castigation of the Governor and the Secretary of State for undemocratic conduct. The Leader of the Opposition made a short and entirely non-committal statement and the House then adjourned. The Bill was given the force of Law by the use of reserve powers.

31. The effect of these events, to which great publicity was given, particularly by the *Daily Times*, on the Public Service has been considerable. It has produced in the minds of a majority of expatriate officers grave doubts whether the assurances regarding the Public Service given by the Political Leaders at the Lagos Conference are genuine.

32. Present indications are that a large number of officers will leave the Service when self-government is granted in 1956. At the moment only 34½ per cent of the Service is Nigerian and in going so far there has undoubtedly been some lowering of standards. The departure of a considerable number of expatriate officers would almost certainly have very serious effects. It is, of course, impossible to foresee what the next fifteen months will bring forth.

33. A despatch of this nature would be incomplete without some attempt to describe the character and personalities of the Ministers who now form the Executive Council.

34. Individually and collectively they exhibit to a quite astonishing degree the capacity of the people of this Region for self-deception and their unwillingness to face facts. It is instructive to note the reactions of the African officer who is at present taking over the duties of Clerk to Executive Council from an expatriate colleague. After the first two meetings he said to the officer he was relieving, "I cannot stand it. I shall never be able to stand it. I do not know how you have survived and I know that I shall finish by losing my temper. They tell such lies."

35. The Premier, Dr. Nnamdi Azikiwe, is a man of considerable intellectual ability, good manners, and charming personality when he wishes to produce it. He can, when he wants to, be a good administrator, and has not been afraid to take the right but unpopular course over many things. He is an astute politician, but prefers in the main to follow popular opinion rather than to lead it. His main failing has always been that he cannot tolerate competition and in consequence he surrounds himself with incompetents and nonentities, in order that his own light may shine the brighter. There can be no doubt, for instance, that the mental calibre of the first N.C.N.C. Government of the Region, whose members were driven from the Party by the Premier, was much higher than that of the majority

of the present Ministers. The same can be said of the first N.C.N.C. Ministers in the Central Government. He has often in the past shown megalomaniac tendencies and it is to be feared that under the strain of office, and in reaction to the ineffectiveness of his colleagues, those tendencies are gaining ground. It is known that when, after some discussion with me or with his Secretary or with the Attorney-General, he has failed to obtain approval for some project to which he attaches importance, he has the habit of spending the next half-hour dictating letters couched in violently abusive terms to various people. These, when typed, are torn up. It is irrelevant whether the advice he has been given is good or not, or whether his project—if he had been encouraged—would have proved a failure: all that matters is that he has not been permitted to do as he pleases.

36. The Premier's second in command is Mbonu Ojike, the Minister of Finance—a person of unpleasant disposition who dislikes Europeans, but with very great energy and some ability. He has considerable political sense and, almost alone in the Council, has a genuine appreciation of the financial position and of the probable financial consequences of the Government's more extravagant proposals. He is undisguisedly ambitious and arrogant, however, and his ill-judged attempts to interfere with the affairs of almost every other Ministry do not endear him to his colleagues. Two instances of his sense of self-importance may be given. He wrote in an open file of the Ministry of Internal Affairs (the Premier's Ministry), an unqualified criticism of a decision of Executive Council which had been sponsored by the Premier himself. For this he was quite rightly and most strongly censured by his colleagues. He is quite irrepressible, however, and shortly after this incident, as Chairman of an Executive Council Committee on office accommodation, he vastly exceeded the brief given to him and presented a report, without consulting the Premier, which entailed reducing the Premier's office accommodation to suit his own ideas. He has a thoroughly well-deserved reputation for dishonesty.

37. Dr. Okpara, the Minister of Health, the third in the Ministerial hierarchy, is a man of considerable determination, who possesses ability well above the average of his colleagues. There are, however, unfortunate gaps in his knowledge and his opinion of his own talents is regrettably exaggerated. He is intolerant, has a quick temper and a malicious turn of phrase, both of which attributes have on more than one occasion caused trouble. His recent scathing criticism of doctors serving in the Government Medical Service caused considerable irritation, not least among the African members of his profession.

38. Mr. Awgu, Minister of Land, one of the two survivors of the first Regional N.C.N.C. Government, is a person who exercises considerable influence in the Party, though it is difficult to understand why. An African officer once explained his influence by saying, "He does not say much, but what he does say makes sense to us." Not a particularly convincing explanation, as Mr. Awgu's contributions to discussions are not noted for their lucidity.

39. Mr. Akpabio, the Minister of Education, although he holds an American Degree of Master of Arts, is certainly not competent to be Minister of Education. He is stupid and obstinate and so incompetent in Council that he is becoming the butt of his colleagues. A Memorandum on a Bill for the establishment of a University in the Eastern Region was recently deferred, amid laughter, because the Minister was unable to explain the proposal.

40. A member of the Council who should, perhaps, have received earlier mention, is Dr. Onubogu, the Minister of Development, responsible for the Public Works Department. He is a likeable and convivial character—known affectionately by all his friends as "Bogus." My impression is that he has been distressed by recent events and he has been heard to speak on several occasions of retiring from politics. As yet, however, he retains his place in the Party caucus and a considerable degree of popularity with the rank and file.

41. The Minister of Labour, Mr. Imoke, has ability and has shown that he is capable of exercising an independent judgment and of standing up to the Premier.

42. The other Ministers may be discussed more briefly. The only one of any genuine ability is Dr. Esin, the Minister of Welfare, a man of pleasant disposition and good intelligence, who has some strength of character. A person with somewhat similar characteristics is Dr. Emole, the Minister of Agriculture, a conscientious and well-meaning, but sadly ineffectual little man. Mr. Imeh, the Minister of Trade, a former Produce Inspector, is a self-opinionated individual of doubtful honesty and little ability; he finds the problems of the Marketing Board—his former employers—quite beyond him. Messrs. Ururuka and Okoya, Ministers of Industries and Transport respectively, are ineffectual cyphers.

43. However, it must be borne in mind that the lot of political leaders in this Region at the moment is one not entirely to be envied. They do not have behind them the support of a properly organised political party in the same way as do leaders of political parties in the United Kingdom, and inevitably they are always open to attack, not only from political opponents but from a considerable portion of their own alleged adherents. Furthermore, they are always acutely short of funds, and without funds no political party can be competently organized.

44. I regret that in this despatch I have felt compelled to present such a gloomy picture of corruption, incompetence and wishful thinking. This is the more to be deplored because, as I have indicated in the earlier paragraphs, there is no lack in Eastern Nigeria either of good will, character or ability. The Ibos are a likeable and virile people with a burning desire for development and progress.

I have, &c.,

C. J. PLEASS.

W.A.F. 16/3/09 [No. 18].

No. 11.

SIR CLEMENT PLEASS

to

SIR THOMAS LLOYD.

(Secret and Personal.)

DEAR LLOYD, Governor's Office, Enugu, 26th May, 1955.

Thank you very much for the copy of your Secret and Personal Letter of the 12th May* addressed to Marshall. Before commenting in detail, I think I should give you some indication of the attitude of the two principal parties in this Region towards the revision of the present Federal structure at the 1956 Conference.

2. It is clear that the leaders of the N.C.N.C. will do their utmost, both before and during the 1956 Conference, to promote the dismemberment of the Northern Region. The following extract from Azikiwe's presidential address to the recent N.C.N.C. Convention at Ibadan is relevant:—

> "If we must have a Federal form of Government, then it must be true federalism, both in its structure and privileges. Not only must the co-ordinate members be approximately equal in size and population, but they must have two Federal Houses of legislature. The membership of one must be based on population, and the membership of the other must be based on absolute equality of representation."

It is apparent, further, that the N.C.N.C. will probably give public support to the claims of the various "ethnic" groups in the two Southern Regions for separate States. You may have seen Azikiwe's letter to the "Economist" of 30th April in which he expresses the view that separatism ought not to be equated with political immaturity. This has been taken locally as implying that there has been no change in the N.C.N.C. policy as described in the Party's Election Manifesto of 1954. The relevant extract from this document is as follows:—

> "The Regions as at present constituted should be divided into smaller States.
>
> This arrangement will ensure economic inter-dependence of the parts and political unity of the whole.
>
> Any minority group having the financial and human resources to run an efficient state government will be entitled to do so; the danger of any one group dominating another or of one Region dominating the Federal Government and thereby endangering the security of unity of the country will be removed.
>
> This plan is in consonance with the N.C.N.C. policy of self-determination which respects minority interests.
>
> No Region or State shall have the right of secession."

3. You may by this time have heard from Eastwood that in the course of his recent visit to Enugu, Mbonu Ojike said to him (and subsequently told me) that in 1956 the N.C.N.C. would press for three main objectives: (1) the creation of eight States, four from the Northern Region and two each from the East and West; (2) a uniform electoral law, and (3) full Dominion status for the Federation. The Party would, he said, be quite satisfied if they achieved any two of these objectives.

4. There can, I consider, be no doubt that in 1956 the N.C.N.C. will press for the division of the existing Regions and for a stronger Federation. How insistent they will be is a question to which there can at present be no certain answer; but there are some indications that this is not a matter concerning which they will wish to make a "last ditch" stand. On two occasions recently E.O. Eyo, the Government Chief Whip, has stated in conversation that while the N.C.N.C. would advocate the establishment of additional States, he considered himself that the North would never agree to this. In this event, he said, the N.C.N.C. would certainly not agree to the further division of the two Southern Regions. My own view is that they will use it in an attempt to secure the division of the North into two or more States, but that if the North prove adamant, then the N.C.N.C. will drop it. If oil were discovered in commercial quantities in the Calabar Province, this would be a powerful inducement to the Ibos against creating a separate Calabar State.

5. The policy of the U.N.I.P. in this matter is little different from that of the N.C.N.C. It is interesting to note that at a recent meeting of delegates from the Ogoja, Rivers and Calabar Provinces to consider the question of a separate State for these areas, both the U.N.I.P. and the N.C.N.C. spokesmen were present and, apparently, in agreement on the need to create a separate State.

6. As regards the specific points raised in your letter, I have the following comments.

7. The argument that the administrative machine would not stand another upheaval (paragraph 3 of your letter) is valid. It is, however, a matter of some doubt how much of the administrative machine will remain after this Region is granted self-government. In this connexion, I suggest that the views expressed in my Secret and Personal Letter No. A.221 of the 26th May† in reply to Sir Charles Jeffries' Top Secret and Personal Letter of the 9th May‡ should be considered in conjunction with this letter.

* No. 8. † *See* Enclosure 1. ‡ *See* Enclosure 2.

In any event, I do not consider that the argument would be a good one to use in this connexion as it would almost certainly be misunderstood and regarded with considerable suspicion by the political leaders. They would, I feel sure, take the line that political decisions are decisions which should be taken on political grounds alone and that the capacity of the administrative machine to implement those decisions is not a matter to be taken into account when arriving at them.

8. Regarding paragraph 4 of your letter, I think it would be wrong to underestimate the strength of the N.C.N.C. Party feeling on the subject of the present Northern preponderance in th e Federation. They are sincerely convinced that the present Federal machine requires adjustment, and in this connexion it is well to remember that the more forceful N.C.N.C. leaders, who were educated in the United States, are better acquainted with the American Constitution than with the Federal Constitution of any British Dominion. These leaders regard the present arrangements as manifestly unfair to the South and they will never agree to their continuance. What they would really like, I think, would be to create numerous small States with powers less than those of the present Regions, and a strong Federal Government. But rather than accept a continning Northern predominance they would probably, if successful in the Western Regional elections and if the North will not agree to a split, press for an independent Southern Nigeria and withdraw from the Federation.

9. While it will be possible to justify refusing to support any split in the North in view of Northern opposition to such a split, it will be difficult for H.M.G. to resist the demand, which the N.C.N.C. will certainly make and which the North will find it very hard to accept, for an electoral law uniform throughout the Federation.

10. I agree with the suggestions contained in paragraph 5 of your letter and with the terms of the draft despatch referred to in paragraphs 6 and 7.

11. The extract from the Report of the London Conference which you quote in paragraph 8 of your letter—" All shades of political opinion " will have to be " adequately represented "—raises difficult problems. The main problem is how the great mass of the population is to be adequately represented. There is little doubt in my mind that the majority of the Nigerian people remains quite ignorant of the decisions which the political leaders are seeking in their name; and furthermore, I consider that were they to realize the full implications of these decisions, they would wish to repudiate them. Can such an attitude of mind, apathy based upon ignorance, be described as a " political opinion " ? I feel that it can and should be so described; but how such an amorphous and negative point of view is to be given " adequate representation " is a question to which I see no real answer.

12. In this connexion, I consider that the precedent established at the London Conference (which was a departure from that precedent set at the Ibadan Conference in 1950), where only the leaders of selected political parties were invited to attend, was an unfortunate one—the more unfortunate since it is a precedent from which it will be very difficult to depart in 1956 without, at the outset, antagonizing most of the political leaders. The inference to be drawn from the London Conference precedent is that only political parties can hold political opinions; if this inference is accepted, then it is clear that only political parties should be invited to send representatives to the 1956 Conference. But if this line is taken, it should be clearly realized that, whatever it may be in name, the Conference will not in fact be representative of the Nigerian people.

13. It is in the light of these considerations and in the knowledge that the main political parties are, internally, far from democratic bodies, that I suggest that rather more thought might be given to the connotation of the word " political " in this context. Whilst I appreciate the difficulties in inviting such bodies as A.N.T.U.F. to send representatives, I cannot but feel that these difficulties ought to be faced in an attempt to achieve a somewhat less blatantly unrepresentative Conference. Other bodies which might be considered in this connexion are the various Tribal and State Unions.

14. The arguments which you advance in paragraph 9 of your letter in favour of holding the Conference in Lagos rather than London are, in my view, valid. There are disadvantages in selecting either place, but I agree with you that on balance these are less formidable in the case of Lagos.

15. As regards the question of timing, I agree that there are signs that the N.C.N.C. leaders would view with satisfaction rather than distress, the postponement of the Conference. They will not admit this, however, and certainly they will never agree publicly to a postponement in the face of the Action Group pressure for promptness.

16. I am addressing you separately on the subject to which you refer in paragraph 10 of your letter. I would, however, point out as a further argument for holding the Conference promptly in the summer of 1956, that many civil servants in this Region are already inclined to the opinion that some politicians here may attempt to delay the payment of lump-sum compensation. Conditions of work are becoming increasingly unattractive and difficult—for some even intolerable. This may not, of course, be by design; but the suspicion is growing that there may be a deliberate attempt to force the retirement of as many civil servants as possible before the date on which they become entitled to compensation. The line of thought is clear; the longer this date is delayed the more officers will have departed before it, and the compensation bill for the Region will be correspondingly less.

17. Referring to paragraph 11 of your letter, while I agree that the question of reference back to the various Legislatures concerned may reasonably be left until the Conference has met, I must enter the caveat—so far as this Region is concerned—that such a reference back would be very unlikely to serve any useful purpose. To say that the Eastern House of Assembly is a mere rubber stamp for N.C.N.C. Party decisions is an exaggeration; but it is an excusable exaggeration and one which departs but a little from the truth. All that could be expected from a reference back to this Legislature would be a few weeks' delay.

18. In conclusion, I should like to say that in my opinion the 1956 Conference will be much tougher in every way than those of 1953/54, and that there is everything to be said for the Colonial Office team making themselves thoroughly well acquainted with the atmosphere in Nigeria before the Conference starts.

Yours, &c.,

C. J. PLEASS.

Enclosure 1 in No. 11.

W.A.F. 16/3/09 [No. 18] : Enclosure 1.

(Top Secret and Personal.) No. GE : A. 221.

MY DEAR JEFFRIES, Governor's Office, Eastern Region, Enugu, Nigeria, 26th May, 1955.

With reference to your Top Secret and Personal Letter of the 9th May*, you will by this time have received the telegram that I sent containing my immediate reactions to Gorsuch's proposals.

I am now attaching a Note which I have prepared on the subject, together with copies of Notes prepared by Mr. J. G. Mackenzie (Chairman of the Public Service Commission) who has had conversations with numerous officers at my request, and by Mr. R. A. Stevens.

Mr. Stevens, Permanent Secretary to the Ministry of Education, informed me in writing of his intention to retire on the completion of twelve months with the Eastern Regional Government. I have done my best to persuade him to remain on in the service of this Government, but he has declined to do so. When he made it clear that his decision was final, I asked him if he would be good enough to give me a statement of his reasons in writing so that I could pass it on to you. I have no doubt that his reasons are shared by many other officers who will choose to retire with compensation for loss of career immediately self-government is granted.

I am not yet ready to give a carefully considered assessment of what percentage of the Service will go on the attainment of self-government, but unless there is a very radical change in conditions it will be high—between 60-70 per cent. The big exodus will not come in October but on the advent of self-government. Some of the senior officers will go in October–December—I have already had notice of their intention from seven of them.

Yours, &c.,

C. J. PLEASS.

Sir Charles Jeffries, K.C.M.G., O.B.E.,
The Colonial Office,
The Church House,
Great Smith Street,
London, S.W.1.

Enclosure 2 in No. 11.

W.A.F. 16/3/09 [No. 18] : Enclosure 2.

NOTE ON THE PROPOSALS CONTAINED IN SIR CHARLES JEFFRIES' SECRET AND PERSONAL LETTER OF 9TH MAY, 1955.

WHAT IS THE PROBLEM?

The first thing to decide is what is the problem. In paragraph 4 Sir Charles Jeffries says: " As regards Nigeria, the immediate objective as we see it is to prevent the Service from packing up when the time comes in a few months for officers to opt for going or staying ". Later on in paragraph 13 occur the words; " To spend United Kingdom money in order to encourage a Government to employ staff as such, without making the assistance conditional on the territory's financial inability to meet the cost, would be an entirely new principle ".

2. From these statements it seems that the problem is regarded as being one of persuading or encouraging the Eastern Regional Government to continue to employ British officers. But is this correct? I am fully aware of the fact that some officers think that the Eastern Regional politicians do not want British Officers to remain. I doubt this. A great deal of evidence goes to show that while they are very anxious to get rid of a dozen or so of the senior officers, they want to retain all the others; for example, this is what Mr. Eyo, the Chief Whip of the N.C.N.C. Party, told a European non-official

* C.S.A. 2850/01 [No. 23] : not printed.

when he went with him to London in connexion with the work of the Development Corporation. It is true, of course, that they would not be prepared to offer terms beyond the usual terms in order to attract British officers to stay, since they are firmly convinced that they can recruit an ample number of officers from Germany, Austria, Italy, India and Egypt, and they will not hesitate to do so should British officers not stay. Nor will it be possible for Her Majesty's Government to prevent them from doing so, particularly once they have self-government. But I do not think they want the majority of British officers to go.

3. The real problem is how to persuade British officers to continue to serve a Nigerian Government in the Eastern Region of Nigeria. This, I suggest, puts a totally different complexion on the problem. It means, in fact, that if Her Majesty's Government wants British officers to stay, the problem is really one for Her Majesty's Government and not for the Eastern Regional Government of Nigeria.

IS IT TO HER MAJESTY'S GOVERNMENT'S ADVANTAGE THAT BRITISH OFFICERS SHOULD STAY?

4. Her Majesty's Government may hold the view that there would be no advantage in taking active steps to encourage British officers to stay in the service of the Eastern Regional Government: they have taken that view about the Sudan and it is foreshadowed in paragraph 10 of Sir Thomas Lloyd's Secret and Personal letter W.A.F. 16/3/09 of the 12th May, 1955*.

5. I would suggest, however, that for the following reasons there would be advantages in Her Majesty's Government taking active steps to encourage British officers to stay in this Region:—

(*a*) What is being done in Nigeria to-day is a great experiment—an experiment to establish a self-governing democracy and to show that the Nigerian is at this stage of his development capable of governing himself. If this experiment fails, then what may be called the doctrines of Malan, which are held in South Africa and widely in East Africa, will be given a big boost. Moreover, the failure of the experiment would be a blow to British prestige in the face of world opinion. In the present conditions of the country (e.g., growth of tribalism) the odds against the experiment succeeding are very great indeed. At the moment only 34·5 per cent. of the Senior Civil Service is Nigerian and, in order to achieve that, there has had to be a considerable lowering of standards. Moreover, new appointments will have to be men newly qualified without any experience. If there is a big exodus of British officers there will in fact be a collapse of the Civil Service, and without a well-organized Civil Service administration will break down.

(*b*) If that happens, there will undoubtedly be complications with the other parts of the Federation, particularly the North. If there were disorganization in the East, the North, who presumably by that time will not have sought self-government, would be actively concerned with what was happening in the East. Incidentally, in paragraph 11 Sir Charles Jeffries uses the words "suspension of the Constitution and the resumption of control, backed by the necessary force by Her Majesty's Government". It seems to me that the disorganization would have to amount to more than chaos before any British Government in the face of present world opinion took such a step in this country, where they could not say that Communism was the cause of the trouble.

(*c*) A vast amount of British capital is invested in this Region and the actual value of trade with the United Kingdom is at the moment running at something over £50 million a year. This, I suggest, is a considerable asset to Her Majesty's Government.

(*d*) If there were serious disorganization in the Region, it would be quite impossible for the Federal Departments, e.g. Communication, to operate here.

These, I suggest, are adequate reasons for Her Majesty's Government to be vitally interested in encouraging British officers to stay.

REASONS WHY OFFICERS WILL GO

6. Perhaps at this stage it would be as well to consider why British officers are likely to go when self-government comes. I believe the reasons to be:—

(1) Because the actual conditions of work are becoming intolerable. I quote from a note prepared by Mr. R. A. Stevens, who has intimated to me his intentions to retire on the 1st October:—

> "They" (i.e. the Ministers) "demand from every expatriate officer an amazingly high standard; speeches must be prepared in a matter of minutes, however long they have dallied before giving instructions; facts and papers must be prepared overnight, in the same circumstances. Frankly, the number of expatriate officers who are able to meet these demands is not large; it is not the work for which we were selected or trained. If an officer fails to meet that standard, then he is written off as unreliable and untrustworthy, a potential wrecker and saboteur. As my Minister said to me, 'If I am given an officer to serve me who is not good, I think at once I have been given him in order that I shall fail'".

The corollary is that the slightest mistake on the part of an expatriate officer is the subject of criticism. No Nigerian officer, of course, is ever to blame.

(2) Because Ministers are very seldom prepared to take advice and, if advice is given which they do not like, they invariably regard the officer giving the advice as attempting to sabotage their policy.

* No. 8.

(3) Because the moral standards of officers are offended because of the dishonesty of the Ministers—both political and personal dishonesty.

(Here perhaps it should be said that the above conditions are unlikely to change in the near future.)

(4) Because the pay is not sufficient to enable them to live in comfort and educate their children in the United Kingdom as they would wish and is quite inadequate to make it up to them for the inevitable hardships of life in Nigeria, e.g., separation from wife and/or family.

7. Officers will only be prepared to stay if, and in this connexion it must be remembered that on the attainment of self-government officers can retire on the pension earned with full compensation for loss of career so to persuade them to stay the offer will have to be more attractive than that:—

(i) they are made to believe that Her Majesty's Government wants them to continue to serve in the Eastern Region of Nigeria, and they will only be made to believe that if

(ii) Her Majesty's Government is prepared to ensure that they are adequately paid for the services which they are rendering.

8. Mr. Gorsuch's main proposals are:—

"(1) During the intermediate stage between Crown Colony Government and independence there should be a formal agreement between Her Majesty's Government and the oversea government, embodying a joint guarantee of conditions of service;

(2) there should be a 'central pool' into which officers would be placed who retire owing to constitutional changes; officers in the pool would be paid by Her Majesty's Government at their oversea rate for up to a year while efforts were being made to find them other jobs."

How do these proposals meet the requirements postulated in paragraph 7 above?

(*a*) The proposals involve an agreement signed between the Ministers of this Region on the one part and Her Majesty's Government on the other.

There are few officers in this Region who would have any faith in an agreement signed by the Ministers of the Eastern Region after recent events.

(*b*) Oversea officers would be paid by Her Majesty's Government up to a year while efforts were being made to find them other jobs.

What is the good of that to a man aged, say 40, with two children to educate? It is, in fact, nearly valueless as an inducement to continue to serve.

WHAT STEPS WOULD HELP TO PERSUADE OFFICERS TO STAY?

9. If Her Majesty's Government is to regard this problem solely from what may be called the Eastern Region of Nigeria aspect of the problem, then there is a very good case for arguing, as explained in Sir Charles Jeffries' paragraph 11, "that the Nigerian Governments must be left to learn the hard way and that if they will not see for themselves their need to retain and attract British staff and have the courage and sense to take the necessary measures, they will have to face the consequences of an exodus, with every prospect of a breakdown of the Administration".

10. But, as argued above, there is another aspect of the problem—the British aspect. If Her Majesty's Government comes to the conclusion that it is to Her Majesty's Government's advantage that British officers should continue to serve in Nigeria, then Her Majesty's Government must be prepared to consider the "entirely new principle" mentioned in paragraph 13. It then becomes a question of deciding how can British officers be persuaded to stay. I suggest an answer to this might be found in the following:—

(*a*) Her Majesty's Government should make it plain that it is of importance to Her Majesty's Government that British officers should continue to serve the Government of the Eastern Region of Nigeria after self-government is obtained;

(*b*) Her Majesty's Government should agree that if the Eastern Regional Government is not prepared to implement the financial recommendations of the Gorsuch Report, Her Majesty's Government would subsidize the Eastern Regional Government to the extent necessary to satisfy these recommendations;

(*c*) Her Majesty's Government should undertake to pay to any officer who agrees to serve for a period of three years after self-government is granted in the Eastern Region of Nigeria, a gratuity amounting to the same sum that he would have received had he elected to retire with compensation for loss of career, plus 25 per cent., or after a period of five years, the same plus 50 per cent.

(With reference to sub-paragraph (*c*), it may be thought entirely unreasonable that Her Majesty's Government should make itself responsible for paying a sum equivalent to the compensation for loss of career to which an officer is entitled on the attainment of self-government and that this would be a fair charge on the Eastern Regional Government since, if the officer elected to go on the attainment of self-government, they would be liable to pay this. There is much force in this and it is possible that the Eastern Regional Government would agree to accept responsibility to pay a sum equivalent to that which an officer whose age was five years older would have been entitled at the time of self-government, but I do not think that the Eastern Regional Government would be prepared to freeze lump sum compensation for a period of five years, thereby following the Gold Coast example. If the inducement is to be effective, it would therefore still be necessary for Her Majesty's Government to

agree to pay the difference between the sum to which an officer would have been entitled on the attainment of self-government and the sum to which he was entitled when he was five years older, plus, of course, the additional 50 per cent.)

(*d*) Her Majesty's Government would undertake that should an officer die in the service of the Eastern Regional Government during the period, a sum equal to two-thirds of the gratuity would be paid to his dependants. This, of course, would be in addition to his entitlement under the Pensions Ordinance.

(*e*) If at any time during that service an officer finds that the conditions of work have deteriorated to such an extent that he is quite unable to put up with them, he may retire voluntarily and Her Majesty's Government would agree to pay to him as a gratuity the sum of money he would have received had he elected to accept full compensation for loss of career on the attainment of self-government. In this event he would, of course, no longer be eligible for the privileges set out in (*c*) and (*d*) above.

11. It may be argued that these terms are very generous. Of course they are generous, and so they must be if officers are to be expected to put up with the great deterioration in the conditions of work which has occurred and is likely to continue to occur. They will in addition be giving up all hope of a career as it is now understood, and if good officers are to be induced to do that the inducement must be appropriate. It must be remembered that it will be a case of inducing an officer to stay on when he could in fact retire on a proportionate pension plus full compensation for loss of career.

12. It may be argued that what is offered in one Colony should be offered in another. In fact, I submit that this argument is fallacious. Any terms which Her Majesty's Government may decide to offer for service in the Eastern Region of Nigeria would be offered solely in order to persuade British officers to continue to serve in the Eastern Region because Her Majesty's Government is convinced :—

(*a*) that it is to Her Majesty's Government's advantage that they should continue so to serve ;

(*b*) that they will not continue to serve in the Eastern Region of Nigeria unless they are offered such terms.

C. J. PLEASS.

26th May, 1955.

W.A.F. 16/3/09 [No. 20]. No. 12.

SIR HUGO MARSHALL

to

SIR THOMAS LLOYD,

[*Answered by No. 16.*]

(Secret and Personal.)

DEAR SIR THOMAS LLOYD, Government House, Lagos, 28th May, 1955.

Thank you for your Secret and Personal letter of 12 May* about " fragmentation " and other problems which we are likely to meet in connexion with the Conference on the Constitution to which we are committed in 1956. I note that you have sent copies to the Regional Governors and there are important matters in your letter about which I should like to confer with them before sending a a concluded answer. But there are other matters which go back to your Secret and Personal Saving No. 13 of 22nd February† with which it would be convenient for me to deal now. Consultation with the Governors is still time-consuming despite all modern aids : all the more so at present when internal air-services are labouring under the handicaps resulting from the Bristol disaster. It may therefore be helpful to all if I record now views which are already agreed or which can now be set out as my own, subject to their comments.

2. You ask in the third paragraph of your letter for my view on the statement in paragraph 5 of the Savingram that, subject to our views here, the Secretary of State would be prepared to use publicly the argument that a further administrative upheaval, necessitated by the creation of more Regions, would inevitably result in a breakdown of the machine. I think it undoubted that the machine would break down, indeed in my Secret Despatch No. 19 of the 26th of May‡ I have given my reasons for believing that the machine may break down even without any further fragmentation unless drastic steps are taken to remedy the situation, but, service morale apart, the strains to which an administration machine can be put are not unlimited. One need only look at any one of the fields of Government activity which are directly affected by constitutional change to see how true this is. For instance, we are battling with all our might to get the new judicial system resulting from the last Constitutional Conference in full operation on 1st December. But, while we are still working on that, we are having to put our minds to all the range of possible further changes which might conceivably result from another Conference to be held only nine months after the beginning of the new system. One of the most important legacies we seek to hand over to the territories which gain their independence is a

* No. 8. †No. 3. ‡ C.S.A. 325/14/01 [No. 14] : not printed.

sound, well-ordered and well-respected system of Government. We pride ourselves particularly on our ideas on the administration of justice. But we are ourselves destroying what we have sought so laboriously to build up if we make such frequent radical changes in the system that nothing has an opportunity to become well-ordered, much less well-respected. Even apart from any question of principle, there is the cold, hard fact that we have not the human resources to change the administrative machinery again for the fifth time in nine or ten years. We are hard put to it to provide a proper standard of work in the handling of day-to-day affairs ; and it is not unimportant that the number of officers who have grown up with the various changes, and who could for that reason the more readily cope with further changes than those officers who have not the back history at their fingertips, is growing steadily smaller.

3. These arguments are of greatest weight in connexion with the allocation of revenue. No other question in the last ten years has had such continuing possibilities of unhappiness and dissension within Nigeria as the division of revenue between the Regions. And it is by its very nature a peculiarly complicated question. We have had three Reports—Phillipson, Hicks and Chick. Each has required an infinity of labour to clothe the bare bones of a system with living flesh ; and each has been accompanied by discontent and a lack of universal acceptance of the system which made the task of the officials more difficult and delicate. We are still adding to the subsidiary legislation required to give effect to the allocation based on Chick. But the complexities of Phillipson, Hicks and Chick together would be outweighed by those of a system designed to serve a number of " Regions " which were devised without regard to the pattern of trade or the availability of statistics.

4. It is our duty to let all these facts be known to the people of Nigeria ; but, that having been said, there remains the tough problem of how to do it. The politicians who understand the principles and the practice of successive systems of revenue allocation in Nigeria are few indeed ; but almost all politicians are willing to talk on the subject. And all are so used to having behind them an obedient and reasonably efficient public service which will keep the machine going no matter how irresponsible the actions of the politicians in respect of that machine that arguments of the kind I have set out do not matter to them. Local politicians just do not care about such matters and will allege that they are no more than an excuse to prevent the attainment of " the will of the people ". The manner in which the truth about a breakdown of the administrative machinery is presented to the people is, therefore, of great importance. I should like to confer with the Regional Governors before writing more.

5. In my letter No. 247/54 of 18th April*, I gave you the results of a discussion with Pleass and Rankine before Sir John Macpherson left. To complete the picture I now send with this an extract from an agreed note of a discussion which I had with Sharwood-Smith on 3rd May. I am sorry not to have sent this earlier but both of us were away from our headquarters for some time after the meeting and the record has only recently been agreed.

" '*Fragmentation' on Constitutional Revision in* 1956.—The Governor, N.R., said that a general chat on constitutional matters with M. Abubakar Tafawa Balewa, Shettima Kashim and Makaman Bida had shown that they were thinking in terms of having written into a revised Constitution provision for increased autonomy for some such units as the present 12 Provinces. These units would have increased authority in matters appropriate for local government (local government as such would continue to be the responsibility of a Regional Minister but there would be less direct interference) ; they would be financed by grants from the Regional Government ; they would have overseas staff seconded to them—and might in some cases be permitted to obtain their own staff by direct recruitment from overseas.

Sir Bryan thought that, subject to the desire for this system of units within the Region, the North's opening bid in 1956 would be for the maintenance of the Regions as at present. They might be expected to ask that the Federation should hand over more responsibilities, such, for instance, as some of the roads now classified as Federal trunk roads. He did not think that his Ministers would object to the fiscal inquiry into the viability of such units as the " Middle Belt State "—an inquiry of that kind would, in any event, be relevant to their own " provincial unit " proposals. Much of their thinking on the division of responsibility was conditioned by the frustrations experienced when decisions had to be sought from a great distance ; they would want to have within the Region someone who could speak authoritatively for such Federal matters as the P. & T., the Railway and Civil Aviation—reference to Lagos too often meant irritating delays over matters which could be settled quite quickly by someone on the spot. There was a District Superintendent of the Railway at Zaria, and there would be a Regional officer of the P. & T. if staff could be obtained but the North would want some extension of this system.

The Northern stand on the retention of a Federal Police Force would probably be quite satisfactory. Ministers were not always respected by the Police and in those cases they were not enthusiastic about the Police ; otherwise there was no desire for change of the present arrangements. The Acting Governor-General remarked that there might well be pressure from the Western Region for regionalization of the Police in 1956. We should have to consider what ought to be Her Majesty's Government's " sticking-point " in that event—possibly it should be that there would have to be a distinction between unarmed police engaged in crime prevention and detection and armed security forces. Clearly so long as Her Majesty's Government in the United Kingdom retained any responsibility for order and good government in Nigeria, armed security forces would have to be federal and not regional. Sir Bryan said that he understood the view of the Governor, W.R., to be that the N.A. Police should be smartened up, given the

* No. 7.

same conditions of service as regards pay, etc., as the Nigeria Police and put on a provincial basis. Such forces would then be responsible for normal police services and the Nigeria Police would be brought in only in the event of civil disorder. Sir Hugo remarked on the disadvantages of keeping a body of disciplined men standing by permanently for possible employment in the event of disorder. Experience had shown how difficult it is to maintain morale in such a force.

The Governor, N.R., said that it could be assumed that the Northern representatives would walk out of the Conference if the Secretary of State were to support Southern requests for fragmentation.

The Acting Governor-General asked whether there had been Northern mention of the possibility of a Federal Second Chamber. If, as had been proposed, this Chamber were to be made up of an equal number of representatives from each Region its deliberations would, in effect, be no more than a duplication of those of the Council of Ministers. The Governor, N.R., said that there might well be a Northern desire for a smaller Federal Legislature and he pointed out that the Northern Region covers so large and varied a collection of people that even if there were only one representative from each Province this would give a wide variety of views.

Venue of the Conference.—Sir Bryan said that in his opinion London was a better proposition for the Conference than Lagos—and the need for records and references and adequate communications would make Lagos the inevitable choice if the Conference were held in Nigeria.

Composition of the Conference.—The Acting Governor-General asked whether Sir Bryan thought that the Conference should be plenary or whether its decisions should be subject to ratification by the Nigerian Legislatures. This suggestion of reference to the Legislatures had been made in respect of the last Conference. Sir Bryan remarked that it would be grim if the Conference were not plenary—there would probably be a continuous series of meetings with agreement in Conference, rejection in one or more Legislatures, reference back to the Conference and so on.

Elections. It was agreed that there was something to be said for elections *before* the Conference so that delegates could fairly claim to be supported by an expression of the wishes of the people. The Northern Region was due for elections in 1956 but not, if the full period elapsed, until after the Conference. These elections would be on the new Federal basis—still indirect but with fewer tiers.

The Governor had seen Mr. Williamson's letter about a possible N.E.P.U. delegation to the Secretary of State but had not had an opportunity of studying it before leaving Kaduna. H.E. thought that N.E.P.U. would certainly send a delegation if they could get the cost of it from supporters outside Nigeria, as they might well do, but they could not from their own present resources meet the cost of a delegation."

6. I feel that I should return at once to the question of financial inquiries to show to what extent any new States, etc., might be viable or otherwise. You will see from paragraph 7 of the attachment hereto* that Sharwood-Smith did not think that his Ministers would object to such an inquiry. It would, in any event, be relevant to their own present thinking about increased responsibility being given to provincial units. Despite the arguments in your paragraph 5, I am sure that we must make these inquiries. The newspapers have recently been full of statements about " separate States ". Opinions of politicians change rapidly and much of what is being said now may be disowned in a month's time and more in a year's time ; but we have been given ample notice that people are thinking about separate States and if we officials turn up at the next Conference and say, " We are sorry but we have no facts or figures to show whether or not any of these ideas would work " we shall be told, " Well, you should have got them—you knew this would be discussed " and immediately there is in the Conference an atmosphere not conducive to sound and agreed conclusions. Furthermore, the most convinced ministerial opponent of fragmentation is likely to want some facts and figures to support him. There will be argument enough on emotional grounds but that will have to be backed up by facts and figures. Again, I shall confer with the Governors about this but our own thinking here is so different from an immediate approach to the problem of getting one person for a fiscal enquiry such as is suggested by your paragraph 6 and the draft Despatch that I should let you know at once how our minds are turning.

7. I think that it may be agreed at once that representation at the Conference should *not* extend to such bodies as A.N.T.U.F. (your paragraph 8). The separate representation of " workers " has been considered in much wider contexts than our own (e.g. the United Nations) and we agree that the answer here should be that a body such as A.N.T.U.F. does not represent a " shade of political opinion " but that it represents some part of the opinion (not necessarily on political matters) of persons with a common interest related to the nature of their employment.

8. We are, of course, delighted to see your opinion that it is probable that whoever is Secretary of State at the time of the Conference will wish to preside. We are all agreed in attaching great importance to this.

9. Paragraph 10 of your letter poses a question of such vital significance that I do not wish to say more about it at present than that I would deplore any decision *now* about the attitude of Her Majesty's Government towards a possible postponement of the Conference if that decision were governed in any large part by recent events in the Eastern Region. I can not think that either the Federation or the other Regions could remain unaffected by a decision of the Secretary of State that he no longer had adequate means of carrying out his responsibilities to Parliament in respect of the

* Not printed.

Eastern Region. And happily the time for such a decision is not yet. It may be that we have only a few months at most in which to decide whether to work for the postponement of the Conference or whether to press on with it ; but those few months may well present us with a state of affairs in the East which (for better or worse) is quite different from what it looks to be today. I would be less than honest if I did not say that the phrasing of the latter part of your tenth paragraph has been a shock to me and to those of my senior advisers to whom I have shown it. In the despatch to which I have already referred I have tried to show what really is at stake when we talk about a large exodus of expatriate officers, and that it is vitally important to prevent such an exodus taking place. The theory that we should give the East self government in order that it may then learn by its own mistakes is entirely unrealistic if we want Britain to continue to have any influence in Nigeria when self government is attained.

10. For the rest, I shall take as early an opportunity as I can of conferring with the Governors—and I fear that this will inevitably have to be by correspondence rather than in conversation—about the other matters in your letter. A list of these, not necessarily complete, would contain :—

(*a*) Remedies for anomalies resulting from the disproportionate preponderance in size and population of the Northern Region over the other Regions.

(*b*) Possible demand for a bi-cameral legislature.

(*c*) Representation at next Conference.

(*d*) Venue of Conference.

(*e*) Timing of Conference.

(*f*) Reference back to Legislatures of decisions of Conference.

(*g*) Governor-General's responsibilities for public order and the maintenance of the constitution if one or more of the Regions is self-governing.

11. I have copied this letter to Sharwood-Smith, Pleass and Rankine.

Yours, &c.,

H. MARSHALL.

W.A.F. 103/416/01 [No. 30]. No. 13.

GOVERNOR, NORTHERN REGION

to

SECRETARY OF STATE.

Saving No. 20. (Secret and Personal.) 11th June, 1955. Repeated : Governor-General, Lagos ; Governor, Eastern Region ; Governor, Western Region.

POLITICAL SITUATION, NORTHERN NIGERIA.

My telegram PERSONAL 18 of 10th June,* summarised the situation as it has developed since the despatch of my Secret and Personal Savingram No. S. of S. 18 of 4th June.† In brief, the realism, balanced outlook and personality of Abubakar Tafawa Balewa, with the support of his fellow Central Minister Muhammadu Ribadu, completely transformed the situation which has been treated on a " Party " basis irrespective of the functions, Central or Regional, of the personalities concerned.

2. The day after the Central Ministers arrived in Kaduna all opposition to my proposals for the organization of the Chiefs' Conference was unconditionally withdrawn.

3. The Conference was opened by me with a brief address, a copy of which is attached as Appendix " A ". Thereafter the Sultan took the Chair. A committee of Selection then divided the Conference into Committees charged with discussing :—

(*a*) Major Policy for the future ;

(*b*) Local Government in the more technical sense ;

(*c*) Education, Social Development and Health ;

(*d*) Works, Communications, Transport and Industries ;

(*e*) Natural Resources.

* W.A.F. 103/416/01 [No. 27] : not printed. † W.A.F. 103/416/01 [No. 26] : not printed.

In general, the more influential and more able Chiefs were appointed to the Major Policy Committee. The General Secretary of the Conference was a Northerner and all Secretaries to Committees were Northerners. Proceedings took place in Secret session.

4. At the opening of proceedings on the second day a Message of Greetings and Loyalty was sent to Her Majesty the Queen combined with the hope that she would, before long, be pleased to visit the North in person. On this second day Ministers, including Central Ministers, met the Conference as a body in frank and friendly discussion. The principal Ministers would have liked the discussions to have been longer and to have gone deeper into major policy problems but the Sultan's interest and energy were flagging and his anxiety lest any Chief should indulge in uncomfortably plain speaking was increasing.

5. For the above reason though the results of the Conference in general, particularly as between Ministers and Chiefs, were excellent, they were not as extensive as they could have been. The Chiefs, the majority of whom are old men or men in late middle age, showed a most commendable sense of duty. Their deliberations in one form or another lasted from 8 o'clock in the morning to well into the evening on both days.

6. Major decisions and resolutions covered the following points :—

(i) that there should be no change in the status of Native Administrations without opportunity being given for Native Authorities to express their views ;

(ii) the status of Chiefs and Local Law and Customs should be safeguarded whenever major political changes were contemplated ;

(iii) that Provincial Councils should be established with full legal status and with legislative and financial powers.

(*Note.*—I do not think that Chiefs had more in mind than the power to make Orders.)

(iv) that foreigners in the Region, Europeans, Asians or Africans, whatever their occupation, "should not be provoked by speeches or slogans that would make them feel that they should leave the country" ;

(v) that Chiefs who are members of the Executive Council should have full opportunity to refer matters of outstanding importance to their brother Chiefs ;

(*Note.*—i.e. by implication to Chiefs and their Councils in their capacity as Native Authorities.)

(vi) that although the time of Self-Government had not yet come, its implications should be discussed at the appropriate time from the Village Council level upwards ;

(vii) that the functions of Administrative Officers should not be changed excepting in so far as they become more advisory as Native Authorities progress ;

(viii) that there should be no interference by politicians in Native Court matters ;

(ix) that a full Conference of Chiefs should be held annually.

7. As far as can be seen, from the Chief's point of view and from the point of view of responsible Ministers, the Conference was an undoubted success. The major resolutions passed conform with the general policy of the most influential Ministers and will constitute a welcome reinforcement to them when dealing with their less responsible associates and adherents in Maiduguri.

8. Before, during and after the Chiefs' Conference, top level meetings, both of Ministers and of the Party Executive, were held. The decisions reached at the latter were to the effect that nothing sensational should emerge from the Maiduguri Conference although it was hoped that there should be a declaration as to the broad lines which the Party propose to follow when they come to a more detailed programme.

9. Abubakar and certain other Ministers, including the Makama, are anxious to bring about a further Convention at a future date which shall be sufficiently representative to make declarations on a "National" as opposed to a purely "Party" basis. It remains to be seen how long it will be before this development takes place.

10. To return to the question of the attitude and behaviour of Northern Regional Ministers in general and the Sardauna in particular, the Central Ministers, whose experience at the Centre has given them a very different outlook from that of the more carefree Northern Ministers, treated the latter to some very candid speaking both with regard to their relationships with their official advisers and with regard to their singular lack of financial conscience. Abubakar and Muhammadu Ribadu stressed, what I have been at pains, though without effect, to stress for so long, the fact that all their actions are being carefully watched and that their belief that they can do as they please with public money and public transport and in other ways is dangerously ill-founded.

11. Abubakar himself spoke to me at considerable length with regard to the Sardauna whom he seems determined to maintain in his present position of leadership in order to preserve unity and to save "face" despite his long series of political blunders, great and small, and the dangerous defects of his personality.

12. A combination of Abubakar's homilies and a growing feeling of isolation induced the Sardauna on 10th June to state that he had no further faith in either Chiefs or Ministers and that his only course was to seek a personal interview with me with a view to wiping out the past and to making a completely fresh start on the basis of our old personal relationships.

13. This meeting took place and I trust that much good will come of it. The atmosphere was very friendly though I had to insist that the new relationship could not be allowed to result in a denial of access to me of any Minister or Chief or official should any one of them so wish. This condition was accepted without question. It remains to be seen what the future will bring. The Sardauna in adversity is a very different man to the Sardauna on the "crest of the wave."

14. I will send a further communication after the close of the N.P.C. Conference.

GOVERNOR.

Enclosure in No. 13.

APPENDIX "A"

ADDRESS BY HIS EXCELLENCY THE GOVERNOR AT THE OPENING OF THE CONFERENCE OF CHIEFS HELD AT KADUNA ON 7TH AND 8TH JUNE, 1955.

CHIEFS OF THE NORTH :

I welcome you here to-day at the outset of the Conference on which you are about to embark. As you are aware one of its principal purposes is to bring about a greater measure of understanding between yourselves and Ministers with regard to the working of the present Constitution. I regard it as absolutely essential that the Native Authorities, in whom the strength of the Region so largely lies, should act in full consort and sympathy with the Ministers on whom falls the responsibilities for deciding the policy of the Northern Government in all its spheres and for whom I ask at all times your support and encouragement in the same way that I ask them to support and encourage you.

As you are aware four of your fellow Chiefs are Members of Executive Council, in which capacity they have the same responsibility and status as any other Member in respect of the policies of Government. It is your duty to recognise this fact and to make them aware at all times of those matters which cause you and your administrations concern and to give them opportunity themselves of making clear to you whenever necessary such things as closely concern you as Chiefs and as Native Authorities.

Events are moving fast and it is absolutely essential that as a result of deliberations and decisions to be taken in the course of the next few weeks the North should be able to present a picture to Nigeria, and to the world, of stability and unity in matters political and of tolerance and good faith in matters affecting the daily lives of the vast diversity of peoples who together constitute the Region.

Frank discussions of your problems and difficulties will, I am confident, go a long way to achieve the main objects of this Conference and I urge you, for the sake of the North, in all your consultations to put the affairs of the people first and personal affairs last.

I pray God to watch over your deliberations.

W.A.F. 97/405/01 [No. 7] No. 14.

GOVERNOR, WESTERN REGION

to

SECRETARY OF STATE.

No. 14. (Secret and Personal.)

SIR, Government House, Ibadan, 20th June, 1955.

REVIEW OF EVENTS.

I have the honour to submit the second in the series of information despatches. As I shall shortly be proceeding on vacation leave it seems advisable to bring you up to date regarding the course of the more important events in the Region before I leave.

2. Speaking generally progress during the period since my first despatch has been in marked contrast, varying between the extremes of good and bad. For the most part it has been a time of solid administrative achievement. The Ministers have put great effort into the implementation of their social programmes. They have driven a seriously understaffed administrative machine very hard (and of course the main burden has fallen on the expatriate staff). As a result there has been very substantial advance. Moreover, with one exception, to which I shall refer later, there has been a most encouraging improvement in the relations both between Ministers and their expatriate staff, and between the Region and Britain. All this has helped to improve morale in the Public Service which, as you know, about a year ago was far from good, although this improvement received some setback as a result of recent events in the East. But for the reverse side of the coin it would be possible to say that the first African Government of the Region had not only made an excellent start but had gone a long way towards proving that with the help of expert advisers Africans are capable of running their own affairs under modern conditions.

3. As it is, what would otherwise be a most promising performance has been marred by one or two examples of irresponsibility and maladministration, mainly the result of the intense political rivalry, for which no one can claim any credit. Peace as well as progress in the Region has been bedevilled by the ferocity with which personal feuds and especially this political rivalry are pursued. This fanaticism and vindictiveness have to be seen and experienced to be understood. To anyone accustomed to the calm and responsible manner in which public affairs are conducted in the United Kingdom it is difficult to convey an adequate impression of its vehemence. Margery Perham hit the nail on the head when writing of the African politician. She said that they pursued their aims with a passionate intensity which history alone could explain. The tragedy is that it seems to create a completely blind spot even in those whose statesmanship and ability one has come to admire. When one of those spots is touched it is quite impossible for the local people concerned to take anything approaching an objective or impartial point of view. Once they have reached this frame of mind reason falls on deaf ears and argument only serves to strengthen them in their determination. To them there is no such thing as a detached and impartial observer, friend or adviser. You become either a friend, if you support their case, or a foe.

4. As I have said, great and encouraging progress has been made in many directions and it may perhaps be worth giving a few illustrations of the extent of this advance. Under the new Universal Primary Education Scheme no less than 12,500 new classrooms have been built and opened this year. In 1952, there were 390,000 children in Primary Schools; now there are 771,000—an increase this year of 375,000. Thirty-four new Secondary Schools have been opened, 14 during the last six months. In 1953, there were 16 Teacher Training establishments; now there are 78, and 23 of these were opened this year, whilst 25 Colleges have been expanded from single to double stream. In the last six months 261 new Secondary Modern Schools have been built.

5. In the medical field similar spectacular progress has been made. All persons under eighteen years of age now receive free medical treatment, either at Government hospitals or dispensaries, or at Government expense in private institutions. Five new Government hospitals have been built since 1952 as well as 5 other either combined Government and Mission or Mission hospitals with Government assistance. Seven more Government hospitals are building and the construction of two more has been approved. Thirty-three new completely-equipped ambulances have arrived and have been distributed to Government and Mission hospitals, together with grants for garages and, if necessary, running and maintenance.

6. In the field of Local Government great progress has been made with the application of the new Local Government Law which involves a major reorganisation of the whole system. Under the new Law the old pyramid system of Local Government has been replaced by a tier or horizontal system. It consists of one, two or three tier Councils at Divisional, District or Local Council level. It is extremely elastic, the new Councils being established by an Instrument which sets out the constitution of the Council and its powers and functions in each case. It follows that the Law can only be applied after very careful investigation combined with consultation with the local people. These preliminaries have often resulted in much controversy which has to be suitably resolved before the Instruments can be made. The necessary enquiries on the spot have now been completed and all the Instruments setting up the new Councils have been drafted and promulgated. In all, seven Divisional, 28 District and 46 Local Councils were established before October last year; since then the Instruments establishing 14 more Divisional, 72 District and 49 Local Councils have been published. The conduct of elections alone in respect of these new Councils is a major undertaking, and in order that the attenuated administrative staff may be available to supervise them they have had to be arranged in a carefully staggered programme. All these elections are expected to be completed by September this year.

7. I must not weary you with too exhaustive a catalogue of the progress made. I cite these examples merely as an indication of the order of the advance. It should not be forgotten, however, that the very rapid progress made in many directions should not in any way be regarded as a reflection on past administrations. It has been made possible by the very large sums which have become available for capital development as a result of the high prices for our export crops since the war and the financial settlement under the new Constitution. Nevertheless the enthusiasm and drive of the Ministers have done much to give it added impetus.

8. But the Ministers have not devoted the whole of their time and energy to the administration of their portfolios. The period since the Federal elections has been one of stocktaking by the Action Group and of manœuvring by the Parties. The Premier and his more thoughtful colleagues have devoted much time and labour to trying to solve the electoral riddle. Amongst other actions taken in an effort to try and improve their electoral prospects the Party Organising Secretary was sent to the United Kingdom to study the Conservative Central Office Organisation during the recent elections. They admit candidly the Federal elections caught them on the wrong foot. For one thing the quality of their candidates was poor. They have always tended to be the Party of the white-collar class, the lawyers and clerks of the towns. Elections in the Region are still largely a matter of personalities and it appears that the N.C.N.C. were more successful in putting up local men of the soil who were able to attract a larger personal following. The truth is probably that the amount of political talent available in the Region is small and by far the greater proportion of it is concentrated in the Regional House of Assembly. When it comes to the next Regional election therefore it would be unwise to assume that the result will go the same way as in the Federal election. For one thing the quality of the Action Group representation will be far higher and may appear even more so by comparison with the resources the N.C.N.C. are likely to muster. The years that have passed since the Regional elections of 1951 have sadly depleted the N.C.N.C. strength—the departure of Zik and his Lagos contingent was a blow but more serious was the translation of Adelabu, the cleverest, most unscrupulous and most feared of all anti-Groupers, to a Central Ministry. Moreover at the time of the election

the fruit of many Action Group policies had not become clear to the voters. They had been reminded often enough by the Opposition of the iniquities of the Capitation Tax—a burden incidentally that was easily absorbed by the Region as a whole, but achieved vast unpopularity because of its uniform imposition on rich and poor alike—but they had yet to see the new schools, hospitals, roads and other amenities that could be attributable to the additional tax. In point of fact, of course, the greater proportion of the capital cost of improved social services has been and will be met mainly from the surplus funds of the Marketing Boards and not from increased taxation at all. By next time the Party hopes that if their policies do not speak for themselves at least they will be able to point to many solid achievements. Finally, the Action Group was not the only Party to whom the results came as a surprise; the N.C.N.C. probably did not anticipate the measure of their success even in their most sanguine pre-election moments.

9. In my first despatch when giving you information about the Ministers I made some forecast of the probable effect of the Federal elections. That forecast has proved to be only too well founded. It has seen an intensification of the political warfare. The Ministers have obviously felt less secure and have been driven in upon themselves. In consequence, apart from the difficulty of getting them to take unpopular decisions, there has been an increase in tribalism, i.e., a tendency towards consolidation of the Yoruba, and in the campaign against the Ibo. No doubt this is partly due to the fact that in the past the politicians found it easy to stimulate nationalism and arouse the educated minority in united opposition to British rule. Now that this convenient bogey against which feelings can be aroused has been removed they are casting round to find something with equal emotional appeal with which to fill the vacuum. It would be dangerous to draw too firm a conclusion from the demeanour of members in Executive Council, but for a time it did appear both that the Cabinet was less united in itself and that the Premier was less secure in his position as leader. Hitherto he had always been able to cut a debate short as soon as he felt it had gone on long enough and indicated the line the decision should take. For a time he gave the impression of having to pay more attention to the Party caucus outside, and in the Council Awokoya, Enahoro and Akinloye seemed more inclined to argue with him. However, he soon regained both his position and his poise. With the exception of Enahoro all the members now defer once again to his opinions as soon as he indicates them firmly enough. Whether the rift between himself and Awokoya and Akinloye has been completely healed is a matter for conjecture; all one can say with confidence is that in recent months relations in the Council appear to have been smoother. Awokoya's demands for additional funds for his educational schemes are almost invariably refused by the Premier, as Minister for Finance, and Awokoya has accepted them without demur. On the other hand, there is still little love lost between the Premier and Enahoro. The Premier loses few opportunities to shoot down the latter's ambitious and expensive propaganda schemes and this is not accepted with the best of grace. Rotimi Williams, although apparently more easy-going, is beginning to find his feet and to take a stronger and more individual line in his own portfolio. The rest are very small beer as compared with the leaders, and are soon silenced when the latter have made up their minds on any important issue.

10. I have already reported to you the circumstances surrounding the expulsion of the Odemo of Ishara from the Cabinet. So far as we know the immediate cause of the rift arose from a disagreement concerning the reform of Native Courts and the democratisation of Local Government Councils. Ironically enough it was to the Odemo himself that the the task fell of introducing the new Local Government Law into the House of Chiefs. When he realised the full significance of the changes apparently he objected to the reduction in the position and functions of the Chiefs which they involved. But the roots of the affair probably go deeper than this and it seems probable that the Premier and the Odemo were never particularly happy bedfellows. Be that as it may, the Premier reported to me in March that the Odemo was "undermining" the policies of the Government and asked me to dismiss him. He said he did not want to ask him to resign because this would give the Odemo the opportunity to write a long philippic against the Party which the N.C.N.C. might be able to use for propaganda purposes. I persuaded him that it was better and more dignified to ask him to resign, which eventually he did. In the event the Odemo complied in a dignified and rather touching letter, saying that he was not aware that he had done anything wrong, pointing out that they were all learning the way under a new system, and asking why if he had committed any fault the Premier had not taken him to task and given him an opportunity to mend his ways. Perhaps he hoped that there was still a chance of a last-minute reconciliation. If so, his hope was vain, but he has continued to conduct himself with dignity and has resisted the temptation so far to indulge in recrimination in the Press or to join the N.C.N.C., and no doubt much pressure was brought to bear on him to do so.

11. I have already said that in some ways the Premier is a poor politician. Whether he can retain his popular appeal or not will probably not be known with accuracy until the next election, but meanwhile he has continued to gain in stature and statesmanship, and in my view stands head and shoulders above his colleagues. This "able and austere lawyer," as he was described, not only sets a much higher standard of personal integrity than many of his colleagues and rivals but, when not touched on one of his blind spots, is a very good administrator who has the moral courage to put through many unpopular schemes once he is convinced of their need.

12. As I explained in my first despatch, it seemed to me that our first and foremost task—essential if we were to succeed in any other direction—was to establish mutual confidence between the Ministers and expatriate staff, and especially to secure agreement first that the Provincial Administration must be retained as the mainspring of our executive machine, and secondly upon its future scope and functions. I am glad to be able to report that in this so far we have been largely successful. It was not very long ago that the Premier made no secret of his view that the Administrative Officer must be eliminated as soon as possible. He wished first to reduce his functions purely to those connected with Local Government and then, as soon as adequate Local Government staff had been trained, to eliminate him altogether. In his own words, "the Administrative Officer is an

element extraneous to the structure of Local Government in Nigeria. He is a temporary expedient to be discarded as soon as the need for him ceases to exist." Apart from the inferiority complex which so many educated Africans display with regard to expatriate staff (and the administration had come to be regarded as the symbol of an alien administration), this attitude was largely attributable to the suspicion that so long as Administrative Officers remained they would somehow or other contrive to retain power in their hands and decide Government policy. The Premier has now had the courage to change this view and he and his colleagues agree with me that the Provincial Administration is still required as the " main executive agency of the Government in the field." The Ministers accepted with only a few minor verbal alterations a definition of the future role of the Administration which I proposed to them, and the Premier made a speech at the last meeting of the House of Assembly in defence of Administrative Officers. This is a striking and important change of heart. I believe that the reason for it is that we have at last succeeded in convincing them that we are here to help and that Administrative Officers will loyally carry out the policies determined in Executive Council.

13. An equally striking instance of the fair deal which Ministers are now attempting to give to Administrative Officers was recently provided in Ibadan. The chief mouthpiece of the Action Group in the West, *The Tribune*, carried a series of leading articles attacking an Administrative Officer who was alleged to have given favour and support to the N.C.N.C. When the facts of the case were presented to the Premier and the Minister for Justice a Press statement was immediately issued by the latter in which he said that investigation showed the allegations to be groundless and mischievous.

14. One of the reasons leading to this improvement in relations is probably the growing realisation by the Ministers of just how much the implementation of their plans depends upon the hard core of trained and incorruptible civil servants. Already their number is inadequate for the mounting burden they are called upon to carry, and the Ministers have their moments of panic when brought face to face with the gaps in their departmental establishments. When this occurs they will grasp at any straw and their thoughts often wander to the great untapped reservoirs of trained manpower which they believe exists in Europe and the U.S.A. They forget perhaps that we are in an era of full employment and therefore in a seller's rather than a buyer's market for such staff. As an example of the extremes to which they are prepared to go in order to obtain the necessary expatriate staff, the Ministers recently approved a scheme to build an additional ninety new quarters in Ibadan alone, all of which are required for expatriate staff. Only a very short time ago any such proposal would have provoked the most violent outburst of criticism. So far and by dint of great effort it has been possible to keep them to our traditional sources of supply, but if these dry up or the process of recruitment proves slower than their extreme impatience will tolerate they will almost certainly break away and embark upon experiments which may make it extremely difficult to preserve the British connexion. There have already been a number of tentative moves to associate the London Office of the Commissioner for the Western Region with recruitment with the obvious intention that in due course he should take over the functions now exercised by the Colonial Office and the Crown Agents. I cannot over-emphasise that the only means by which we will be able to preserve existing channels is by showing the necessary results. Incidentally, it is not only the Ministers who urge upon us the need to find the staff who are required quickly. Margery Perham drew attention to it in her recent article in *The Times* on the " Problem of Staff," and the Chairman of the *Daily Mirror* made a special call on me the other day with the obvious purpose of trying to draw me on the subject.

15. The most serious disturbance to public order during the period was the tax riot which took place at Ogbomosho at the end of January. Whilst leaving taxation at its 1953–54 level the Ogbomosho District Council (largely at the instigation of Akintola, now Leader of the Opposition in the House of Representatives) had increased the local rate by 6s. This soon became a political issue and there was much agitation and resistance to payment. Early this year the Minister of Local Government urged me to send additional police to Ogbomosho to " make a display of force in order to encourage payment." This I refused to do, stating that I thought the proper course was for the Council to take legal action in the Courts in the first instance against the ringleaders of the resistance. The police would then ensure the preservation of order. This he agreed to do but by this time the Council had got cold feet and it became necessary to bring considerable pressure to bear on them to prosecute the offenders. However, eventually they did so and the ringleaders were taken to the Native Court at the end of January. Unfortunately the hearing took a long time during which a large crowd collected and after sentence had been given there was delay in getting the prisoners away owing to the fact that it was not possible to bring the vehicles in which they were to travel right up to the Court. Whilst they were being loaded into the vans the crowd, which up to that time had been well behaved, suddenly became disorderly and there was an outbreak of stone-throwing in the course of which the Resident was wounded in the face. Units of the Nigeria Police which had been standing by came into action immediately, the riot was quickly suppressed, order restored and all has been quiet since. A large number of arrests were made, and the rioters have since been tried and suitably punished. Over £11,000, more than half the tax target, was collected the next day.

16. In striking contrast to the Government's very creditable record of administration and of improvements in the social services is the story of the various incidents resulting from the bitter Party strife. In paragraph 19 of my last despatch* I informed you of the decision to defer the enquiry into the affairs of the Ibadan District Council until after the end of the financial year. It is not necessary to recapitulate the history of the war that has been waged with such energy and imagination on both sides between the Government and the N.C.N.C.-dominated District Council. At the last Local Government election early in 1954 the N.C.N.C. was returned with a resounding majority under that scourge of the Action Group, Adegoke Adelabu (see paragraph 8). Since then no opportunity

* No. 1.

has been lost by either side to harass or humiliate its opponents, and it has long been an open secret that the Government was impatiently awaiting an excuse and opportunity to dissolve the Council and to replace it with one of a more favourable political complexion. As a prelude to the announcement of an enquiry a newspaper " smear " campaign alleging bribery, inefficiency and nepotism was conducted in the Action Group Press. As soon as the financial year ended I learnt that the Ministers proposed to appoint as sole Commissioner the young African Town Clerk of Lagos, Mr. D. M. O. Akinbiyi. I pointed out that he seemed very young and inexperienced to conduct such an important enquiry into the leading Local Government Council of the Region, and tried to persuade them to add to the Commission Sir John Verity, who is due here in August. They at first demurred but eventually agreed provided that I would agree that the Council should be dissolved immediately prior to the enquiry. Since it was impossible under the law to do this without first holding an enquiry I was unable to press this suggestion further.

17. I was at first a little surprised that Mr. Akinbiyi should have been willing to undertake alone an enquiry which was bound to be difficult and upon which the whole political spotlight would be focused. But the reason for his ready acceptance perhaps was not far to seek. He played a prominent part in the enquiry into the affairs of the Lagos Town Council conducted by Mr. Bernard Storey some years ago and Mr. Storey's remarks about him are illuminating. Mr. Storey was surprised to find as virtually Town Clerk of Lagos a man who in England with his experience would have been the most junior assistant solicitor in a Town Council office. In brief his opinion of Mr. Akinbiyi was that " he was opinionated, cocky and knew all the answers." He will need to know all the answers if he is to emerge with credit from what must be an exacting ordeal. Meanwhile, another difficulty has arrived on the horizon. In securing his services the Minister dealt throughout direct with Mr. Akinbiyi although he is a servant of the Lagos Town Council. It now appears that there is a section in the Local Government Law which requires the consent of the Government (in this case the Federal Government) before a servant of a local authority can undertake work outside his normal duties. As the majority of the Federal Ministers are N.C.N.C. and as the Lagos Town Council is short staffed, it seems unlikely that consent will be given, and the Ministers may after all have to look elsewhere for a Commissioner. Moreover, Mr. Akinbiyi may not now be quite so keen to undertake the enquiry.

18. By far the most serious lapse of the (Action Group) Government has been its handling of the Lloyd Report on the Oyo Riots, and above all its determination at all costs and in the face of the recommendation of the Report to depose the Alafin. The affair has been reported to you separately and I need not recapitulate the whole story. Briefly, the facts are that tension caused by the intense political rivalry between the Action Group and N.C.N.C. in Oyo broke in September last in serious rioting in which a number of people lost their lives and damage was caused to property. The Alafin most unwisely had come out in open support of the N.C.N.C. A Commission of Inquiry was appointed, and in order to reduce tension meanwhile the Alafin was induced to go into voluntary exile. The Commission found the causes of the riots to be anti-Alafin feeling and political intolerance between the Action Group and N.C.N.C. supporters. It apportioned blame more or less equally between the Parties. Although it did not clear the Alafin of all the charges brought against him, it found there was a tendency to blame him for everything that happened. It exonerated him from any direct instigation of the riots and recommended that he should be allowed to return after the Local Government elections had been held.

19. The Report came as a very severe shock to the Ministers. They were quite unable to conceal their chagrin and disappointment at the reflections cast on their Party and friends. Their first reaction was not only to refuse to accept the main recommendations, but to seek to controvert the findings point by point alleging that they were biassed and not in accordance with the weight of evidence. In order to do this they prepared a long statement designed to be published simultaneously with the Report. It was a most tendentious document full of special pleading and in many cases starting from premises obviously inaccurate or prejudiced. Eventually they were persuaded to abandon this proposal in favour of a short statement to the effect that the Government could not accept all the findings and recommendations of the Report and in particular that regarding the return of the Alafin.

20. The Ministers were absolutely determined, however, that the Alafin should not be allowed to return because, they said, this would certainly lead to further trouble, although no doubt an equally impelling motive was the fact that he had allied himself with the rival party. In view of past history and all that there is on record concerning the character of the Alafin I could hardly refuse to accept their advice on this point. He is an old, illiterate and an extremely autocratic African Chief who had proved himself incapable of adjustment to modern conditions. For a long time he had been an obstacle in the path of good government ; so much so that at the time of the outbreak of the riots his deposition was being seriously considered. It is true that he was acquitted on the charge of instigating the riots but for a man in his position something more than a purely passive rôle was required in the circumstances. It is clear that he could and should have done a great deal to stop them or at least their violence.

21. The question then resolved itself into one of deposition or exile. The Ministers were determined on deposition. They could not or would not see that this could not now be justified in the face of the Report. They merely retorted that the Commissioner had not examined all the issues adequately, that the Report was biassed and not in accordance with the weight of evidence, and that in any case the question of the Alafin's return did not properly come within the Commissioner's terms of reference. On this latter point they were perhaps on better ground. It was finally decided in Executive Council, after very long argument, that the Alafin should be deposed, although the question of his future should first be referred to the traditional Kingmakers.

22. Unfortunately the composition of the Kingmakers was one of the matters which were disputed before the Commission. According to the new Appointment and Recognition of Chiefs Law it now rests with the Divisional Council to make a "Declaration" of the native law and custom on the subject, which it immediately proceeded to do. Although once made such a "Declaration" cannot legally be challenged, it was clearly intended that the Council should merely record the native law and custom on the point and was not entitled to change it to suit its purpose. As soon as the "Declaration" was made it was clear to me that the Action Group Party in the Council had used its narrow majority to alter the composition of the Kingmakers in order to make certain that there was a majority favourable to the Action Group and unfavourable to the Alafin. I therefore had to inform the Ministers that I could have nothing further to do with it and that it seemed to me farcical in the circumstances to consult the Kingmakers. They agreed, but maintained that the decision of Executive Council that the Alafin must be deposed must stand.

23. In the course of a very long interview with the Premier I informed him of my very grave doubts of the justice and the wisdom of this decision, and that I would have to consider whether my conscience would allow me to accept their "advice" and to depose the Alafin. I asked him to consider the consequence if I came to the conclusion that in the interests of public faith, order or good government, I could not carry out the decision of the Council. He said that in those circumstances of course he would resign. I told him that in that event I thought there would probably have to be a dissolution and a general election, and that I felt that I would then be called upon to explain the reasons for my decision. The Premier was at first extremely angry and later wrote me a very intemperate minute, in which he more or less accused me of taking sides in the dispute. Nevertheless the hint which I had given regarding a public statement was not lost and I have no doubt that as soon as tempers had cooled off he and his colleagues made a realistic assessment of the situation. They probably realised that on this issue they would be in a poor position to fight an election, because a few days later the Premier and Minister came to see me at Shagamu where I was on tour and informed me that they would compromise and agree to exile provided I would make an order straight away under Section 22 (1) of the Appointment and Recognition of Chiefs Law, suspending the Alafin and exiling him from Oyo Division and Ibadan Provinces. This I agreed to do for the reasons given in paragraph 20 above.

24. That, I am afraid, is not the end of the story. A few days later, after the compromise decision had been confirmed by the Executive Council, the Minister for Local Government held a Press Conference to announce the decision of the Government and to release the Report and the Government's statement on it. In spite of the protests of his Permanent Secretary, he also released the long statement which had earlier been considered in Executive Council, stating that this contained his own personal views on the Report. Obviously this action could not be allowed to pass unchallenged. Apart from other objections the statement contained unwarranted reflections on the Commissioner's integrity and ability. When tackled the Minister replied that he made it quite clear that these were his own personal views, as distinct from the views of the Government, and that he must be at liberty to express his own views. I have told the Ministers that I cannot accept this: that the issue of the statement even as his personal views appeared to me to conflict with the decision of the Executive Council to issue the shorter statement. I ended up by saying that although I could not agree that a Minister was at liberty to publish his personal views, as distinct from those of the Government, since in this case it had been done, presumably he and his colleagues would have no objection to my also publishing my personal views, if I should consider it desirable. The reaction I required was swift. The Premier was on the telephone before seven on Sunday morning asking for an immediate interview. He has assured me that it was all a misunderstanding and will not occur again. He "advised" most strongly against my making any statement. Needless to say I had no intention of doing so. I hope, however, that the lesson has been learnt and will not quickly be forgotten.

25. I must turn now to the one case, to which reference was made in paragraph 2, in which there has been the danger of a serious setback to the improved relations between this Region and Great Britain. A short time ago the allocations under the new Colonial Development and Welfare Act were announced. As soon as the sums allocated to the Centre and the other Regions were seen and compared it provoked the most violent outbursts of anger and disappointment both on the part of Ministers and the general public as expressed through the Press. I should explain at once that if it could have been viewed in isolation the sum allocated to this Region might have aroused no unfavourable comment; on the contrary the Ministers and the Premier in particular are not unmindful or unappreciative of the generous help we have received from the British taxpayer. I believe that if this Region had received nothing they would have been quite content provided that the allocations elsewhere in Nigeria had borne a fair relationship in their view to their own. In order to understand their reaction it is necessary to try and understand how their minds work. Their views and actions are governed by two guiding objectives. They are desperately anxious to improve conditions here and to show that they are capable of managing their own affairs under modern conditions. As part of this process they are engaged in a desperate contest with their political rivals whose headquarters are in the East. Although admittedly they are now better placed financially than the East, on the revision of the Constitution revenue was allocated on the basis of derivation and merely ensures that it is now spent in the area where it is produced which in their view is no more than justice. In the past it was spent by the Central Government without regard to the principle of derivation. Whatever may have been the reasons it is a fact that in matters like secondary education and medical facilities the West has lagged behind the East although, in their view, the West has produced much of the money spent on providing these services in the East. They are determined to improve this situation and in order to help do so have taken the very courageous step politically of increasing taxation. This has been attacked and exploited by the N.C.N.C. They would probably admit that there is a case for giving the East more than the West, in spite of the fact that in the past it has received a

greater allocation of revenue, if the discrepancy were not so great. As it is they feel that the allocation to the East of a sum five-and-a-half times as great as that allocated to the West does not bear anything like a fair relationship to the revenues and resources of the two Regions, quite apart from not taking into account the fact that up to very recently revenue in Nigeria was spent under Central control irrespective of derivation, and the West although it has produced more wealth is still behind the East in certain services. The question of "face" also enters largely into it. The Ministers feel very strongly that they have acted more responsibly than the N.C.N.C. in the matter of fiscal policy; they have tried to help themselves, and therefore are deserving of the more encouragement.

26. Far be it from me to suggest that all their arguments are valid. We have done our best here both to persuade them into a more reasonable frame of mind and to induce them to look at wider horizons than those of our more immediate neighbours. I have already referred to their tendency to regard those who do not share views close to their hearts as "unsympathetic" or even obstructive or hostile. Comparison with other more remote territories is not always easy or profitable. The Gold Coast which received no new allocation has a revenue approximately three times as great as that of this Region for a territory which is smaller in area and population. Uganda which is comparable in size, population and revenue has long been regarded as a fairly wealthy territory whilst up to very recent times Nigeria was one of the poorest. Trinidad, very small by comparison in area and population, receives £250,000, whereas for a long time it has been rich through oil revenues. However, comparisons are invidious. The Ministers have now thought better of their first impulse to refuse the allocation and I hope that in the course of time their feelings of injustice and bitterness will disappear.

27. Copies of this despatch are being sent for information to the Governor-General and the other Governors.

I have, &c.

J. D. RANKINE.

W.A.F. 103/416/01 [No. 36]. No. 15.

GOVERNOR, NORTHERN REGION

to

SECRETARY OF STATE.

Saving No. 23. (Secret and Personal.) 23rd June, 1955. Repeated: Governor-General, Lagos; Governor, Eastern Region; Governor, Western Region.

POLITICAL SITUATION, NORTHERN REGION OF NIGERIA.

My Secret and Personal Saving No. 20 of 11th June* covered developments up to the close of the Chiefs' Conference whereafter the N.P.C. political leaders left for Maiduguri for the Party Conference, the opening of which had been arranged for 13th June.

2. The Conference was characterized, firstly, by the very large number of delegates who had assembled from all parts of the Region and many major centres in the South and, secondly, by the extreme moderation of the decisions in relation to what was expected from some of the less responsible branches.

3. It was known that Isa Kaita, abetted by Abba Habib, the latter more from a sense of adventure than as a result of deep thought, had been prepared to take advantage of any support they could find for advocating self-government in 1956, this to be combined with an intensification of anti-Ibo propaganda. The remaining Ministers, however, and their supporters had other views. Abubakar had proclaimed that he would subscribe to any form of political advance provided only he could be shown a convincing plan. He had added that no single one of the advocates of early self-government had, when challenged, been able to produce any plan as to how it should be brought about. The formula of "Self-Government as soon as practicable" was retained.

4. It was further decided, but without any great enthusiasm, that it would be necessary, in 1956, to ask for an all-Northern Executive Council except for the Governor and the Attorney-General.

* No. 13.

5. Apart from the inevitable parochialities which are inevitable in a gathering which included representation from the most remote and least sophisticated areas, the subject which most excited interest and resentment was the relationship between the North and the South. While there is deep dislike and suspicion for the Action Group and all its works, the Yoruba, as a race, are not unpopular. On the other hand, the Northerner's feeling for the Ibo borders on detestation. There is no object in recalling the root causes for this which go back for 20 or 30 years but it is a situation which must always contain the seeds of violence.

6. In the course of the Conference various leaders of Northern communities in large towns in the Eastern Region gave an account of the manner in which they were treated as individuals and as communities. There was even a discussion covering the possibility of an exchange of populations at some future date. Such a development is scarcely practical politics and not likely to occur in any form provided that there is no recurrence of the Kano Riots. Against this the personality of the present Emir of Kano constitutes an encouraging insurance.

7. Despite the Conference's attitude towards the Ibo it is significant that there was no talk of separatism. Emphasis rather lay on the necessity for a strong Federal Government and, before self-government for the North, access to the sea by means, preferably, of a well-developed river port and guaranteed access to Lagos.

8. More important still than the results of the Maiduguri Conference have been developments nearer home. There is no doubt whatsoever, from the point of view both of Ministers and Heads of Departments, there has been a very great improvement in the workings of the Ministerial system. Of greater significance still has been the decision, quite candidly conveyed to me, that despite his long series of political blunders and his grave faults of character, it is intended that the Sardauna shall as long as possible be retained as the working figurehead of the Party, with the strictest instructions to keep at all times in touch with the Governor and to take note of his advice. Steps are to be taken by responsible Ministers to curb the influence of Isa Kaita which is felt to be potentially dangerous, and of Abba Habib, which is completely irresponsible. Subject to this, assurances have been given of a complete change in attitude as between Ministers and official Members of Executive Council in particular.

9. This, provided it can be maintained, and I think it can, is a great step forward for which the Region owes a great debt of gratitude to Abubakar and, in a less degree, to Makama and Shettima.

10. On the other hand, it must be remembered that the Sardauna is still in a position to do damage to the unity of the Region on the one hand and to antagonize the Service on the other. Incidents have already occurred in Bornu since the Conference closed though they are not of major significance and too frequent repetition can probably be avoided.

11. To turn to the other two Parties. The two most active non-Moslem Parties, i.e., the M.Z.L. and the M.B.P.P., have united under the name of the United Middle Belt Congress with David Lot as the President and Patrick Docherty and other of the more responsible Birom, behind him. On the other side Bello Ijumu, aided by Yerima Balla, represent the M.B.P.P. and the M.Z.L. extremists.

12. This development has undoubtedly come about as the result of political blundering by the Sardauna, Isa Kaita and Abba Habib who have been supporting small N.P.C. groups working in conjunction with individuals antagonistic to the Birom Native Authority. Their treatment of the Chief of Birom so incensed him and his followers that he asked for a personal interview with me at Kaduna and also complained bitterly to the leading Chiefs. The same misguided technique has also been encouraged by the Sardauna in other predominantly non-Moslem areas where small and somewhat disreputable N.P.C. elements are active.

13. Despite this, the alliance of David Lot and his followers and Bello Ijumu who constitutes the driving force behind the new " Party ", is not likely to last. Bello Ijumu still has strong links with N.E.P.U. and with the Action Group which, for financial reasons, he cannot break and which will inevitably bring him in conflict with the moderates.

14. Finally, N.E.P.U. Aminu Kano and his followers, incorrectly assessing what lay behind the Chiefs' Conference, have come out in the open as champions of the Chiefs against the N.P.C. Such a move is purely opportunist and typical, and as soon as it is shown to be profitless, it will be dropped.

15. The proposed delegation to London which at the moment intends to leave Nigeria in August, consists, apart from Aminu, of Ibrahim Imam, Nwajei, the Ibo communist-inclined lawyer from Kano, Yerima Balla and Zukogi from Bida, and a female. Of these, Ibrahim Imam, despite his much advertised change of allegiance, instead of attending the N.E.P.U. Conference, remained hopefully, though fruitlessly, in the wings at Maiduguri. Further, Yerima Balla has joined the U.M.B.C. though doubtless this fact will not prevent him taking the opportunity of a trip to London.

16. I will report further in due course. It is expected that the N.P.C. will try to lay the foundations of a " National Front " on a non-political basis in August, to include Chiefs, leading Traders and provincial " Divines ", Christian as well as Moslem.

GOVERNOR.

W.A.F. 16/3/09 [No. 25].

No. 16.

SIR THOMAS LLOYD

to

SIR HUGO MARSHALL.

(Answered by No. 17.)

(Secret and Personal.)

Colonial Office, The Church House, Great Smith Street, London, S.W.1, 29th June, 1955.

Very many thanks for your secret and personal letter (247/97) of the 28th May* about " fragmentation " and other problems in connexion with the next constitutional conference. I have also had Pleass' letter (GE : A.114/8) of the 26th May†, and Rankine's letter (S.40/1) of the 13th June‡, and a copy of Sharwood-Smith's (G.4040/S.38) of the 31st May§ to you.

2. We have studied all these communications with interest and care, and are most grateful for them. You have promised us further letters, after you have conferred with the Governors, on a number of important points, and we shall look forward to receiving them.

3. There is only one comment which we wish to make at the moment on Pleass' letter, and it arises on paragraph 9. It is that, while some modifications may well have to be made in the present electoral arrangements in the North, we think that Her Majesty's Government may have to resist a demand from the East for an absolutely uniform electoral law throughout the Federation.

4. On the question of financial enquiries, you say that, despite the argument in paragraph 5 of my letter of the 12th May‖ you are quite sure that you must make enquiries about the extent to which any new " States " might be viable. We recognize the force of your arguments, and if you and the Governors are of one mind on this we shall not for our part raise any further objection to your going ahead. Presumably these enquiries would—and indeed could only—be made on the basis of the present revenue allocation system. But if, as appears to be necessary, Ministers must be consulted about these enquiries, then it must also be made clear to them that they are fact-finding only and that their institution does not in any way imply that Her Majesty's Government have accepted a policy of further fragmentation. Moreover the fact that any new " State " might appear, as a result of these enquiries, to be viable would not be the governing consideration in the matter, although of course it would be an important one.

5. Sharwood-Smith, for his part, says in his letter of the 31st May§ that the North propose of their own volition to institute certain financial enquiries in connexion with the proposals for devolution of responsibility to Provinces. We do not yet fully understand what is involved in this proposed " Twelve Pillar " pattern. We know that part of his objective is to spike the guns of the fragmentationists in the South. But is there not a risk that he might thus be playing into their hands ? They might, it seems to us, well argue that the " Twelve Pillar " policy demonstrates that the Northern Region is too large and that the Provinces, whether singly or grouped, should be given the status of States and tied directly into the Federation of Nigeria—with the disappearance of the present Northern Region, and its Regional Government, as such. Williamson has already voiced his fears to Sharwood-Smith on this matter. I am not sure how much there is in it but I wanted you and the other two Governors to know of the possible danger which we foresee.

6. Assuming, therefore, that you and the Regions now proceed with your financial enquiries about the viability or otherwise of possible new States, would you not agree—as Sharwood-Smith and, I think, Pleass do for their part—that a despatch on the lines of the draft which I enclosed with my earlier letter should, none the less, be sent by the Secretary of State to the Governor-General and the three Governors ? I am not sure from your letter whether you regard the two operations, i.e. (*a*) the institution of financial enquiries about the viability of new States and (*b*) the issue of the despatch, as incompatible. It seems to us that both could, if need be, proceed concurrently. The arguments in favour of sending the despatch were set out in paragraph 7 of my earlier letter, and I think they are still valid. We quite realize that objection might be raised to the proposals in the despatch, for example on the grounds that the terms of reference were unacceptable, say, to the West, or that they did not take account of the possibility of new States being formed. If those objections were raised, the Secretary of State could reply that they, or at any rate the second, could be dealt with only at the next constitutional conference ; but at least he would have suggested a fiscal review on terms which seemed to him reasonable, and he would thus have a valid answer to any criticism at the conference that he had taken no initiative on the lines recommended by Chick and endorsed by the Lagos conference. In short, we are inclined to the view that the despatch should issue, but we are not without hope that the outcome will be that nothing will come of it this side of the next conference because of disagreements within Nigeria.

7. As you probably now know, the Secretary of State is due to leave on the 22nd July for a six weeks tour of the Far Eastern territories, and if we are to proceed with the despatch I should wish to put the matter before him before he goes. Could you therefore kindly let me have a reply to this letter, if necessary by telegram, not later than the 15th July ?

* No. 12. † No. 11. ‡ W.A.F. 16/3/09 [No. 24] : not printed.
§ W.A.F. 16/3/09 [No. 21] : not printed. ‖ No. 8.

8. I am sending this letter to you, rather than to Robertson, as I am not sure whether he will be in Lagos or on tour when it arrives. But I have no doubt that you will let him see it at the earliest convenient opportunity. I am sending copies of it to Sharwood-Smith, Pleass and Shankland.

Yours, &c.,

T. I. K. LLOYD.

W.A.F. 16/3/09 [No. 30]. No. 17.*

SIR HUGO MARSHALL

to

SIR THOMAS LLOYD.

(Secret and Personal.)

DEAR SIR THOMAS, Chief Secretary's Office, Lagos, 9th July, 1955.

Thank you for your Secret and Personal letter of the 29th of June* on the subject of the 1956 Conference. I showed this to the Governor-General and discussed it with him before he left on tour and have also discussed it over the 'phone with Sharwood-Smith, Pleass and Shankland to whom copies of this letter are being sent.

We are generally of opinion that February next year would be too early to start a serious review of the allocation of revenue undertaken by Chick. Although the Federal and Regional Governments will by then have prepared their Budgets for the second year under the Revised Constitution, the final results of the first year's working will not be available until some months after the end of the Financial Year on the 31st of March, 1956. Nor will data be complete on a number of other subjects which the new Commissioner would require information upon which was not available to Chick as, for example, on the revenue properly attributable to Lagos from imported goods (paragraph 12 (xii) of the Report by the Resumed Conference† refers).

In addition, most of us feel that a Commissioner with wide terms of reference would be unlikely to produce a Report which would be generally acceptable to the Conference. By his terms of reference, which themselves had been laid down at the London Conference and which formed part of the general settlement which this Conference achieved, Chick was strictly limited and this very limitation made his Report more readily acceptable to the Resumed Conference in Lagos. If a new Commissioner were, in his Report, to give greater weight to "need" and less weight to "derivation", his Report would almost certainly be unacceptable to the North and West, while if he stuck to the principles of derivation on which Chick's Report was based, his Report would certainly be unacceptable to the East. Taking the long term view, the right answer seems to be to settle the terms of reference at the next Conference and then to carry out the review.

We do, however, realize that the Secretary of State might lay himself open to criticism if he had made no attempt to implement the recommendation made by Chick himself and endorsed by the Lagos Conference that there should be a review of his Revenue Allocation Scheme before the next Conference.

On balance, therefore, we are now of opinion that it would be best if you were to send us a Despatch which we could lay before the Council of Ministers and which the Regional Governors could lay before their Executive Councils, though we think that the Despatch should be rather less specific than the draft which formed an enclosure to your Secret and Personal letter of the 12th of May;† that is, should not suggest a date when the review should begin and that it should invite the Government's concern to suggest terms of reference rather than suggesting terms of reference in the Despatch itself.

Like you, most of us would not be sorry if, in the outcome, it was found impossible to carry out the review before the Conference opens next Summer, though on this Pleass is not, I think, in entire agreement.

As to the internal enquiries into the financial viability of the various units which we might be asked to establish during the next Conference, I gather that the North are still anxious to carry out an internal exercise in order to see how revenues could be allocated to the new units which they envisage under their "Twelve Pillar" system, but the rest of us will probably take no further action on this until we receive the Despatch which is now proposed and have had an opportunity to discuss this with our Governments.

Yours &c.,

H. MARSHALL.

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* No. 16. † Cmd. 9059. ‡ No. 8.

W.A.F. 16/3/09 [No. 32]. No. 18.

SIR CLEMENT PLEASS

to

SIR THOMAS LLOYD.

(Secret and Personal.)

DEAR LLOYD, Governor's Office, Enugu, 19th July, 1955.

I do not know whether you expect any reply from me to the Secret and Personal letter of the 29th June* to Marshall on the subject of the 1956 Constitutional Conference, but there are one or two points in connexion with that letter which I should like to make.

In paragraph 4 of your letter you say that the enquiries about the extent to which any new "States" might be viable could only be made on the basis of the present revenue allocation system. One of the main things it would have to enquire into would be what revenue—on the basis of the present allocation—is expected to accrue to, say, a separate Middle West State. In the making of such an enquiry it would, I think, inevitably be found that information was forthcoming which showed that in fact the present revenue allocation approved under the Constitution no longer accurately represents the real position. The investigation into the National Income of Nigeria, 1950-1951 by Prest and Stewart was made at a time when the price of cocoa was high. The price of cocoa has now fallen. It would seem that the fall in the price of cocoa would be bound to affect the allocation.

One main disadvantage of an enquiry such as is envisaged in the draft despatch forwarded with your Top Secret and Personal letter of the 12th May, 1955†, is that it might produce facts which at the very start of the Conference would produce a state of disagreement. For example, from such information as I have been able to gather, it would not surprise me if the revenue derived from the Calabar and Rivers Provinces turns out to be very much greater than is now thought, and the revenue derived from the Ibo Provinces turns out to be much less than is now thought. One significant pointer is the fact that on the Pioneer Oil Mills which operate in the Ibo Provinces in this Region, the Board has lost £166,000 since they were started, whereas on the Pioneer Oil Mills in the Calabar and Rivers Provinces they have made a profit. Whether or not it would be a good thing for the Conference to start off in a state of disagreement is a matter for consideration. My personal view is that it would be, because I am sure that these people have got to be made to face all the facts this time; and they were neither made to face all the facts nor did they face all the facts last time; the very composition of the former Conference militated against it.

I should like to take this opportunity of re-emphasising the importance of the representation at the Conference. If the question of separate States is to be considered, and it seems now that it must be, then as far as I can see there must be representatives of those areas present at the Conference, which will mean that there will be representatives present who are, in fact, not members of any of the now recognized political parties. In their present state of mind I doubt if the N.C.N.C. for one, would be willing to agree that any but the recognized political parties should be represented. They attribute the agitation in the Calabar, Ogoja, Rivers areas for the creation of a separate State largely to the machinations of their political opponents, the U.N.I.P. They told the Governor-General in an informal conversation when he was here that they would be prepared to hold a plebiscite in this area because they felt confident that that plebiscite would support their views. At the same time, they admitted, and this is the first time that I have heard them admit it, that the discovery of oil in the Calabar Province would make a big difference. It is interesting to note that during my recent tour of the Calabar Province (although the matter was never raised officially in the open) it was made quite plain privately that that Province expected to be made a separate State with the Rivers and Ogoja Provinces in 1956. Individual members of the N.C.N.C., in what seems to be a kind of counter separate States policy, are now adopting the practice of advocating the establishment of what may be called "Clan" States within the area from which there is a demand for a separate State. For example, in Ogoja some N.C.N.C. members are advocating a separate Ogoja State, and for Calabar Eyo is advocating a separate Annang State. Of course, neither an Ogoja State nor an Annang State is viable, and the only logical interpretation of this move is that it is an attempt to counter the demand for a separate State for the Ogoja, Calabar and Rivers area.

On the whole, I agree with the views expressed in paragraph 5 of Hugo Marshall's Secret and Personal letter of the 9th July‡ to you, but I am not in entire agreement with his paragraph 6 in which he says that we should not be sorry if, in the outcome, it was found impossible to carry out the review before the Conference opens next Summer. I find it very difficult to make up my mind on this point. I have gained the distinct impression that Zik would not be unhappy if he could find a good excuse for delaying the actual date of self-government, probably by dragging out the proceedings of the Conference and the drafting of the Constitutional Instruments. He will, of course, never admit this in public, and if we made any effort to drag out the proceedings he would use that to attack us. Some members of the Service already have the impression that the N.C.N.C. would like to postpone the actual date of self-government and that they are endeavouring to make conditions of work so unpleasant for expatriate civil servants that a great many of them will go before that date, thereby reducing the amount of lump sum compensation to be paid. If the day-to-day conditions of work and the Ministers' attitude to the Civil Service do not improve and if the date by which lump sum compensation is to be paid were postponed indefinitely, the effect on the Service would probably be marked. There is every indication at the moment that some of the leading Ministers are worried about expatriate officers leaving the Service. The Minister of Finance, Mbono Ojike, said to me after a recent meeting of

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* No. 16. † No. 8. ‡ No. 17.

Executive Council at which the Gorsuch Report was exhaustively discussed and during which I had occasion to say that recent events in the East had done great damage to the confidence of the Service, that he did not understand what was the cause of the loss of confidence in the Ministers on the part of the Service and that he would like to have a further discussion with me about it. This is probably but another example of their wilful refusal to face facts, but it may be an indication of a possible change of attitude in this respect. There are so many imponderable factors that at present I think the best line of action is that suggested in paragraph 5 of Marshall's letter, to which I have already referred, and to wait and see what happens.

I have no doubt that you have studied Azikiwe's Presidential Address to the N.C.N.C. Convention, wherein he indicated the shape that he considered should be assumed by Nigeria in 1956. Summarized, his indications were as follows :—

(*a*) uniform electoral laws, based on universal adult suffrage throughout the country ;

(*b*) control of the Public Service by Executive Council ;

(*c*) a Federal government consisting of co-ordinate members of approximately equal size and population ;

(*d*) two Federal House of Legislature, the membership of one based on population and of the other on equality of representation ;

(*e*) the re-drawing of geographical boundaries as a basis of cultural, linguistic and economic needs ;

(*f*) the abolition of discretionary powers and the exercise of reserve powers in the same way as the Royal Prerogative is exercised in the United Kingdom ;

(*g*) the allocation of revenue on the basis of need (based on population), even progress, natural interest and—last of all—derivation.

It is difficult to know whether he means all he says. We should not, I feel, make the mistake of not believing that he will go for what he says he will go for (a lot of people who read *Mein Kampf* would not believe that Hitler would go for what he said he would go for ; but he did, and it cost us very heavily) but at the same time we should remember that the N.C.N.C. are opportunists.

Yours, &c.,

C. J. PLEASS.

W.A.F. 28/168/02 [No. 8]. No. 19.

THE MINISTER OF STATE

to

THE GOVERNOR-GENERAL.

No. 2024 (Confidential.)

Colonial Office, The Church House, Great Smith Street, London, S.W.1.

28th July, 1955.

SIR,

I have the honour to address you on the subject of the allocation of revenues within the Federation.

2. You will recall that in paragraphs 66 and 95 (21) of his Report on the Financial Effects of the Proposed New Constitutional Arrangements (Cmd. 9026) Sir Louis Chick recommended that the allocation of revenue should be reviewed after experience had been gained of the working of the revised constitution. The Lagos Constitutional Conference accepted this recommendation.

3. I should now be glad to receive the views of your Government formulated after consultation with the Governments of the three Regions and of the Southern Cameroons, as to whether, and if so when arrangements should be made for this review to take place.

4. If the review is to be made, the terms of reference will require consideration. Sir Louis Chick suggested that these should be framed " rather more broadly " than the terms of reference given to him. (These will be found in paragraph 1 of his Report.) Accordingly I should be glad to have your suggestions for the revised terms of reference.

5. As regards the selection of a Commissioner—and I assume that it would be the general desire that the enquiry should be undertaken by a sole Commissioner—I shall be glad to receive any proposals which your Government or the Regional Governments may wish to make, and also to know whether you would wish to charge me with the final responsibility for finding and appointing a suitable expert. You will no doubt bear in mind that it may take some months to find a suitable Commissioner who would be available at the time agreed upon.

6. I am sending copies of this despatch to the Governors of the Northern and Eastern Regions and to the Officer Administering the Government of the Western Region.

I have, &c.,

HENRY HOPKINSON.

W.A.F. 103/416/01 [No. 49] : Enclosure. No. 20.

A NOTE ON SOME POLITICAL ASPECTS OF ECONOMIC AND SOCIAL DEVELOPMENT IN THE NORTHERN REGION OF NIGERIA.*

(Secret and Personal.)

23rd August, 1955.

The emphasis which the Premier placed in his recent address to the Northern Peoples' Congress convention at Maiduguri on evidence of social and economic development since the N.P.C. assumed political responsibility in Northern Nigeria, the Bill which has been prepared for the forthcoming meeting of the Legislature for a Law to establish a Northern Region Development Corporation, and the recently completed £89 million Development Finance Programme for 1955–60, make it appropriate that some record should be made at this time of the political aspects which affect social and economic development in the Northern Region.

2. The first, and perhaps the most important, aspect of development planning in the Region is that political leaders, including Ministers, are very ready to give unbiased and favourable consideration to the advice of the financial and technical advisers to the Government : there are no economic " professors " amongst them or in the ranks of their followers ; they have no proprietary interests in the development of particular areas of land or in particular industries ; and their relatives and followers, likewise, have only a general interest in the increased prosperity and welfare of their communities. It must not, however, be assumed that development proposals put forward by Departments are therefore accepted by the Ministers without close examination and consultation amongst themselves. Such plans are in fact carefully examined, with particular reference to the division of responsibilities between Ministries, full representation of non-officials on management boards and committees, and the necessity to avoid criticism of neglect of any one area of the Region or of undue preference to another. Ministers are particularly sensitive to allegations that the " Middle Belt " has been neglected and take great care to ensure that there are no grounds for such criticisms.

3. The limited understanding of the technical and financial aspects of development planning amongst the political leaders in the North makes them hesitate to participate in schemes for economic and social development on an all-Nigeria scale. This is evident even when proposals are put forward for the training of Northerners in institutions sited outside the Region, such as Ibadan University College, the School of Forestry and the Mental Hospital and Nurses Training School at Abeokuta. The reluctance is deep-rooted and has been increased by the political events of the past three years, by the discourteous attitude of the young Ibo and Yoruba towards the Northerner and by the fear of " Southern " domination of the Public Service. Thus, at present, where teachers, doctors, engineer assistants and other professional men are available in the other two Regions and ready to take up service in the Northern Region, the Northern Ministers are adamant in their desire to seek personnel elsewhere ; from the United Kingdom, Gold Coast, Sierra Leone, West Indies, Libya, Egypt and even from amongst displaced Palestinian Arabs.

In the Region itself, the presence of Southern, mainly Ibo, artisans and contractors on all development works and in most public utilities tends to create an uneasy atmosphere. They are well entrenched at the head of sections or gangs made up of other skilled or semi-skilled persons of their own selection or own tribe. It is in their interest that northern artisans, few though they may be, should not gain control of the staffing of any service or project.

A curious feature of this situation is that apart from resisting the appointment of any southerner to the Public Service of the Region, and where possible preventing any southerner from gaining entrance into any training institution in the Northern Region, the Premier and Ministers do not often mention in formal or informal talks with officials the reasons which have led to their complete distrust and repugnance of the southerners. It is, as it were, a subject which must be treated with reserve, like misdeeds in the private life of an individual, and not discussed lightly or freely. They are, of course, aware that senior officials are fully conscious of the root causes.

The position is that, in the Northern Region, the technical and financial aspects of development planning are not yet seriously complicated by political factors or the rival interests of separate communities or separate political factions. Ministers, their relatives, and their friends and followers have no pecuniary or proprietary interests in development proposals. The behaviour and activities of people from the Western and Eastern Regions, however, both within and outside the Region, make the northern leaders reluctant to participate in any inter-Regional development venture or to take advantage of any training or establishment resources that may be available to them in the other two Regions. These conditions, nevertheless, have not prevented the achievement of a very large measure of progress during the past three years. Two hundred and twenty new schools have been built and seven Teacher Training Colleges established. Five hundred scholarships for higher training have been awarded and five thousand adult education classes instituted. More than one thousand Rural Water Supply wells are being sunk each year and every large centre of population is now served by piped water supplies. Ten major road bridges have been constructed and two hundred miles of trunk roads tarred. New industries are rapidly expanding in the Kano area and there is evidence to show that overseas firms will continue to be attracted by the favourable conditions of economic and social stability which exists in the Region. Groundnut production is maintaining a new annual high level and 100,000 bales per year is only the beginning of greatly increased production of cotton. Animal health is very much improved ; 300,000 cattle will be inoculated against trypanosomiasis this year, where, in 1952, only 52,000 head received treatment ; and one million head of cattle per year are

* (Enclosed in a semi-official letter from Sir Bryan Sharwood-Smith to Mr. T. B. Williamson).

receiving rinderpest inoculations. Three thousand square miles of reserves have been added to the forest estate of the Region since 1952 and local authorities are taking a much closer interest in the planting of fruit trees. Finally, in the field of public health, despite shortages of staff, conditions have greatly improved during the past three years. The Region, which in 1952 had a revenue of about £5 million, is now able to contemplate the expenditure of some £15 million per year on development and productive services alone.

There remains the question as to what have been the personal contributions of Ministers towards development plans for the North during the period since 1952. The Premier, successively as Minister of Works and Minister for Local Government, has indeed done much to encourage Native Authorities to play a fuller part in the development of the Region. He has never hesitated to urge that local authorities in the North, and the individual northerner, can and must play a far more active part in the social and economic progress of the Region and that they must not rely solely on the initiative and endeavours of the Regional Government. He has taken a keen interest in the progress of all training institutions in the Region and eagerly seized every opportunity to address the students in them. His recently increasingly tactful handling of the portfolio of Local Government, after a chequered start, has caused no criticism from Native Authorities that he is exerting an undue influence on their own local government affairs or interfering with the long established and close personal link between Native Authorities and the Governor, or, until October, 1954, the Lieutenant-Governor. Finally, he has been quick to judge the feeling of members of the Legislature on such matters as Loans policy and the Regional Production Development Board; and persisted until a satisfactory compromise between the views of officials and the wishes of the moderate members of the Legislature has been obtained.

The Makaman Bida, Minister of Education, has exercised a most successful and happy influence on the progress of the Education services of the Region. He has a clear and detailed knowledge of the problems which confront his Ministry and has handled every situation with great tact and understanding. Unfortunately he has not been able to pass on his knowledge and convince the other Ministers that it will be many years before there will be a sufficient number of northern students passing out from secondary schools and higher education institutions to make the policy of "Northernisation" of the Public Service a practical possibility.

The Minister of Natural Reouurces, Mr. P. S. Achimugu, has done much to reduce criticism that greater attention is paid to the progress of agriculture, animal health and forestry in the northernmost Emirates than in the riverain provinces. His complete honesty and simple concentration on his responsibilities have endeared him to the staff of the departments of his Ministry as well as to the people. He is apt, at times, to be over-swayed in his judgement by the advice of his Ministry; thus losing sight of the broader aspects of development and co-ordination of development in the Region. But, through his own personality, an atmosphere of honest endeavour and impartiality has been created which favours the continued progress of plans for the development of the natural resources of the Region.

Of the other Ministers, in their own particular spheres of responsibility, they have done all that could be expected of them. It is, however, when they turn their attention to matters outside their own portfolios that a more significant influence is felt. For example, Shettima Kashim, Minister of Social Development and Surveys—a portfolio which includes the most important subject of Co-operatives—recently in the Economic Committee of Executive Council paid much closer attention to the drafting of the Bill for a Law to establish the Regional Development Corporation than he has ever paid to the subjects in his portfolio. Abba Habib, Minister for Northern Cameroons Affairs, through his public and violent utterances against the southerners and against Northern political opponents has achieved nothing but encouragement to inter-tribal suspicions and ill-will. Finally, the quick witted, self-seeking and untrustworthy Isa Kaita, Minister of Works, never hesitates to pass judgement on the plans and proposals of other Ministries when they are discussed by Ministers before consideration in Executive Council; often persuading individual Ministers to make last minute alterations to their own proposals without recourse to the advise of officers in their Ministries. In a number of respects the last two Ministers named in this paragraph exert a disruptive influence on the otherwise even tempo under which plans for the economic and social progress of the Region can be evolved. On the other hand, this critical attitude has the healthy effect of encouraging Ministers to seek a full understanding of the subjects in their portfolio so that they are not found to be unbriefed when discussions take place with their colleagues. Even the Premier, on more than one occasion, has said to his Permanent Secretary, "I understand this quite clearly. But how am I to explain it to the other Ministers?"

The future conditions under which the development of the Region will take place, in so far as political factors are involved, are thus not unfavourable. Financial and technical desiderata will not be subjected to anything like the same extent as they are in the other Regions of Nigeria, to considerations of political expediency. Politicians have no private interests in land purchases or industrial developments. Expatriate advisers and technicians, willing to respect the traditions and customs of the people of the Region, and to work hard, will continue to be welcome. The only cloud on the Northern horizon at present is the tribal problem. Can the uneasy relationship between the Southerners working in essential services in the Region and Northern officials and leaders of public opinion continue without open conflict? The tolerance and forebearance of Northern leaders can to some extent be relied upon. When the constitutional uncertainties of 1956 are resolved, if the Federation of Nigeria is to exist in more than name, there must come from the Eastern and Western Regions words of assurance and friendship such as, to quote Dr. Olawale in 1952—

> "If we fail to win over our Northern compatriots, we have only ourselves to blame should they turn elsewhere for friendship and advice."

W.A.F. 103/416/01 [No. 51]. No. 21.

GOVERNOR, NORTHERN REGION

to

THE SECRETARY OF STATE.

Saving No. 29. (Secret and Personal.) 25th August, 1955. Repeated: Governor-General, Lagos; Governor, Eastern Region; Governor, Western Region.

My last Secret and Personal Savingram on the political situation in this Region, No. 23, was dated 23rd June*. The following more general assessment of events since that date will bring me up to the point at which I proceed on leave.

2. The remarkable improvement in personal relationships with Ministers and in the attitude and behaviour of Ministers both in Council and on tour has been more than maintained. There has scarcely been an incident at which even the critical could cavil and Residents all write of the excellent impression left by Ministers, the Premier and Turaki in particular, and the support that they have given to the Administration. The latter, although outwardly the least prepossessing, has developed into one of the shrewdest, ablest and most likeable of the Ministers.

3. Abba Habib has continued to say in public and private those things which in the interest of unity and public peace he should not say. He recently gravely offended, for instance, David Lot and other leaders of the Birom and other non-Moslem communities in Plateau Province and in Southern Zaria. It is unfortunate that the N.P.C. has selected as its new Secretary General an individual so unguarded in his speech and so uninhibited in his private activities. His faults, however, are more of the head than of the heart; furthermore, Ministers frankly recognize and admit the necessity for restraining him.

4. Isa Kaita's preoccupations with arrangements for the Pilgrimage have kept him out of the Region since the middle of July. He is due to return very shortly. He will undoubtedly begin to fish in troubled waters at the first opportunity with intent to make mischief. Fortunately his influence is on the wane and Abubakar has even spoken of getting rid of him, saying that one man must not be permitted to do so much damage whereas all others are united in a desire to preserve good relationships.

5. The Premier is at the moment in the United Kingdom attending the Cambridge Conference. His transformation has been so dramatic, both as regards his new statesmanlike outlook and his personal relationships on all sides that it is most difficult to believe that it is the same man. He has been particularly good in handling Press correspondents. He defended the Service vigorously against attacks by the Lagos *Sunday Times* which, in combination with its parent paper the *Daily Times*, has recently been doing its best, by such attacks both on individual officials and on British officials in general, to drive a wedge between us and the Northern leaders. It is difficult to know what, apart from personal venom, lies behind these attacks which are based on complete falsehoods or distortions of the truth. From the newspapers point of view they do not even have the merit of achieving their purpose.

6. Much money and much propaganda has been poured into the Region by N.C.N.C. and Action Group organizations with a view to undermining the structure as a whole by assisting N.E.P.U. and to detaching, or at least making dissatisfied, the non-Moslem communities. The Chief of Birom and the Chief of Kagoro came to me during the House of Chiefs, together with David Lot, to explain the difficulty they had been experiencing for a long time in preventing their less responsible young men from becoming subverted by such external propaganda. They insisted that, small but highly vocal groups of individuals apart, public opinion throughout all the non-Moslem North was fully in favour of maintaining Northern unity. On the other hand people were nervous about the prospects of early self-government and the absence, so far, of a Northern "Declaration of Human Rights" with particular regard to religious freedom. These two things, combined with the political ineptitudes of Isa Kaita and Abba Habib and, in earlier months, of the Premier himself, constituted the main material on which the advocates of a separate Region fed. All Ministers are in favour of a Declaration of "National" as opposed to "Party" aims which will reassure religious and racial minorities but they feel that the time is not yet ripe for such a step. The main advocates of the new Region, incidentally, are individuals of limited influence, but less limited ambition, who see themselves as the future Ministers of such a Region, were it to come into being.

7. Much capital was recently made by the *Daily Times* of the two motions, one demanding a "Middle Belt" Region and the other recognition of the United Middle Belt Congress, tabled by a Northern member of the House of Representatives which is now sitting. The member in question is the only successful Action Group candidate in the Region and his action has caused very considerable resentment amongst the other members from Kabba and neighbouring Provinces. He consulted no one neither, at the moment of writing, has he found any Northern support.

8. N.E.P.U. has been active in recent weeks. A trail of incidents followed a tour by Aminu Kano the object of which was manifestly political arson. Minor riots have taken place at many main centres as a result of which Zukogi, the Bida N.E.P.U. leader who added a brutal assault in Court on a sixty-year old and deeply respected Alkali to his other offences, is now physically debarred from politics for a period of years. So is also Ali Kebawa, the most violent leader of the Kano A.Y.A. to whom the Emir has given a sentence of three years. N.E.P.U., always original in its recruiting methods, having

* No. 15.

first enlisted the support, in Jos in particular, of bands of socially independent " Amazons ", has further disgusted decent thinking people by giving young boys of between eight and ten years dialectical excuses for indulging in violent and ruffianly behaviour at N.P.C. meetings. There is still talk of a visit to London in September but no approach has yet been made to me.

9. The Northern Legislature has accepted the Gorsuch Report in full subject to modifications all of which favour the categories of officer which they affect. Two hurdles, however, lie ahead. Ministers feel that concessions must be made to indigenous officials to assist them in the education of their children. A sub-Committee of Executive Council has been set up to study what is equitable and practicable and to evolve means of educating the public as to the justification for, and principles affecting, Childrens' Allowances, concerning which there is a great deal of misapprehension. A further hurdle will be to find an acceptable and economically justifiable daily wage rate. The vote catching extravagances of the N.C.N.C. and Action Group cannot fail to be embarrassing to the North. So far, however, there has been no agitation.

10. The degree to which almost all Ministers and a large number of floor members of the House of Assembly are maturing in their outlook is most encouraging. They now refer quite candidly to the N.P.C. supporters in places like Jos as gangs of landless ruffians who do nothing but embarrass them in their attempts to maintain good relations with the Birom, an attitude of mind which was unthinkable a year ago.

11. On the religious side, the increasing spread of militant Tijani-ism in general and privately sponsored and even more inflammable variants of this " tarikh " in various parts of the Region are causing increasing concern. On the one hand there is the ever-present danger of incidents while, on the other, there is the significant political fact that the Emir of Kano devoutly adheres to Tijani " tarikh ". There is no doubt at all of the genuineness of his religious convictions but it is unfortunate that these convictions are politically convenient in that it gives him a claim to spiritual leadership independent of that of the Sultan of Sokoto who is head of the Kadariyya. This " tarikh ", being more moderate and more restrained, is more lacking in popular appeal so far as the unsophisticated peasantry are concerned.

12. The Emir of Kano, on his return from the Pilgrimage, showed signs of having lost his sense of proportion both in the personal and political field to a degree which had begun to earn him unpopularity both with his brother Chiefs and with leading politicians. There are, however, already signs that this attitude has been sensibly adjusted.

13. Ministers are taking very seriously the problem of Overseas recruitment and of effective Northernization. As regards the first it is proposed by means of films, lectures and booklets effectually to publicize the North and its aims and attractions in all major potential fields of recruitment in the United Kingdom. As regards Northernization a bold and imaginative plan to provide with a five-year period a full complement of trained Northern junior staff is under way. This will involve the immediate construction, using Arcon structures, of four training centres each for a group of three Provinces. The first classes are to start in February 1956 and the output is expected to be 200 a year from the second year.

14. The Northern Region Communications Flight of two Austers is proving both valuable and popular though the season of the heavy rains considerably restricts flying. Over a dozen new airstrips in various parts of the Region have been already " proved " and at least a dozen others will have become consolidated and be ready for use when the rains come to an end. Undoubtedly the venture which is administratively and politically of the greatest value will prosper apace.

15. A further venture, this time in the newspaper world, is also beginning to make progress. The Northern Government, by subsidy and improved reportage, distribution and production, proposes to prove the market for a Northern " Daily " within the next year or so. The aim is to create the demand that will justify private capital being invested with a view to the establishment of a truly independent Northern daily paper, whose roots are in Northern soil and which will faithfully reflect Northern aspirations and Northern problems.

16. In the industrial field minor industries continue to flourish, particularly in Kano. The first new major project is a Spinning and Weaving Mill the contract for which is about to be signed. Another major operation now under way is designed to improve, by tarring, the deplorable communications of the Provinces bordering on the Eastern and Western Regions which lack of executive capacity has so far prevented the Regional Government from tackling. The increasing production of export crops is resulting in what amounts to large-scale devastation of existing trunk road communications in many areas. The problem will have to be tackled in a bold and imaginative manner if a major break-down within the next year or so is to be avoided.

GOVERNOR.

W.A.F. 97/27/01 (No. 11).

No. 22.

GOVERNOR-GENERAL

to

SECRETARY OF STATE.

No. 34. (Secret and Personal.)

Sir,

Government House, Lagos, 5th September, 1955.

POLITICAL SITUATION.

It is just seven months since Sir John Macpherson, in his despatch of the 4th of February*, set out in general terms the background to the present political situation in Nigeria and gave an appreciation of the constitutional progress made during the past few years. I arrived in Nigeria in mid-June, and as I have now had an opportunity of paying brief visits to the three Regions and to the Southern Cameroons, this seems to be a suitable time to record my first impressions of the country and its problems.

2. Considering the difficulty experienced in forming the Federal Council of Ministers at the beginning of this year, the Council has so far worked very well. You will recall that, under the present Constitution, the Council, in addition to the three official members, is composed of three Ministers from each Region and one from the Southern Cameroons. Thus, although the Northern Peoples Congress (N.P.C.) is the largest party in the House of Representatives, it has only three Ministers, while the National Council of Nigeria and the Cameroons (N.C.N.C.), the party led by Dr. Azikiwe which gained a majority in the Federal elections in both the Eastern and Western Regions, has six, and the Action Group, which is the party in power in the Western Region, is not represented in the Council at all. During these first months, any fear that the N.P.C. and the N.C.N.C. Ministers could not long be bedfellows has proved to be unnecessarily pessimistic, but it is regrettably easy for the N.C.N.C. to make their N.P.C. bedfellows restless. On the whole, the Ministers have co-operated well and the stronger characters among them have learned to respect one another; but the three Northern Ministers, and Mallam Abubakar Tafawa Balewa in particular, remain acutely conscious of the differences of thought, of aim and of principles between them and their N.C.N.C. colleagues, even K. O. Mbadiwe, who has shown the greatest approach to realistic co-operation and statesmanlike appreciation of Northern points of view of any of the N.C.N.C. Ministers. There are compensations, as well as disadvantages, in this enforced coalition: because of the presence of two major parties and the three Official Members in the Council, most proposals are considered on their merits and decisions are not predetermined by a party-line. But where the matter in issue is one which involves the Action Group Government of the Western Region or which raises controversy in which the Action Group is definitely committed, the discretion of the N.C.N.C. Ministers flies out the window and party politics prevail. The composition of the Council tends towards stability so long as no serious North-South conflict of interests arises—and fortunately there has been none such in recent months. It is too early yet to say that the Ministers are thinking as Nigerians and not solely as party politicians, but it is heartening that there has been an increasing disposition so to think on many important subjects. In all this the sole Minister from the Southern Cameroons plays little effective part. Pleasant and thoughtful though he is personally, he can not or will not understand that he is there as a member of a team. He is concerned only with his own Southern Cameroons and contributes only when he thinks a Southern Cameroons interest is affected. The absence of the Action Group from the Council of Ministers has made the conduct of business in the House of Representatives more realistic. In the meeting just finished there were several occasions when party discipline, particularly within the N.C.N.C., triumphed over maverick tendencies of individual members. When all the major parties were represented in the Council of Ministers, there was no parliamentary Opposition; but neither was there any clearly recognized obligation to support the Government, which at times found itself facing hostile action all over the House. Now there is an Opposition, consisting of the Action Group and the United National Independence Party, the latter being the Opposition party in the Eastern Region; and there is an officially recognized Leader of the Opposition, Chief S. L. Akintola, a former Central Minister. He is a skilled debater and although he contributes more often than he should to debates he does keep the Government on its toes. But the Opposition coalition is not over-strong and too much is heard, often in a sense contrary to that expressed by the Leader, from Jaja Wachuku, an Ibo lawyer who leads the U.N.I.P. contingent. The standard of debate in the House has sadly fallen. There are too many " backwoodsmen " among the Government supporters and there is too much reliance by the Opposition on unseemly interjections which are justified only because they are so effective in upsetting the unskilled speakers. But there is a greater emergence of the Party system of conducting business and the N.C.N.C. discipline survived the severe test of three revolts against the party-line each of which was led by the party's Chief Whip, the egregious Mr. T. O. S. Benson, recently returned in triumph by the electorate of Lagos West after being unseated on an election petition. His antics were a source of shame to his party-leaders but his complete irrepressibility is presumably regarded by his constituents as a virtue and his popularity with the Lagos electors is presumably regarded by his party as a valuable asset.

3. The fact that the Action Group, alone of the parties in power in the Regions, is not represented in the Council of Ministers, inevitably creates a situation of some delicacy in the relations between the Federal Government and the Government of the Western Region. Nor is the situation eased by the fact that the Town Council of Ibadan is controlled by the N.C.N.C., with Mr. Adegoke Adelabu,

* No. 2.

the Federal Minister of Natural Resources and Social Services, as its Chairman. The control by their political rivals of the most populous town in the Region and the seat of government is a constant thorn in the flesh to the Western Regional Ministers and a provocation they occasionally find it difficult to withstand. Nevertheless, the attitude adopted by the Federal Ministers to the Western Regional Government, in Council and in their Ministries, if not always cordial has invariably been proper. Relations with the other Regions and the Southern Cameroons have been good.

4. It is a matter for regret that the N.C.N.C. Ministers have not been equally moderate and circumspect outside the Council Chamber and their Ministries. In those party matters which were bound to put them at loggerheads with the Western Regional Government they have been both tactless and foolish. When that Government, after a long delay, published the Lloyd Report on the Oyo riots and decided, against the recommendations of the Report, to suspend and banish the Alafin, the N.C.N.C. Ministers, although it was no concern of the Federal Government, were unable to resist the temptation— if, indeed, they ever tried— to throw themselves into the fray. The N.C.N.C. was deeply committed to the support of the Alafin and a number of public statements were made by Federal Ministers which could not fail to damage relations between the two Governments. Nor has Mr. Adelabu's conduct been above reproach though he has been subject to considerable provocation. By reason of an alleged technical breach of the Local Government Law, the Western Regional Minister of Local Government declared vacant Mr. Adelabu's seat on the Ibadan District Council. Mr. Adelabu recovered his seat at the resulting by-election with an overwhelming majority but he had received a subpoena, issued by the Bench, to attend a Native Court in a civil suit on the day of the election, though neither the plaintiff nor the defendant had asked him to give evidence. This was looked upon as an Action Group manœuvre to remove him from the vicinity of the poll. The exchanges which occurred in the Native Court resulted in his prosecution for contempt of court for which he has been sentenced in a Magistrate's Court to two months' imprisonment with hard labour without the option. An appeal has been lodged. The Judge of the Native Court towards whom Mr. Adelabu is held to have so acted as to merit a sentence of two months' imprisonment is the father of the Town Clerk of Lagos. This Town Clerk had been commissioned by the Regional Government to conduct an Inquiry into the working of the Ibadan District Council of which Mr. Adelabu is Chairman, but the Council of Ministers had (as it was legally empowered to do) withheld its consent. The Inquiry is now being undertaken by Mr. E. W. D. Nicholson, Town Clerk of Abingdon. Mr. Adelabu is also involved in a number of other court actions at Ibadan both criminal and civil, all of which have a political flavour.

A further potentially dangerous source of trouble is the Action Group-controlled Lagos Town Council. The N.C.N.C. Ministers are being submitted to considerable party pressure to secure the dissolution of the Town Council and the repeal of the Lagos Local Government Law, enacted by the Action Group Government when Lagos was administered as part of the Western Region. There are anomalies in the Lagos Local Government Law and that legislation will have to be examined, though it may give rise to further disputes over the position of Lagos. For one thing the Government of the Western Region in framing the Law wished to keep a tight control over the affairs of the Lagos Town Council. The powers of the Executive Council of the Western Region have devolved on the Council of Ministers, with the result that the Council has to consider numerous petty matters primarily concerned with staff, and every time these subjects arise there is a demand for an examination and amendment of the Law. The active association of Federal Ministers in N.C.N.C. attacks on the Western Regional Government is most embarrassing, and I am anxious to try and persuade them to abandon these tactics as soon as I have got to know them a little better.

5. My brief tour of the Northern Region left me in little doubt that the Northerners are bitterly opposed to the Ibo in general and to the N.C.N.C. in particular. Every Northern Minister with whom I discussed the North versus South issue has emphasized his fear of Ibo infiltration. They have much less fear of the West and seem to think that they can easily come to terms with the Action Group and the Yoruba. Possibly this feeling is based partly upon the fact that many Yoruba are Moslems. But the North has its internal problems and by no means the least of these is the adjustment of relations between the traditional rulers and the rising body of politicians. The recent conference of the Northern Chiefs at Kaduna and of the N.P.C. at Maiduguri have done something towards smoothing out the differences between the Emirs and the politicians but it is probably safe to assume that the differences have only been temporarily submerged. I do not think anyone would claim that they have been resolved. There seems little doubt that the rift between the two is bound to grow as the politicians try to snatch for themselves the power now exercised by the Chiefs. Ultimately, as democratic ideas inevitably spread, the politicians will win. For the present the Chiefs have a conservative and stabilizing influence but there is danger if the impression is allowed to grow that the Provincial Administrations are too much associated with the Chiefs because they will thereby lose influence when the politicians take over a greater control of affairs.

6. In the so-called Middle Belt of the Northern Region, there are some stirrings of dissatisfaction with the Northern Regional Government and the people complain, with little reason, that they do not get their fair share of attention and help from the Regional Government. And beneath this is a feeling of resentment at the superior attitude adopted by the Moslems of the true North who have scarcely troubled to conceal their contempt for those they regard as unbelievers and a conquered people. These feelings do not imply any leanings at present towards the East or the West, but rather a somewhat vague desire to dispel the feeling of inferiority and dependence. Although the Middle Belt People's Party has recently joined forces with the Middle Zone League to form the United Middle Belt Congress, and a number of prominent persons in the Region have associated themselves with the new Party, the distances are so great and the people so diverse racially that it is difficult to envisage the emergence of any cohesive party for some time to come.

7. Leading on from these impressions, I should to give my estimate of present views regarding the constitutional conference promised for 1956. The first point that has struck me is that none of the leaders of the three major political parties really wants the conference to take place. They are not ready for it and I believe that they are a little frightened of the responsibilities of full self-government. Mr. Awolowo told me in front of his fellow Ministers that, even though the conference was to be convened, they did not think that it need necessarily sit in August, 1956. I am told that in the North there is a group within the N.P.C. which is in favour of self-government for the North in 1956 and that, had it not been for the influence of the Chiefs' conference, a resolution in such terms might well have been passed by the N.P.C. conference at Maiduguri. The movement in favour of self-government for the Northern Region is probably directly opposed to the wishes of the vast majority of the people of the Northern Region. It is centred on "Town Mallams" and Northerners who have lived in other Regions, but it should not on that account be under-estimated; it is from such sources that all nationalist movements in Nigeria spring. Nevertheless, in the North, conservative forces are still very much in the ascendant, and, so far as one can see at present, the North will be content to continue as they are now and will not want any material change in 1956. Dr. Azikiwe and the N.C.N.C. naturally profess to want the conference and full self-government, but the N.C.N.C. Federal Ministers have told me that in their view the present Federal structure has not yet been properly tested and they would like to give it a longer trial. However, unless some very sound reason for postponing the conference occurs, I do not think that Her Majesty's Government would be wise to attempt to delay it; to do so would incite the extremists and would put the moderates in a very difficult position.

8. The proposal to create more States is gaining some ground. The "States" concept was first mooted in the N.C.N.C. "Freedom Charter" of 1948 and has a strong appeal to tribal instincts in Nigeria, but it is doubtful whether any of those who advocate the creation of more "States" have thought the matter out sufficiently to have any very clear idea of what exactly they are advocating. Some appear to envisage the creation of a greater number of Regions with powers as they exist at present; others, the creation of a federation of States within the existing Regions; and others again seem to contemplate the division of the country into a number of "States" with reduced powers and a corresponding increase of powers at the centre. The Action Group, with the help of the U.N.I.P., is supporting the campaign for a Calabar-Rivers-Ogoja State in the hope that it will weaken the N.C.N.C. in the Eastern Region. In the Western Region also, it hopes to be able to seal off the N.C.N.C. stronghold in the mid-West by the creation of a Benin-Delta State and thus to assure itself of continued control of the Yoruba Provinces.

9. The N.C.N.C. has expressed support for a Benin-Delta State and, less enthusiastically, for a Calabar-Rivers-Ogoja State. Dr. Azikiwe, stating what he called a personal view, has recently proposed that the country be divided into thirteen States which suggests that he himself has not materially modified the conception he first put forth in the "Freedom Charter" of a Nigeria divided into a number of comparatively weak States with a strong central government. It is possible that the N.C.N.C. and Dr. Azikiwe, would modify their views, and especially their support for a Calabar-Rivers-Ogoja State, if there was a real possibility of oil being produced in the Eastern Region outside Ibo country.

10. Both the Southern parties see in fragmentation the only means of reducing the preponderance of the North. Conversely, the N.P.C. is strongly opposed to any suggestion of fragmentation of their Region. The Northern solution lies in decentralization and the delegation of certain powers to Provincial Councils, though it is interesting to observe that the logical outcome of such a move would be to bolster up the power and influence of the Chiefs at the expense of the politicians. The N.C.N.C.'s policy of more States is based solely upon Dr. Azikiwe's desire to break up the overwhelming strength of the North, and to enable him and his party to dominate Nigeria, which he knows he can never do while the North remains one. In some ways, of course, this is not an unreasonable view since any federation must be to some degree unbalanced if one of its member States is much larger than all the rest put together.

11. Views also vary on the question of the powers to reside in future in the Federal Government. The Action Group want no change in Federal powers. They believe in Regional autonomy—Yoruba self-government for Yoruba-land— and Mr. Awolowo made this quite clear in his address of welcome to me at Ibadan when he said "in a country of this size and diversity, State or Regional autonomy such as we have now is a *sine qua non* for permanent association". He went on to say that, subject to some slight modifications for which they would press at the 1956 Conference, the Action Group was "quite satisfied" with the present structure of the Constitution, and that "any attempt to disturb the present structure in any *fundamental* manner, or to reverse the present relationship between the Federation and the Regions, will only lead to adverse consequences, the scope and extent of which I will not dare to predict".

12. The N.C.N.C., on the other hand, with its Nigeria-wide outlook, wants the Centre to be stronger than it is now, but I am not yet clear what actual steps they would advocate to ensure this. In his speech at the Ibadan Convention of the N.C.N.C. in May, Dr. Azikiwe gave the official party programme and referred to two Federal Houses of Legislature, the membership of one based on population and of the other on equality of representation, and also to a Federal Government "consisting of co-ordinate members of approximately equal size and population." In his recent address of welcome to me at Enugu, he said "the Constitutional Conference of 1956 will be faced with a grave responsibility of framing a new Constitution which will be *fundamentally* different from the present one in many respects. Not only will it be a truly Federal Constitution, but the division of powers between the Federal and regional Governments will be such as to secure constitutional unity and common nationality in the country that cannot be readily put asunder by irresponsible elements."

13. The Sardauna, in his address at Kaduna, said that he was not in a position to make any profound statement on the 1956 Conference. He confined himself to the remark that, whatever the N.P.C. might decide to advocate at the 1956 Conference, its one main object would be " to preserve economic and social *stability* in the Northern Region." But one Northern Minister in conversation with me mentioned the present East African High Commission as an example of the sort of central unit he would like, and Mallam Abubakar Tafawa Balewa, who not long ago seemed quite definite in his view that the N.P.C. would accept the present position of the Federal Government, has lately shown signs that his thoughts are again turning in the direction of the " Central Agency " he once favoured. Northern opinion may well turn in this direction if the Southern parties press too hard for a break-up of the North or for any enlargement of powers of the Federal Government.

14. In the Southern Cameroons, Dr Endeley made it quite clear to me that he and his party hoped for full Regional status for the Southern Cameroons next year, though he was a little vague as to how such a Region could stand on its own financially, and revenue prospects seem worse, and not better, than when the present quasi-Federal status was approved.

15. Financial considerations will play a large part in the conference next year. The Action Group and the N.P.C. seem to be well satisfied with the present system of revenue allocation, as well they might be, but the N.C.N.C. will press strongly for a change, the reliance on " derivation " being intensely disliked by them. They will demand the allocation of revenue on the basis of need (based on population) and even progress, though any such arguments will make little impression on the North, who might well contend, and with reason, that on the basis of need and progress they have a very much stronger case than the East.

16. Nothing has so far been said to me about Lagos and its present position as Federal territory, and I hesitated about raising this matter with Mr. Awolowo before I knew him better. I am informed by some that the Action Group has accepted the present position and will not reopen the question, but others say that the issue will certainly be raised again at the conference. And without doubt it will again become a major bone of contention if Dr. Azikiwe pursues his latest suggestion that Lagos should have some four hundred square miles of the hinterland added to it and be erected into a separate " State." This would be strongly opposed by the Action Group and pursuance of such an idea would do more harm than good, although many practical difficulties have arisen from the restriction of Federal territory to the existing municipal boundary. The rapid urban development of Lagos in the direction of Ikeja would, in other circumstances, give rise to an extension of the urban boundary in that direction.

17. Finally, I should like to turn to a matter which is constantly being forced upon one at the present time; I refer to the position of the expatriate staff. I believe from my discussions with all three Premiers that they sincerely want to keep their expatriate staff and fully realize that the administration would suffer severely without them. In the course of my tour I met a large number of expatriate officials. Of course they do not know me yet and were therefore shy of expressing opinions, but I have no doubt at all that the great majority of them are very anxious about the future. In the West and the North they admitted that, apart from occasional difficulties, conditions were not too bad. In the East, however, and especially in one or two areas, morale was low and it has certainly not been improved by the rejection of some of the major recommendations of the Gorsuch Report on the structure and remuneration of the public services which benefit expatriates. I believe that there may be a very serious exodus from the Eastern Region next year unless immediate steps are taken by Her Majesty's Government to implement recent proposals for expanding the basis of Her Majesty's Oversea Civil Service. Such an exodus will grievously affect the machinery of government in the Eastern Region, and will have a damaging effect on the other Regions, on recruitment and on the whole future of the country. Apart from those in the Eastern Region most officers will be content to wait and see for a little longer, but many have already begun to enquire about new careers and to look around in the United Kingdom for suitable houses to which to retire if necessary. It seems to me that active anti-expatriate propaganda is much less noticeable in Nigeria than it was in the Sudan in 1951, 1952 and 1953. There is less newspaper comment and it is generally recognized that an expatriate element in the service will be required for a long time.

18. A premature exodus would be disastrous both for Nigeria and for the British connexion in Africa. The situation is quite different from that in India in the latter stages of its development towards self-government in that there is not the same reservoir of educated people upon whom the national Government can rely to fill the gaps. I have been struck by the small number of Nigerians who have reached senior rank in the Administrative Service, in the Police Force and in the Nigerian Regiment. I may still be ignorant of much that is being done, but I cannot help wondering whether the training of Nigerians for these Services is being pushed ahead vigorously enough. This is a question which I intend to pursue because I believe that the politicians would accept the existing expatriate element more willingly if they knew that the training of indigenous officials was being pushed ahead with more zeal. By and large, while most expatriates are anxious about the future, I am inclined to think that much of their fear is based not so much on the expectation that they will be got rid of as redundant but because the actual conditions of work are becoming more and more unpleasant. Ill-disguised corruption at which they have to connive or become unpopular; Ministerial interference and lack of sympathy with them in their difficult position; and the disregard of their considered advice by the Ministers, are all factors in their discontent. Occasionally too, of course, a failure by the officials to realize that times have changed leads to trouble. Nevertheless, most Permanent Secretaries and Heads of Departments whom I have met appear to be working in great harmony with their Ministers and many are enthusiastic about the unexceptionable way in which the Ministers are dealing with them.

19. There are in Nigeria a great number of people, most of them far from vocal, who are distressed at the speed of recent constitutional development, and who, loyal to the British régime, would like to put back the clock; these are the more elderly people, retired officials and chiefs. Past experience in India, the Sudan and elsewhere, shows that this class can never stand up to the politician who uses an emotional argument to arouse national feelings. Once nationalism has been aroused, no appeal to reason, efficient government, economic prosperity or the like has any chance. So far Nigeria has not yet acquired a real nationalism and so there is still a chance for a certain amount of moderate feeling to express itself as, for example, the address of welcome to me at Calabar which deplored the loosening of the British connexion, and which is further evidenced by the existence of such parties as the Nigerian Liberal Commoners Party and the Dynamic Party which are openly opposed to self-government in 1956. Any emotionalism is Ibo, Yoruba or Northern (Hausa), and not, as yet, Nigerian.

20. I have no doubt that much of what I have written is already well known to you and much of it has appeared in previous despatches. I have been bold enough to think, however, that you would wish to have something from me at an early date and it has been most useful to me to put these thoughts on paper.

21. Copies of this despatch are being sent to the Governors of the three Regions.

I have, &c.,

J. W. ROBERTSON.

W.A.F. 28/168/02 [No. 15]. No. 23.

SIR RALPH GREY

to

MR. T. B. WILLIAMSON.

(Secret and Personal.)

MY DEAR TOM, Lagos, Nigeria, 20th September, 1955

For a variety of reasons—absence from Lagos of important Ministers, sitting of the House of Representatives, work on " Gorsuch " and the daily rates of wages, etc.—we have not yet taken to the Council of Ministers Confidential Despatch No. 2024 of July 28* from the Secretary of State, about the review suggested by Chick of the revenue allocation arrangements. So far as we know, the Regions have not done anything about it either—certainly we have heard nothing from them on the subject and the Despatch asked that the views of this Government be " formulated after consultation with the Governments of the three Regions and of the Southern Cameroons ".

Algar Robertson had got out a draft Memorandum for the Council, setting out the background and reminding the Council that Chick's suggestion was that after experience had been gained of the working of his recommendations there should be a review and that the Commission appointed to carry out that review should have terms of reference framed rather more broadly than those given to him, which laid particular emphasis on the principle of derivation. The draft goes on to say that if any review is to be undertaken before the next Constitutional Conference it can only be on the assumption that the political structure and the financial responsibilities after the Conference will remain substantially the same as at present. It instances the complete disruption of the conclusions drawn from any review if, after it had been made, it were decided to remove from the Exclusive List responsibility for Federal Trunk Roads or any similarly heavy financial responsibility; and it points out that it would not be possible, in advance of the Conference, to take any such decision about the terms of reference as, for instance, that there should be a departure from the principle of derivation. It records that we are carrying out statistical research to show the financial results to the Federation and the Regions of the present system for the first half-year but will not have figures for the financial year 1955–56 until about September 1956; that we are preparing comments on the mechanics of applying the principles embodied in the present system; that we are consulting with the Regions about a scheme to assimilate the Income Tax Ordinance with the Direct Taxation Ordinance; and that we are preparing a statistical study to verify the validity of the modified Prest and Stewart figures for imported goods and another regarding Lagos consumption figures. And it makes the important point that those who have to undertake the executive work, both in the Regions and here in the offices of the Accountant-General and the Comptroller of Customs and Excise, feel that any review will have to have in mind the need for simplification if we are not to bring the administrative machinery here and

* No. 19.

in the Regions to breaking-point. From this the draft Memorandum comes to the conclusion that the first thing is to get a general picture of how revenue allocation under the Chick system has worked out and that after this has been done will be the time for a Commission to be called in. And it ends by asking Council to advise whether :—

(i) a fiscal enquiry should take place early next year, when it will have to be on firm figures for only six months of the first full financial year ; or

(ii) a fiscal enquiry should be undertaken in June or July of 1956, when there would be firm figures for nine months and fairly firm figures for the full year ; or

(iii) a fiscal enquiry should take place still later, when further experience has been gained of the working of the present constitution ; and

(iv) data should be collected on the lines set out above to be ready for the Conference next year and for a Commission when appointed.

When he and I discussed this draft we came to the conclusion, with which His Excellency agrees, that it is unrealistic to discuss what sort of review of the revenue-allocation system there should be until we know what the tasks are likely to be to which the 1956 Conference will devote itself ; and we shall not know that until we have faced the politicians with the complexities about the composition of the Conference. We concluded that the best arrangement would be to put the Despatch about revenue-allocation to the Council of Ministers at the same time as we put the Despatch about the composition of the Conference which we hope will follow from my Secret and Personal letter to you No. 247/198 of September 8*.

We therefore had it in mind to tell you all this and ask if you agreed that the action on the despatch about revenue allocation might wait on your reply to my letter. His Excellency will probably be seeing Awolowo in a day or two and may get some more definite information about Action Group views then, but he thought that this need not hold up our asking for a reply to my letter.

But I have now had your Secret and Personal letter of September 17†, in which you say you would prefer to leave over until after T.E.E.'s talks with the Secretary of State in a fortnight's time a decision on our request for a despatch about the composition of the Conference. So do you agree that it will be as well if we leave the despatch on the revenue-allocation review in cold storage for the time being and return to it when the result of the talks with the Secretary of State are known ?

In the meantime, I am sending copies of this letter to Pleass, Shankland and Williams, suggesting that if they have not yet put the despatch to their Councils, they should mark time on it for the present ; and I am sending copies of the letter to Sharwood-Smith and Rankine at their leave addresses.

Yours, &c.,

RALPH GREY.

W.A.F. 16/57/07 [No. 27].

No. 24.

MR. T. B. WILLIAMSON

to

SIR RALPH GREY.

(Secret and Personal.)

Colonial Office, The Church House, Great Smith Street, London, S.W.1,
27th October, 1955.

The despatch‡ to the Governor-General about representation at the 1956 conference is now on its way to you. As agreed in your telegram Personal No. 111§ (for which many thanks) it is graded "confidential".

2. We have not so far offered any comments on attachment B to your letter (No. 247/198) of the 8th September,‖ which was a draft semi-official letter from the Governor-General to the Regional Governors. Subject to the point dealt with in my next paragraph, we have no special comments though you may find that the draft will need some amendment to bring it up to date. It emerged, for example, in the discussions here with the Governor-General and the Regional Governors that the protagonists of particular questions such as the fragmentation of one or other part of the Eastern or Western Regions might be entitled to be heard by the conference without attending the whole conference as delegates.

3. We think that on balance it would be as well to delete the last paragraph of your draft, about the possibility of the conference being held in London. We realize that this point is almost certain to be raised in discussion, but we suggest that it may be more expedient that the Governor-General should not himself take the initiative in raising it. You will know our views on this matter from the secret and personal memorandum¶ which we prepared here on the subject, and which the Governor-General

* W.A.F. 16/57/07 [No. 17] : not printed. † W.A.F. 16/57/07 [No. 18] : not printed.
‡ No. 25. § W.A.F. 16/57/07 [No. 24] : not printed. ‖ W.A.F. 16/57/07 [No. 17] : not printed.
¶ W.A.F. 16/57/07 [No. 20] : not printed.

will have shown to you. (I enclose a further copy for ease of reference.) In the discussion of this question of venue with the Governor-General and the Governors the week before last, we re-emphasized the point which Lloyd had made in his letter of last May to Hugo Marshall* about the Secretary of State's own position. As I seem to be about the only person still dealing with these problems who was present at both the London and Lagos conferences I would like to offer you the best advice I can from that experience. There is no doubt at all that Mr. Lyttelton (as he then was) was in a very much better position in Lagos than in London because he had more time to concentrate on the business in hand, and to get himself briefed on problems as they arose from day to day. More than one serious mistake was made at the London conference because it was in London. So the lesson of past experience is that if you want, as I know you all do, the best possible results from the next conference that the Chairman can achieve for his part, you should work for it to be held outside this country. (The alternative of holding it in this country but not in London, which was mooted here in our discussions, would only go a little way to achieve the object in view. The Secretary of State would still be at beck and call.)

4. As against all this there is always the possibility that affairs in other parts of the world might be in such a state that the Secretary of State could not leave England for several weeks on end : in which case either someone else would have to take the chair, which would be a great pity, or the conference would have to be postponed, for it would be virtually impossible to bring it to England at the last moment. But to hold the conference here in such circumstances might be open to the objection mentioned in the preceding paragraph. We would therefore prefer that it should be understood that the exact date for starting the conference could not be settled until much nearer the time, say a month or two beforehand—which incidentally was all the notice we had for the 1953 conference.

5. The main protagonist of the United Kingdom venue appears to be Mr. Awolowo, and the main ground he has for suggesting the United Kingdom appears to be the point about leakages to the Press and the impossibility of secrecy and so of frank speaking. But as Clem Pleass recalled at our discussions here, it was the Action Group who were guilty of the leakages at the Lagos conference, and I have it from what I would regard as a reliable and responsible source here that it was the Action Group also who were responsible for some anyway of the leakages during the London conference. Moreover, the suggestion which is implied that Nigerians cannot trust themselves even to discuss self-government amongst themselves and with their political opponents on their own ground does not augur well for the exercise of self-government itself. If that is the extent of their present self-distrust—and we do not doubt that it is—then we can only hope that they will the more readily agree to postpone the conference and any question of self-government.

6. If, however, the conference is not postponed and there is a general desire to hold it here, then of course the Governor-General will report the position to the Secretary of State. Pending the reply from the Secretary of State, you must regard Her Majesty's Government's decision on the matter as fully reserved, both generally and also in relation to the date of the conference. The point about the date is this. The conference would be beyond the resources of our typing staff in the Colonial Office and we should have to seek the assistance of the Foreign Office Conference Department or some such body. They might have other important conferences on hand and ours would have to fit in with them.

7. One other point. In the event of the conference being held here, all the arrangements for the reception and accommodation of delegates, advisers, etc., should, we think, be entrusted to the Nigerian Commissioners in London. They might need additional staff for the purpose, as Featherstone did before and during the London conference. The Colonial Office could not, I fear, help in this respect as we should be fully occupied in seeing that the Secretary of State was fully briefed on all matters of policy, and in dealing with the usual flow of representations from the delegations, Members of Parliament, the Press, etc. (Hear again I speak from my experience of the summer of 1953.) Government Hospitality here are unlikely to be willing to assist, as their function is limited, so far as concerns reception and accommodation, to visitors to this country who come as guests of Her Majesty's Government and the Nigerians would, of course, come, if they did, at Nigerian expense.

8. But let us hope (? against hope) that these problems will not arise at all, and that the conference will be postponed.

9. We understand that it is the Governor-General's intention to take up Mr. Hopkinson's despatch No. 2024 of the 28th July,† on the subject of revenue allocation, at the proposed meeting with the Regional representatives on the question of representation at the conference.

10. The Secretary of State has seen and approved this letter, though I have made one or two small additions since he saw it.

11. I am sending copies of this letter, with enclosure, to Rankine, Conrad Williams and Mayne.

Yours, &c.

T. B. WILLIAMSON.

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* W.A.F. 16/57/07 [No. 3] : not printed. † No. 19.

W.A.F. 16/57/07 [No. 29].

No. 25.

THE SECRETARY OF STATE

to

THE GOVERNOR-GENERAL.

No. 2702. (Confidential.)

Colonial Office, The Church House, Great Smith Street, London, S.W.1,
28th October, 1955.

SIR,

I have the honour to invite attention to the agreed recommendation of the Report* by the Conference on the Nigerian Constitution which was held in London in July and August, 1953, that there should be convened in Nigeria not more than three years from the 31st August, 1953, a conference for the purpose of reviewing the constitution and examining the question of self-government. Now that a little over two years of the period have passed, I suggest that consideration should be given to the manner in which representation at this conference should be determined.

2. The relevant passage in the Report by the Conference (paragraph 27 of Cmd.8934) reads :—

> " . . . the Conference agreed to recommend that a conference consisting of delegations from each Region of the Federation chosen by their respective Governments in such a manner as to ensure adequate representation of all shades of political opinion in the Federation, should be convened in Nigeria not more than three years from the 31st August, 1953, for the purpose of reviewing the Constitution, and examining the question of self-government (see paragraph 28 below)."

The resumed conference in Lagos was very conscious of the declared intention to hold this further conference in 1956, but did not make mention of it in its Report otherwise than to record in the final paragraph that there was no wish on the part of any delegation, or of Her Majesty's Government, either to restrict the scope of this conference or to prejudge its decisions on any issue. The passage in the Report by the London Conference was obviously not a complete statement of the representation required, for my predecessor, Lord Chandos, made it clear at the resumed conference that Her Majesty's Government would necessarily take part in the constitutional review proposed for 1956, and indeed I hope that I shall myself be able to preside at this conference. It will be necessary, too, that there should be not only " delegations from each Region " but also representation of the Federal Territory of Lagos and of the Southern Cameroons. Furthermore it is clearly desirable that the delegates should include persons with direct experience of the working of the Federal Government during the operation of the present constitution.

3. A heavy responsibility will rest upon each of the Governments in the Federation to ensure that " all shades of political opinion " are adequately represented and it may well be that closer examination of the problem will reveal difficulties as yet not anticipated. I trust, therefore, that you will be able now to consult with your Ministers, and with the Governments of the three Regions and of the Southern Cameroons and, after assuring yourself in such manner as may, with their advice, seem most appropriate to you, of public feeling upon this very important matter, inform me of the machinery proposed for determining representation at the conference.

4. I am sending copies of this despatch to the Officers Administering the Governments of the Northern and Eastern Regions, and to the Governor of the Western Region.

I have, &c.,

ALAN LENNOX BOYD.

W.A.F. 28/168/02 [No. 21].

No. 26.

GOVERNOR, WESTERN REGION

to

SECRETARY OF STATE.

Saving. No. 272. (Secret.)

6th December, 1955.

Revenue Allocation : Review of

Attached for your information is a copy of the letter conveying to the Federal Government this Government's views on the points raised in your confidential despatch No. 2024 of the 28th of July, 1955†.

GOVERNOR.

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* Cmd. 8934.

† No. 19.

Enclosure in No. 26.

(Secret.)

6th December, 1955.

Revenue Allocation : Review of

I am directed by the Hon. the Minister of Finance to refer to Confidential despatch No. 2024 of the 28th of July* addressed by the Secretary of State for the Colonies to the Governor-General of the Federation and copied to the Governors of the Northern and the Eastern Regions and to the then Officer Administering the Government of the Western Region, and to say that consideration by the Western Region Government of the despatch had been deferred because it was thought that the Federal Government might wish to give the Regional Governments a line on the subject. Since it seems that the Federal Government has no such intention, the Western Region Government has given consideration to the points raised by the Secretary of State and its views on them are set out below.

2. The first point raised is whether, and if so, when arrangements should be made for the review of the revenue allocation system, which Sir Louis Chick recommended should be undertaken after some experience had been gained on the working of the present Constitution. Although there has not been time to gain much experience of the working of the present system, the Western Region Government feels that there can be no argument about the need for a further review. As to when that review should take place, it seems to the Western Region Government that the material for the Commission to work upon will not be complete until the 1956 Constitutional Conference has recorded its views on the political changes, if any, to be made. There will therefore have to be, it is suggested, as on the last occasion, two sessions of the Conference, one to decide in broad fashion the political changes contemplated, and the other to decide the financial adjustments to be made in consequence of those changes and of the experience, such as it may be, already gained of the revenue allocation system ; that is to say, the review should take place between the two sessions.

3. The second question on which the views of Governments are requested is the Commission's terms of reference. The Western Region Government considers that the best arrangement in this connection would be for the terms of reference of the Commission to be determined by the first session of the Constitutional Conference.

4. The final question on which the Secretary of State asks for guidance is the selection of the Commission. He assumed that " it would be the general desire that the enquiry should be undertaken by a sole Commissioner ". The view of the Western Region Government is that the composition of the Commission should be determined at the Constitutional Conference and that no assumptions should be made in the meantime.

5. To summarise, the Western Region Government is of the opinion :—

(i) that a review of the present system of revenue allocation should be arranged as recommended by Sir Louis Chick ;

(ii) that the review should take place between the first and final sessions of the Constitutional Conference ;

(iii) that the terms of reference of the Commission should be determined by, and at, the Constitutional Conference ; and

(iv) that the composition of the Commission should be determined at the Constitutional Conference.

6. Copies of this letter have been sent to the other Regional Governments, the Government of the Southern Cameroons, and the Secretary of State for the Colonies, for their information.

S. O. ADEBO,

Acting Permanent Secretary,
Ministry of Finance.

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* No. 19.

W.A.F. 28/168/02 [No. 22].

No. 27.

GOVERNOR-GENERAL

to

SECRETARY OF STATE.

(Secret.) No. 2003.

SIR, Government House, Lagos, Nigeria, 21st December, 1955.

I have the honour to acknowledge the receipt of your confidential despatches Nos. 2024* of the 28th of July on the subject of the allocation of revenues within the Federation and No. 2702† on the question of representation at the next Conference on the Constitution, and to inform you that after consultation with the Council of Ministers and with Regional Governors I have arranged for a meeting to be held in Lagos on Thursday the 5th of January, 1956. This meeting will be attended by the Governors of the three Regions, the Commissioner of the Cameroons, two or more members of the Council of Ministers, the three Regional Premiers and one other member of each Regional Executive Council.

2. I attach for your information a copy of a press release which has been issued and a copy of the agenda for the meeting.

3. I will inform you of the result of the discussions in due course.

I, have, &c.,

J. W. ROBERTSON,

Governor-General.

Enclosure 1 in No. 27.

AGENDA

for

Meeting to be held at Government House,

LAGOS

on

THURSDAY, 5th January, 1956

at the invitation of the Governor-General
of the Federation to discuss

PRELIMINARY ARRANGEMENTS FOR THE CONSTITUTIONAL CONFERENCE, 1956

1. *Date of the Conference.*

The London Conference agreed (para. 27 of Cmd. 8934) that the Conference should be convened " not more than three years from the 31st of August, 1953 ".

The Governor-General understands that the Secretary of State for the Colonies, for personal reasons, could not be available to take the chair at the Conference before the middle of September at the earliest.

Each of the Governments will doubtless have commitments of which it will wish account to be taken in fixing the date.

2. *Place of the Conference.*

The London Conference agreed (para. 27 of Cmd. 8934) that the Conference should be convened " in Nigeria ".

The Governor-General understands that one or more Governments might see advantage in holding the Conference outside Nigeria. There are arguments in favour of this; there are also arguments against. Government representatives at the meeting on 5th January will wish to weigh these respective arguments and reach agreement on a recommendation to the Secretary of State.

If the Conference is to be held in Nigeria, it will be necessary to decide what recommendation should be made as to the place within Nigeria.

* No. 19. † No. 25.

3. *Representation at the Conference.*

The London Conference agreed (para. 27 of Cmd. 8934) that the Conference should consist of " delegations from each Region of the Federation chosen by their respective Governments in such a manner as to ensure adequate representation of all shades of political opinion in the Federation ".

There will be need also to provide for representation of Her Majesty's Government in the United Kingdom, of the quasi-Federal territory of the Southern Cameroons of the Federal Territory of Lagos and of the Government of the Federation.

The obligation of selection is put on the " respective Governments " and the meeting on the 5th January will wish to consider whether all should have a common policy in carrying out this obligation (as seems to the Governor-General to be desirable) and what that policy should be.

Consideration will be needed of :—

(i) What, for this purpose, constitutes a " shade of political opinion ";

(ii) the method to be used in determining who is to represent each " shade of political opinion "; and

(iii) the principles which should govern the numbers of delegates to the Conference as a whole and the numbers chosen to represent each " shade of political opinion ".

4. *Subjects to be Discussed by the Conference.*

Should the Conference be left to settle its own agenda; or should an agenda be settled in advance by agreement among the Governments ?

Whether or not the Conference is to be left to settle its own agenda, should there be a preliminary exchange of views between Governments about the subjects which should be discussed at the Conference ?

If there is to be such a preliminary exchange of views, how is it best conducted—by discussion at the meeting on 5th January, or by exchange of correspondence or by some subsequent meeting ?

5. *Revenue Allocation.*

The Fiscal Commissioner (Sir Louis Chick, K.B.E.) said in para. 66 of his Report that his recommendations would have to be reviewed as a matter incidental to " The further review of the constitution proposed to be made not later than 31st August, 1956 ", and in July 1955 the Secretary of State, in a despatch to all Governments, drew attention to this. It is necessary to decide :—

(*a*) Whether the review should take place ?

(*b*) If the review is to take place, then at what time should it take place ?

(*c*) If there is to be a review, what should be the terms of reference ?

(*d*) If there is to be a review, by whom should it be conducted (i.e., by a single Commissioner or by a Commission of several persons, by persons appointed from within Nigeria or by persons appointed from overseas, etc.) ?

6. Any other matter which any of those attending may wish to raise and which is concerned with the procedure arrangements for the Constitutional Conference.

Enclosure 2 in No. 27.

PRESS RELEASE

The Governor-General of the Federation of Nigeria has suggested to the Governors of the Regions that they and several of their Ministers, and to the Commissioner of the Cameroons that he and a Member of the Executive Council of the Southern Cameroons, should come to Lagos for a preliminary discussion of arrangements for summoning the Constitutional Conference which is due to take place in 1956. This invitation has been accepted by the Governments of the Regions and of the Southern Cameroons and the Governors, accompanied by their Premiers and one or two other Ministers, and the Commissioner of the Cameroons, accompanied by a Member of the Executive Council of the Southern Cameroons, will meet at Lagos for discussions on January 5th, 1956.

It is intended to discuss such questions as the date and place of the Conference; what delegations should attend it; how these delegations should be composed; and other procedural matters of this kind. This preliminary meeting will not be concerned with the substance of the political and constitutional matters which are to be decided at the main Conference.

WAF. 103/3/01 [No. 18] No. 28.

SIR JAMES ROBERTSON

to

MR. M. G. SMITH

DEAR MAURICE SMITH, Government House, Lagos, Nigeria, 28th August, 1957.

With my Secret and Personal letter G. 187/155 of 19th August, 1957*, to Sharwood-Smith (copy to Stapledon, Mooring and Williamson), I enclosed a copy of proposals for the reorganization of the structure of the Federal Government, which I said that I was putting to Council on Tuesday 20th, and which, since Abubakar had found them acceptable, I thought would be approved in Council without material amendment. This letter tells you of the progress made since then.

2. At the Council Meeting on 20th Ministers asked for a deferment of the paper until Thursday, 22nd, on the grounds that, Abubakar having been up in the North during the weekend, they had not had a chance to discuss it with him. There was no indication that there was going to be any disagreement, and they quite happily proceeded to discuss a second paper dealing with the creation of new posts and the salaries to be attached to them. In the course of this they approved:—

(*a*) For the Prime Minister a salary of £5,000, an entertainment allowance of £1,000, and the provision of a state car;

(*b*) For the Deputy Governor-General a salary of £4,000 and an entertainment allowance of £400 (plus provision of car and upkeep of grounds as for the Chief Secretary) in accordance with the terms of your telegram Pers 190;

(*c*) For Unsworth and Williams the retention of existing salaries and allowances on a personal basis.

3. When we got to the new post of Secretary to the Prime Minister they preferred, as I anticipated, that it should be created in Group 3. They accepted the same grading for the new post of Permanent Secretary to the Ministry of Finance, but when we came to the posts of the two Under-Secretaries in the Ministry of Finance, (i.e. Finance and Establishment) which I proposed should be created in Group 4A as Staff Grade Officers on a level with Permanent Secretaries to Ministries, they made the proviso that they would only agree to Group 4A provided that Permanent Secretaries were graded higher, and they gave notice that when we considered the reorganization paper they would raise the question of the "integration" of Ministries and the enhanced status of Permanent Secretaries, together with a demand for their upgrading.

4. Apart from their proposals about Permanent Secretaries, which were clearly going to disturb the present relationship as between one superscale post and another, and were therefore likely to set off a chain reaction, Tuesday may be regarded as being a very satisfactory day, and in particular I was pleased to see that there was no argument about the Deputy Governor-General's status and emoluments.

5. On Thursday, 22nd, we took the main paper and spent some three hours on two main objections which they raised.

6. The first of these was that the Ministers claimed that while there was no argument about the "operational use and control" of the Armed Forces and the Police being a discretionary matter for the Governor-General, the administration of the Armed Forces and the Police, as "departments", should be the responsibility of the Prime Minister. He would be responsible for answering for these departments in the House of Representatives, and he must therefore be concerned with the development of policy affecting them, and he must therefore be responsible for submissions concerning them to Council. Such was their line of argument. It was difficult to get them away from this; but I pointed out the proposals for the Defence Committee and a Police Advisory Committee, and assured them that matters which would later have to be defended in the House, expenditure and the like, would, of course, be brought by me to Council, and would have to be the subject of a Council decision. It was, however, necessary to fall back upon the prohibition in Section 98 of the Constitution Order on the assigning of Police to a Minister and to remind them that in the last resort the Governor-General had powers to override the House for supply as in other matters. However, we settled the matter harmoniously and agreed that in the Assignment Order to the Prime Minister we would make a reference (in whatever form Unsworth could advise—possibly by a "note" to the Order) to his responsibility to speak in the House of Representatives on the reserved subjects. One of the interesting deductions to draw from this discussion was that Ministers were very determined to see that what the Chief Secretary has been the Prime Minister should become, and that the new changes should not mean just a transfer of the Chief Secretary's functions to the Governor-General's Office. They took for granted the very substantial administration of the estate of the Chief Secretary to the Prime Minister and other Ministries which had been proposed, and appeared to look only with envy at the somewhat modest residue to which the Governor-General is to be the heir. I am more certain than ever that my previous decision to split External Affairs between those matters which are purely administrative and those which concern relations with foreign countries, and to leave the former with the Prime Minister, was a very fortunate one. The discussion also showed how little Ministers realize the immense volume of work with which the Chief Secretary has

* WAF. 103/3/01 [No. 6]: not printed.

had to cope in the past, and they seemed to assume far too readily that the Prime Minister, in addition to all his other duties, could take all this in his stride. One of our difficulties is going to be their tendency to overburden the Prime Minister with administrative and departmental work, and the truth is that in the past very few Ministers have had a full day's work, or have any conception of the amount of paper which is involved in dealing with large departments. This is a matter which they will have to learn by experience, but we may well find, unless Abubakar is prepared to delegate a lot to his permanent officials, that business in the Prime Minister's Office will initially get badly bogged down.

7. The second point, and one which provoked some heated and quite frankly unpleasant argument, arose over the position of Permanent Secretaries *vis-à-vis* Public Service matters. Ministers required that Heads of Departments should not correspond direct with the Public Service Commission on matters of discipline or promotion, but should channel all their correspondence through the Permanent Secretary of their Ministry. They wished it to be made abundantly clear in this way that the Permanent Secretary was the boss, and I varied my proposals to concede them this point, merely indicating that it might lead to increasing the already irritating delays which exist. There were great professions that of course these matters were no concern of Ministers, and that the Permanent Secretaries would merely perform these duties by virtue of their position in the Public Service and not their position as advisers to Ministers. I can only hope that these professions will prove true, and, that I am not being unduly suspicious in fearing that Ministers may try to put pressure on their Permanent Secretaries to vary the recommendations of Heads of Departments in order to support the claims of individual officers who are *persona grata* to them. We shall just have to watch this and hope that it is all right.

8. When it comes to the posting and promotion of administrative staff (i.e. those who have no departmental "Head of Department") there was a further claim that promotion and disciplinary matters should be the subject of recommendations by Permanent Secretaries, or by the Commissioner of the Cameroons in respect of officers posted to the Cameroons direct to the Public Service Commission. They were agreeable to the suggestion of a Posting Committee which would advise me on the general staffing of administrative posts and on acting appointments, but they made it very clear that the Deputy Governor-General should have no hand in this, and they refused entirely to accept that the Deputy Governor-General should be the "Head of Department" for administrative staff in matters of discipline and promotion. They quite frankly admitted when challenged that their reasons were personal, and they were determined, as they put it, that the Deputy Governor-General should not interfere with Permanent Secretaries as they claimed the Chief Secretary had done in the past. I pointed out that the Administrative Service must be viewed as a whole and that Permanent Secretaries could not be regarded as the Heads of Departments of three or four men and make unilateral recommendations for promotion; that there was need for someone to co-ordinate such matters before submitting them to the Public Service Commission. This point got partly home, but only to the extent that the proposed Postings Committee, which would exclude the Deputy Governor-General and would be headed by the Secretary to the Governor-General and Council of Ministers and would include a Permanent Secretary, should also be responsible for channelling administrative disciplinary cases and promotions to the Public Service Commission. We pointed to the need from a morale point of view for the administration to look to someone other than the Governor-General as Head of Department, but got very little change. I eventually reserved the matter for further consideration, and we shall return to it on Thursday next. I am now going to propose that the Secretary to the Governor-General, and not a committee shall be the channel between Ministries etc. and the Public Service Commission in matters of promotion and discipline of administrative staff.

9. Ministers pressed the matter of upgrading Permanent Secretaries to Group 4, and despite warnings that this meant taking one particular group of officers out of the Staff Grade, and was bound to have an effect both on officers who had previously been graded like Permanent Secretaries in Group 4A, and on those who had been previously graded above Staff Grade Officers in Group 4, and would, in fact, upset the whole superscale structure, they would have none of it. The upgrading of Permanent Secretaries was not a reflection of increased responsibility but a reflection of the increased dignity and status of Ministers. So having given the warning I conceded to them what they wished.

10. In all other respects our proposals for reorganization were approved and we are now busy implementing them.

11. I am sending copies of this letter to Sharwood-Smith, Stapledon and Mooring.

Yours, &c.,

J. W. ROBERTSON.

WAF. 103/3/01 [No. 24]

No. 29.

MR. A. G. H. GARDNER-BROWN

to

MR. M. G. SMITH

Secret and Personal.

MY DEAR MAURICE, Governor-General's Office, Nigeria, Lagos 5th September, 1957.

The Governor-General in his letter G. 187/160 of 28th August, 1957*, told you how our reorganization proposals fared in the Council of Ministers, and this letter is by way of being a postscript to cover the final stages of the matters referred to in the last part of paragraph 9 of Sir James's letter—promotion and posting of administrative staff.

At the Council meeting on 29th August the Governor-General made the following announcement of his proposals:—

(*a*) Heads of Departments would in future submit through the Permanent Secretary of the Ministry to the Public Service Commission all matters concerning discipline, instead of as in the past referring cases affecting senior officers in the first instance to the Chief Secretary.

They would similarly make recommendations about promotions to the Public Service Commission through the Permanent Secretary of their Ministry;

(*b*) with regard to non-departmental staff (e.g. staff in the Ministries, in the Cameroons, in the Governor-General's Office, and in the Public Service Commission) who belonged to no Department, the functions of the head of the Department in matters of discipline and promotion would be performed on the Governor-General's behalf (i) in the case of the executive and clerical grades, by the Establishment Secretary in the Ministry of Finance and (ii) in the case of administrative staff, by the Secretary to the Governor-General.

Permanent Secretaries, the Secretary to the Governor-General, the Commissioner of the Cameroons and Chairman of the Federal Public Service Commission would therefore deal with the Establishment Secretary in the Ministry of Finance in the case of executive and clerical officers, and in the case of administrative officers with the Secretary to the Governor-General. The Establishment Secretary and the Secretary to the Governor-General would then respectively exercise the discretion of a Head of Department in referring such cases to the Federal Public Service Commission, who would tender their advice to the Governor-General as at present.

(*c*) with regard to the postings of administrative staff in Ministries, Southern Cameroons, Governor-General's and Council of Ministers' Offices and the Federal Public Service Commission Office, the Governor-General was responsible under Section 100 of the Constitution Order to select and post Permanent Secretaries and would be advised on such postings and on the posting of other administrative staff by a Committee composed of the Secretary to the Governor-General, the Secretary to the Prime Minister and the Establishment Secretary;

(*d*) although paragraph 16 (*d*) of the Report by the Nigeria Constitutional Conference referred only to Regional Governments who had reached full independence, he proposed to consult the Prime Minister regarding both the promotions to and postings of Permanent Secretaries.

Council noted these proposals with approval.

I am sending copies of this letter to the Regional Governors.

Yours, &c.,

A. G. H. GARDNER-BROWN.

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* No. 28.

WAF. 103/3/01 [No. 37]

No. 30.

SIR GAWAIN BELL

to

MR. C. G. EASTWOOD

DEAR EASTWOOD, Government House, Kaduna, Northern Region, Nigeria, 6th June, 1958.

You will see from Grey's letter No. G. 236/276 of 1st June* attached that I recently sent him a record of a talk I had with the Prime Minister of the Federation on 11th May. In accordance with his suggestion I am now sending a copy of the record to you. I deliberately did not do so before because it seemed to me more proper that an account of a meeting between the Prime Minister of the Federation and myself should go to the Governor-General.

Abubakar has, as you know, been here again during this past week-end. I have not seen him because I have been in bed with glandular fever but I hope to meet him in about ten days time when he is due to pass through Kaduna on his way back to Lagos. He is at present visiting his family in Bauchi.

I am sending a copy of this letter to Grey.

GAWAIN BELL.

Enclosure 1 in No. 30.

WAF. 103/3/01 [No. 37]: Enclosure 1.

13th May, 1958.

The Prime Minister of the Federation, who, as you know, has just spent the week-end in Kaduna, came to tea with me on Sunday afternoon. We were alone, and for an hour and a half we discussed some of the problems facing the Federation and the Northern Region. The following is a brief record of the main points made in the course of our conversation.

2. The Prime Minister said that as he saw it the Regions were at present tending to pull apart rather than to come together. Until November last it had seemed to him that relations between them were improving, but there had been a deterioration since then. Despite this he was not, he said, unduly disturbed when he looked to the future. If in 1953 there had been, as he had advocated, a deliberate weakening of federal ties he believed that by now economic and other pressures would have drawn the Regions closer together. The maintenance over the past five years of the present close federal links had had the effect,, he thought, of forcing the Regions apart rather than uniting them. The future would depend, however, upon the results of the next federal elections. If the 'right' Government came to power then there would be a period of five years during which the Federation in its present general form would operate and his inclination was to believe that during that period it would be possible to forge the Regions more closely together. But the Government in power would have to be, as he said, the 'right' Government, and while avoiding any methods that might be termed oppressive or dictatorial it would be necessary for it to rule firmly. Despite the difficulties he remained an ardent Federalist. (The Prime Minister made little secret of the fact that the united Nigeria he envisaged was a Nigeria largely under Northern control.) If a split came there were great dangers that each Region might try to build up its own armed forces with a view to gaining power over the others and there would be many countries including Russia and Egypt which would be only too happy to supply both sides with arms and technicians. The result would be chaos. Some people had suggested that a body ought to be formed after the next Federal elections to draft a fresh Constitution. He was, he said, completely opposed to this suggestion and he repeated that the only real hope for Nigerian unity rested upon a Northern dominated Federal House of Representatives and the determination of those in power to rule the country firmly. I asked the Prime Minister whether he thought there was any validity in the theory that with Federal self-government there might well be a drawing together of the Regions rather than a pulling apart. The theory rests on the grounds that so long as power remained in British control the tendency was for those who hoped to inherit it to struggle among themselves. That once power was handed over the reasons for making for such a struggle ceased to exist. The Prime Minister doubted whether there was anything in the theory.

3. I told the Prime Minister that I had been worried about recent incidents involving the followers of NPC and NEPU and the depth of feeling which evidently existed between the two. This, I said, was not the time, surely, for Northerners to be quarrelling among themselves. The Prime Minister's comment was that NEPU were almost entirely financed and inspired from outside the Region. Many people, he said, had urged the NPC to make use of "strong arm methods". It would be the easiest thing in the world for them to organize gangs of toughs who would very soon put an end to all NEPU

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* Enclosure 2.

activity. But, he agreed, this was not a good basis from which to work towards the future and he personally was opposed to it. At the same time he and many others he said, found it hard to understand the lement attitude taken by British Police Officers and British Magistrates. Insult in the North was something that Northerners could not tolerate and it was evident that British officials failed to appreciate the depth of feeling aroused by the use which NEPU followers made of insulting remarks and slogans. He appreciated that Police Officers could not prosecute nor Magistrates convict in the absence of clear evidence but nevertheless it was a problem which led his people to feel that the British failed to appreciate the paramount importance of keeping order in this country over the next vitally important years.

4. We then turned to discuss the administration of the Law in the Northern Region and the probability, as I saw it, that the Minorities Commission might well come out with some severe criticism of the way in which the Alkalai's Courts work. The Prime Minister said that he realized that Emirs brought pressure to bear both in the appointment of Alkalai and, on occasions, directly to influence the findings of Alkalai's Courts. He agreed that this was wrong and said that he personally would be quite content to see Alkalai and Native Court Judges entirely separated from the Executive. He recalled a conversation that he had had some time ago with the present Chief Justice of the Northern Region in which he had suggested to him that he might take over the Alkalai and Native Court judges. The Prime Minister admitted that there might well be opposition to the introduction of major and sudden changes in the administration of justice in the Region.

5. I asked the Prime Minister whether he foresaw any danger of a split between the politicians and the traditional rulers in the North. He said that he thought the likelihood was remote because each realized clearly that neither could afford to break with the other and that a serious breach could only lead to a struggle for power and chaos. He volunteered the view that increases in the number of elected members on NA Councils ought to be made with great care and caution.

6. Finally we spoke about Ilorin. I said that I had recently been to Ilorin and that it seemed to me that despite all the difficulties things were not too bad there, and that the Council appeared to have taken the Government's warning to heart and was apparently working fairly satisfactorily. The Resident, I said, had told me that he hoped that the Northern Government would give the Council a fair run. The Prime Minister's immediate comment was that in his opinion the Ilorin Council ought to be dissolved. He would not be moved from this view.

7. I am sending copies of this letter to Rankine, Gunning and Field.

(*Sgd.*) G. W. BELL.

Enclosure 2 in No. 30.

WAF. 103/3/01 [No. 37]: Enclosure 2.

1st June, 1958.

Thank you for your very interesting letter GHN. 1 of 13th May, in which you told me of your conversation with the Prime Minister of the Federation. I have not replied before this because I was thinking over what you had there written, what was in your recent " chatty despatch " (Secret and Personal No. 27 of 14th May* to the Secretary of State) and conversations that I have recently had with Abubakar. I was most interested in what you told me and I wonder whether you would not think it worth sending a copy of your letter to Eastwood. I send this letter in duplicate so that if you do decide to copy yours to Eastwood a copy of this one can go with it.

2. Abubakar is, as he told you, " an ardent Federalist "; but I know that he worries that the Ministers in the Northern Region are not. His reference to his advocacy in 1953 of a " deliberate weakening of federal ties " is a harking back to the idea he held long ago, to which he returns at times when the bickering and intrigues of his Southern colleagues are temporarily more than he can bear, that most of our internal friction would be removed if the Regions were left to get on with their own affairs and there was " a central Agency " that looked after ports, railways, telecommunications and customs (with defence, external affairs and police in the hands of the Governor-General). This " central agency " was to have been a small body of officials " responsible to the House of Commons " and it used to be difficult to persuade Abubakar that it would not work. Now that he sees something of defence and external affairs and has the general oversight of the whole field of Federal endeavour that a Prime Minister must have he seems convinced that there is no real alternative for Nigeria to a federal system of government. But I think that he is sensitive on the score that he is not supported in his Federal ideas by his own colleagues. Ribadu is, as the Prime Minister knows, overmuch occupied in personal money-making and intrigue; I don't think that he looks on Inuwa Wada as being of much consequence other than as a representative of Kano; and he is isolated from his colleagues at Kaduna. It may be, therefore, that when he goes to Kaduna he is more " Northern " than he is when here. Certainly the voice that speaks from your letter of 13th May is not exactly that to which we have grown accustomed here.

* WAF. 97/115/01 [No. 17]: not printed.

3. But wherever he is, there is no doubt that Abubakar believes in the " strong government " of which he spoke to you. There are all sorts of stirrings and rumblings within both the N.C.N.C. and the Action Group of which he spoke to me at length recently. I do not set down all he told me because, although some of it sounded astonishing at the time, I think that the pattern within the Southern parties keeps changing so rapidly with the whims and ambitions of the principal figures that to seek to maintain a running account of them would be a waste of time. But Abubakar clearly thinks that Azikiwe is near the end of his political career and that although it is not yet clear how that end is to be compassed, his enemies (and his own defects) will bring him down before long. Abubakar also seems quietly confident not only that he can hold his present team together until independence (which he repeatedly asserts must come on 2nd April, 1960—an assertion which Robertson has told me in a recent private letter he considers Abubakar has to make in order to retain the confidence of his Ministers) but that he will be at the head of the government thereafter. He told me a few days ago that he had been asked by Akintola, at the behest of Awolowo, when he was going to enlarge his " cabinet " and he had replied that he had no intention of doing so—there were more than enough Ministers already. When Akintola represented that it would be embarrassing for him to take back this reply, Abubakar said (as he informed me) " Tell them that the matter is not one within your responsibility." Although I wish he would be firmer in checking some of the malpractices of our Ministers, particularly Ribadu, it seems that he can be firm enough when he likes and that the Ministers respect his decisions (although Akintola looked very sulky when we met in Council after the talk of which Abubakar told me). And he does feel that when the power is all in his hands, he will be able to be much " firmer " than we have been. I doubt if, when the time comes, he will find it as easy as he thinks; but, although he does not like Nkrumah, he thinks that Nkrumah's way of managing the Opposition in Ghana is the right way for West Africa at this time.

4. I hope that he is not being over-confident about the immediate future. He is not alarmed at the prospects if the Minorities Commission do not recommend the creation of separate States—he says there will be " trouble—but not much ". And that " the people will accept what they are given ". I hope he is right. He has not discussed with me the recent Press campaign in support of the idea that the Merthyr recommendations should stand only if there were universal adult suffrage in the North but from others I gather that he has no intention of recommending any such concession to Southern views.

5. One very interesting straw in the wind is that he told Bovell at a dinner-party in Dr. Majekodunmi's house that he was convinced that it would be unwise to split up the present Federal Police Force but that the Nigeria Police should be retained and the Regions should, at the same time, be encouraged to strengthen and increase their Native Authority and Local Government Forces. Bovell of course replied that indeed was what he would like to do and that he was in fact already trying, in accordance with the recommendations of the Conference of 1953 to strengthen local forces. This indeed seems a change of heart on Abubakar's part.

6. I was grateful for the news in paragraph 11 of your " chatty despatch " that you had spoken to your Premier on the subject of the North's relations with the Western Region—even though his immediate reaction was not very hopeful. But, as you then went on to say, it is clear that the Northern politicans have given little thought to the working of a self-governing Federation. It is perhaps worse than that— they give little thought to the benefits of working a non-self-governing Federation. Would it be possible to work on the Sardauna and some of his principal ministers so that they had a better comprehension of the benefits of federalism, of the North's ultimate dependence (if it is to get anywhere in this modern world) on continued association with the West and East and of the way in which Abubakar is so valiantly serving true Northern interests by his work here for the Federation?

7. I am sending copies of this letter to Rankine, Gunning and Field.

Yours, &c.,

RALPH GREY.

WAF. 103/3/01 [No. 64] No. 31.

GOVERNOR-GENERAL

to

SECRETARY OF STATE

No. GG.152. Saving. 15th September, 1958. Secret.

(REPEATED TO GOVERNOR, N.R.GG.39, GOVERNOR, W.R.GG.49, GOVERNOR, E.R.GG.36.)

I am sending you herewith a copy of a letter which has been addressed to me by the Premier of the Northern Region and the Prime Minister of the Federation in their capacities of " President-General " and " First Vice-President-General " of the Northern Peoples' Congress.

2. The letter describes allegations made by one Alfred Rewane, a leading member of the Action Group party, that the N.P.C. is in receipt of financial assistance from President Nasser of Egypt. These allegations have been published in the local Nigerian press and given considerable publicity.

3. As far as my information goes, the allegations are completely unfounded but I have asked the Inspector-General of Police to arrange for Mr. Rewane to be questioned to see what grounds he has for his allegations.

4. You will note that the signatories of the letter propose to institute legal proceedings and so the matter may be considered *sub judice*.

5. This is not the first time that allegations of this sort have been made. In July and September, 1956, similar accusations were made by one M. A. Deke, a representative in Nigeria of the Islamic Congress of Cairo, but he was speedily discredited after interrogation by the Police. The London "Daily Telegraph" carried an article about the same time by Ian Colvin, who had, as far as could then be discovered, never set foot in Northern Nigeria nor had contact with any N.P.C. leader or Northern Emir.

6. Allegations made in the Nigerian papers "Daily Times" and "Daily Service" that Egyptians will shortly be arriving in Northern Nigeria in the guise of teachers may refer to an offer made in 1956 by the Islamic Congress to supply teachers. The Northern Regional Government however has shown no interest in the proposal. There are now no Egyptian teachers in Northern Nigeria, and in the current year only one application has been made by an Egyptian for a visa to enter Nigeria. This was approved but in fact the applicant, Director of the Grande Libraire Commerciale of Cairo, has not yet entered Nigeria.

7. I shall keep you informed of the results of my enquiries.

GOVERNOR-GENERAL.

Enclosure in No. 31.

WAF. 103/3/01 [No. 64]: Enclosure

Kaduna, 11th September, 1958.

We have the honour most respectfully to address this letter to you with a view to bringing to your notice certain statements which have appeared in some of the local papers and which have been the foundation for wicked and malicious stories which are now circulating throughout the country.

The substance of the story connotes very dangerous implications and accordingly it is felt that Your Excellency would be gracious enough to give the matter your close attention.

On 6th of September certain publications appeared in the "Daily Service" and on 8th September the story was repeated in the "Daily Times", having been broadcast previously on the National Service of the Nigerian Broadcasting Corporation on 4th of September, twice that day.

The origin of the story can be traced to a Press release purported to have been issued by one Alfred Rewane, the Political Secretary to Chief Obafemi Awolowo. Mr. Rewane is reported to have said that whilst he was in the United Kingdom he was informed by the ambassador of a Foreign Power that the N.P.C. were getting money from President Nasser through a foreign firm. The money was being given to enable the N.P.C. to fight the federal elections in 1959. The Release went on to allege that the N.P.C. want to establish an Arab state in Nigeria and that the purpose of certain N.P.C. members making the Pilgrimage to Mecca was primarily to enter into agreements with certain Arab states. This story, which is absolutely untrue, has been fabricated by some wicked and malicious people for the express purpose of depicting the N.P.C. as a party with sinister motives and thereby to poison the minds of the British and Nigerian peoples against that party.

This is not the first time that this falsehood has been told against the N.P.C. It has been mentioned several times before and the Action Group repeated it before the Minority Commission which dismissed it as nonsense.

As practising Muslims we have to pay visits to the Holy places which are found only in the countries of the Middle East. Several millions of Muslims, from every corner of the world, go to these places as well as ourselves. They go there for the purpose of fulfilling their religious obligations and for that purpose alone. When we say that Nigeria should stay within the Commonwealth after Independence we are, in fact, speaking from a conviction that this is the most advantageous thing to do. We mean everything that we say and we would like to make it abundantly clear that we do not indulge in such statements of policy unless we are quite prepared to carry out the obligations attached thereto.

In our opinion, the allegation about the N.P.C. and President Nasser has been deliberately fabricated by the Action Group for their political ends. We feel that it is now high time something was done to curb this unhealthy practice. We can no longer tolerate a situation where a political party can with impunity say and do things without the slightest regard for truth and decency. Those who do so, do so because the authorities concerned have taken no action to discipline them. The relations between Nigeria and foreign countries is the responsibility of the Governor-General acting through the Secretary of State for the Colonies. We therefore urge both Your Excellency and the Secretary of State to give this matter your close attention and not to delay the institution of an inquiry in order to find out the truth. At the same time we are causing legal proceedings to be instituted under the appropriate sections of the Criminal Code.

ALHAJI AHMADU SARDAUNA
PRESIDENT-GENERAL
N.P.C.

ALHAJI ABUBAKAR TAFAWA BALEWA
FIRST VICE-PRESIDENT-GENERAL
N.P.C.

P.S.—A copy of this letter is being sent to the Secretary of State and to the Press.

WAF. 103/352/01 [No. 116] No. 32.

SIR CLEMENT PLEASS

to

MR. T. B. WILLIAMSON

Secret and Personal.

DEAR TOM, Government House, Enugu, Nigeria, 23rd April, 1956.

With reference to my letter No. A.114/8/III of 7th April*, things are moving pretty fast. There has now been a complete break between Eyo and Zik; Eyo first of all resigned as Chairman, Eastern Region Development Corporation and Chief Whip from 1st August but when Zik accepted his resignation he said that it would have to be from 17th April. Eyo thereupon replied that his original letter was not intended to convey his resignation but only to seek the Premier's advice, whereupon his appointment as Chairman of the Eastern Region Development Corporation was terminated by the Premier. I am sending you copies of the letters which passed between them for your information—these have been published.

The next move was that Eyo sent to the Clerk of the House of Assembly a motion which reads as follows:—

> "That this House regrets that Doctor Nnamdi Azikiwe, the Premier of the Eastern Region, grossly abused his office by allowing public funds totalling nearly £2 million to be invested and/or deposited in the African Continental Bank Limited (in which Doctor Azikiwe has substantial interest) at a time when Doctor Azikiwe knew that the said Bank was operating at a substantial loss and Depositors' money was being used to finance even the premises of the said Bank, as disclosed in two Balance Sheets of the said Bank, dated 31st March, 1953, and 31st March, 1954; and hereby urges the Executive Council to take every possible step forthwith to recover all public funds invested and/or deposited in the said Bank, after the accounts of the said Bank from its date of inception shall have been audited by a reputable firm of Auditors."

The Premier came to see me on Friday afternoon, 20th April. He told me that Eyo, together with Okpara, Minister of Health, and Onubogu, Minister of Development, were supporters of Ojike and that during the past two months all of them had been intriguing against him. Eyo had, in fact, been attacked in the House of Assembly by B. C. Okwu and I have it on good authority that Eyo is firmly convinced that Zik was behind this attack. You will observe from Eyo's letter that he remains loyal to the N.C.N.C. I do not think he is going to leave the Party, but that he and Ojike are going to try to deprive Zik of the leadership.

Zik further told me that he was convinced that there was a good deal of corruption among members of the Board of the E.R.D.C. particularly in connexion with appointments. He was determined to stop corruption. He had obtained information that if Eyo had stayed until August it was his intention that the Loans Branch of the Corporation should make loans to some of his

* WAF. 103/352/01 [No. 113]: not printed.

friends; these would, of course, really be unsecured loans; the Premier described it as Eyo's last "raid". He also told me that while Ojike was Minister of Finance loans had been made by the Finance Corporation—he said at Ojike's instruction—to individuals and firms who were friends of Ojike, some of these were unsecured. I told him that the Auditors had better be put on to this early.

With regard to the motion put down he said he was quite confident. The books of the Bank had been audited by a reputable firm of auditors (Akinola Williams & Co. of Lagos) and since he was not a director of the Bank—though he was a shareholder—as far as he was concerned his conscience was clear. He said that it was true that the decision to invest £1 million—he pointed out that £2 million was a mistake—in the Continental Bank was a decision of Government. I took him up on this and said it was not a decision of Government because it had never come to Executive Council, it was a decision of the Finance Corporation and the Minister of Finance—although of course, Zik and the others knew of it and no doubt arranged it.

The Premier thought it would be essential to have a meeting of the House in the middle of May to permit this motion to be debated so we are having a meeting of Executive Council this morning.

On Saturday evening I got a telegram from Eyo which reads as follows:—

> "Respectfully request you convene emergency meeting Eastern Assembly within fourteen days to debate my motion on our Premier whose reputation is at stake."

I am writing in a hurry in order that you might get this as soon as possible in case you read all sorts of reports in the "Daily Times". I can only say at this stage that this is a further illustration of what I told you in paragraph 9 of my letter No. A.114/8/III of 7th April*, and some interesting revelations may occur. The N.C.N.C. Convention is taking place at Oshogbo on 25th, 26th, 27th and 28th April and all the Ministers will go off there next week. It is probable that what happens there may have some effect on the meeting of the Eastern House if it takes place as I think it will. It must be remembered, however that:—

(*a*) the N.C.N.C. as a party do not want to have a General Election in the East now since if they did they would undoubtedly lose a good many seats;

(*b*) none of the individual members of the House want a General Election because they cannot afford to lose £800 a year.

I am sending a copy of this letter to the Governor-General.

Yours, &c.,

CLEMENT PLEASS.

WAF. 103/352/01 [No. 9] No. 33.

GOVERNOR, EASTERN REGION
to
SECRETARY OF STATE

(Repeated to Governor-General Lagos; Governor Kaduna; Governor Ibadan.)

Saving.

No. Pers. 9. 26th March, 1957.

Secret and Personal.

Elections to Eastern Regional House of Assembly

Polling in the elections to the Eastern House of Assembly was completed on Friday 15th March. In spite of the fact that the large number of polling stations necessitated a wide dispersal of police there were no incidents and the operation was conducted in a surprisingly calm and orderly manner. The system of multi-member constituencies and the unwieldy voting process, requiring separate ballot boxes for each candidate, made the counting of votes a long and laborious task and in the Owerri Division, where 12 candidates contested the 6 seats, the counting of the contents of over 4,000 ballot boxes was not completed until Thursday 21st March.

2. Polling was extremely variable; in Port Harcourt, where over 80 per cent. of the electorate voted and also in the Calabar and Enyong Divisions where the figure was over 70 per cent. it can be described as heavy, but in 5 Divisions less than 40 per cent. of those registered actually voted. The average percentage poll for the Region was 46.78 per cent. compared with over 60 per cent. in the Federal Elections of 1954. But in comparing these two percentages account should be taken of the much higher registration (1¾m.) for the Regional Elections as against that (just over 800,000) for the 1954 Federal Elections. Bearing in mind that in the Regional Elections polling followed

* Not printed.

registration in a matter of weeks it is difficult not to conclude that a significant proportion of those who registered for the first time found that enough for them, and, whether they understood the procedure or not, could not be bothered to go to the polls.

3. The elections produced the expected majority for the N.C.N.C. but at the same time, the Action Group have every reason to regard the results as highly satisfactory. The final figures, as reported in my non-personal telegram No. 59 are here compared with those of the last House:—

	New	*Old*
N.C.N.C.	64	72
Action Group	13	1
U.N.I.P.	5	10
Independent	2	1
	84	84

The significance of the results, however, apart from the obvious point that the direction of the Opposition now passes from the U.N.I.P. to the Action Group, lies not so much in the moderate increase in the number of Opposition members as in the area in which the swing away from the N.C.N.C. occurred. It was, in fact, entirely confined to the non-Ibo areas of the Region. In this connexion it is relevant to quote from paragraph 22 of Eastern Regional Intelligence Report No. 9 of the 10th of March:—

> ". . . . there is only one clear-cut election 'issue' within the meaning normally given to the word. The opposition parties have no real hope of displacing the N.C.N.C. The 'issue' therefore is whether, relying upon fear of Ibo domination, they can secure sufficient seats in the new House of Assembly to justify a claim that there is genuine popular support for a Calabar-Ogoja-Rivers State."

4. In spite of the breakdown in the Action Group/U.N.I.P. Alliance in the Calabar Province which clearly reduced the chances of the Opposition, the confusion caused by the duplication of anti-N.C.N.C. candidates (paragraph 5 of Intelligence Report No. 9 refers) cost the opposition only 4 seats and did not prevent them from securing a majority of the seats in the Calabar-Ogoja-Rivers State area: 18 as against 17. This is, in fact, a reasonably accurate representation of the state of public opinion in this area since the percentage of votes cast in the constituencies concerned is:—

Action Group/U.N.I.P.	43.92
N.C.N.C.	40.78
Independent	15.30

5. Indicative of the concern which is felt by the N.C.N.C. leadership at this turn of events is the fact that, through the medium of the Government-sponsored Eastern Nigerian "Outlook", they have attempted to disguise the significance of these figures by claiming an N.C.N.C. victory in the C.O.R. State area. This claim is justified by statistics produced by the inclusion of the Abakaliki and Afikpo Divisions where they obtained 7 seats. (These divisions though part of the Ogoja Province are very largely Ibo in population and have not previously been included by anyone in the proposed State.)

6. It is too early to form an accurate estimate of the effect which the undoubted success of the candidates supporting the C.O.R. State Movement will have upon negotiations at the Constitutional Conference though it is clear that the Movement has emerged from the elections, if not triumphantly, then at least with considerably enhanced prestige and influence.

7. The natural corollary of these developments is the unfortunate one that, while the opposition to the N.C.N.C. in the present House will probably be more effective than in the last, it will, more obviously than ever, be motivated by tribal rather than political considerations. Correspondingly the N.C.N.C. becomes increasingly an Ibo party, a fact which is faithfully reflected in the composition of Executive Council where the ratio of Ibo to non-Ibo members is 11:4 as compared with 5:5 in the former Council.

8. A number of individual results are worthy of note. AZIKIWE himself, in Onitsha, secured over 77,000 votes—substantially more than any other candidate in the Region. E.O. EYO topped the poll in the Uyo Division. Of the former members of Executive Council only ESIN (former Minister of Local Government) failed to secure re-election although in the formation of the new Government both ONUBOGU (former Minister of Works) and IMEH (former Minister of Welfare) were discarded. The Minister of Finance, IMOKE, although elected as one of the members for the Afikpo Division, obtained by a considerable margin the least number of votes of any of the successful candidates. Three former Parliamentary Secretaries and the former Deputy Speaker failed to secure re-election. The closest result in the Region was in the Ikom Division (Ogoja Province) where M. E. OGON, the new Government Chief Whip, and his fellow N.C.N.C. candidate defeated their Action Group opponents by the narrowest of margins: of slightly more than 17,000 votes cast all four candidates obtained over 4,000. A. C. NWAPA former Federal Minister of Commerce, standing as an Independent, was convincingly rejected by the Port Harcourt electorate.

9. Passing references have been made to the formation of a new Government. AZIKIWE has considerably increased the numerical (though not the intellectual) strength of his team and, if the Parliamentary Secretaries, the Chief Whip and the Deputy Speaker are included, no less than 31 of the 64 N.C.N.C. members of the House can be described as members of the Government. The purpose of this completely unjustified increase in Ministerial appointments is obvious.

10. The distribution of portfolios among the members of Executive Council is as follows:—

Dr. N. Azikiwe	Premier.
Dr. M. I. Okpara	Minister of Health.
Mr. I. U. Akpabio	Minister of Education.
Dr. S. E. Imoke	Minister of Finance.
Mr. E. Emole	Minister of Internal Affairs.
Mr. P. O. Ururuka	Minister of Commerce.
Mr. G. E. Okeke	Minister of Transport.
Mr. J. U. Nwodo	Minister of Works.
Chief A. N. Onyuike	Minister of Local Government.
Mr. B. C. Okwu	Minister of Welfare.
Mr. R. O. Iwuagwu	Minister of Justice.
Mr. P. O. Nwoga	Minister of Agriculture.
Mr. E. P. Okoya	Minister of State.
Mr. O. U. Affiah	Minister of State.
Mr. E. A. Chime	Minister of State.

Brief biographical notes on the new Ministers are attached to this Savingram together with notes on the Chief Whip. The predominantly Ibo character of the new Government has already been indicated. It is noteworthy, also, that of the eight new Ministers no less than 5 come from AZIKIWE's own Province, Onitsha, and that the appointment of 4 Roman Catholics increases their strength on Executive Council from 1 to 5.

11. The Action Group, somewhat surprisingly, appointed S. G. IKOKU, their Organizing Secretary in the Region, as Leader of the Opposition in preference to E. O. EYO. A note on IKOKU is also attached.

12. I should perhaps explain that the Premier did not consult me about the formation of the new Council. The circumstances were difficult in that the announcement of AZIKIWE's election in Onitsha could not be made until late on the Tuesday previous to the Thursday on which the House was due to hold its first meeting. An attempt on the Monday to persuade AZIKIWE to return from Onitsha in advance of the announcement of his election was not successful and he did not see me to accept appointment as Premier until the late afternoon of the Wednesday. He then told me that he was meeting the Party's Executive Committee and that as soon as that was over he could give me a list of his Ministers. Whatever his own intentions were then he gave no indication that the new Council would include a Minister of Justice and three Ministers without Portfolio. Apparently his final decisions were not taken until the morning of the Thursday and, whether by design or whether because for part of the time I was occupied with consultations with the Party Leaders (in the case of the N.C.N.C. AZIKIWE deputed OKPARA to act for him) over the appointment of the Speaker, he did not see me before the House met and sent his list of Ministers up by hand of his secretary at a time when the House was already in session. The Premier is not, of course, required to consult the Governor before recommending the appointment of Ministers, but I feel that it was unfortunate in this case that I did not have the opportunity to represent that the appointment of three Ministers without Portfolio is likely to do more harm than good, apart from providing administrative headaches.

WAF. 103/352/01 [No. 32] No. 34.

SIR JAMES ROBERTSON

to

THE RT. HON. ALAN LENNOX-BOYD

Secret and Personal.

MY DEAR ALAN, Governor's Lodge, Tudun Wada, Jos, 23rd December, 1957.

I hope you are now feeling much better after your accident and that your shoulder is all right again. It was bad luck to fall and put yourself partially hors-de-combat when so much is going on.

We are at Jos, having come up for a few days change over Christmas, and it is certainly far pleasanter here than in the humid heat of Lagos. We came via Enugu, whither I went to attend the formal opening of the cement factory at Nkalagu, and I had an opportunity for discussions with Stapledon.

I am writing this to warn you that we are boiling up for another crisis in the East. Stapledon is writing at some length to your office about it all, but I thought I should let you know what is happening so that you can ask to see Stapledon's letter. Briefly, the position is that during the last two years the Eastern Region has overspent its revenue so badly—largely due to their Universal Primary Education Scheme—that they have used up their revenue balances and are likely to be barely solvent at the end of this financial year on 31/3/58. They will have then to finance their ordinary working costs for some months until the main direct taxes begin to come in next autumn, and it looks as if they could not do this for more than a month or two. Even if they could carry on by raising money somehow for working costs, they would at the present rate of expenditure be two or three millions down at 31/3/59.

Stapledon means to put this to Zik very clearly and forcibly as soon as possible and to urge on him drastic pruning of his budget, but the only way in which savings can be effectively obtained is by abandoning the Universal Free Primary Education Scheme. It is unlikely that he can do this without losing a great deal of political prestige; and we expect he will try to find some ineffective halfway measures. He might also appeal to the Federal Government for aid, but I very much doubt whether Abubakar will be prepared to give him any, and he would be supported by the Northern and Action Group Ministers.

Abubakar met Zik a fortnight ago at Bonny and when he returned to Lagos told me that Zik seemed to him to be living in a dream world of his own with little or no contact with reality; and to be quite unaware of the tremendous staffing and financial problems of the Eastern Region.

If the Federal Government won't or can't, help and if Stapledon can't persuade Zik to take effective steps to cut down expenditure, Stapledon may well be asked to read a speech from the throne at the beginning of the new session which will be " bogus " and intentionally deceptive. He quite naturally is most averse to doing so. He suggests that if Zik will not face facts he (Stapledon) should report the situation to me, and that I should intervene and, with your approval, issue regulations for the running of the Eastern Region as was agreed at the Conference should be done if it seemed that the actions of the Region were likely to impede the functioning of the Federation. I am not sure whether these powers were intended to be used in such circumstances as these, but clearly if a Region goes bankrupt, the financial standing of the Federation must be impaired.

Stapledon and I agreed that we should now act as follows: firstly, he should try to persuade Zik and his Executive Council to retrench sufficiently to balance the new budget; secondly, we should see whether by anticipating some of the Regional income from the Federal statutory grants we could keep the machine ticking over. I don't myself believe this is a starter, because I think the Federation pays over the shares of the Regions at once, as soon as they are ascertained, and does not hold on to them and pay them in arrears. If these remedies fail, I should sound the Federal Prime Minister, and possibly the N.C.N.C. Federal Ministers also, about my exercise of the special discretionary powers given me at the Conference (incidentally, these are not yet legalized by Order in Council). Maybe on my merely sounding them on this, Zik, to whom it would be reported, would see the red light.

The position is clearly full of political dynamite, and it might be better not to try and intervene at all, but simply to let the East go bankrupt. We would, of course, have to tidy up the mess later with no staff to do it properly; but Zik's follies and inefficiencies might have been exposed at last. He would no doubt blame the Federal Government for unhelpfulness if we had not given him assistance and would, of course, make much of " an imperialist plot " to do him down.

I am sorry to bother you with all this, but I thought I should warn you of what is brewing. It should be a happy New Year!

Yours &c.,

(*Sgd.*) JOHN WILLIE.

WAF. 103/352/01 [No. 40] No. 35.

SIR JOHN MACPHERSON

to

SIR ROBERT STAPLEDON

Secret and Personal.

14th January, 1958.

This letter, which I am writing with the Secretary of State's approval, is about the finances of the Eastern Region. As Eastwood promised in his letter of 31st December* we have now given urgent consideration to your Secret and Personal letter A/06/27 of 23rd December† and to Robertson's Secret and Personal letter‡ to the Secretary of State of the same date. Eastwood has also had your two further letters of the 31st December§ and 6th January§ and Robertson's letter 521/267 of 4th January. As Eastwood mentioned, when your letter of 23rd December arrived,

* WAF. 103/352/01 [No. 34]: not printed. † WAF. 103/352/01 [No. 33]: not printed.
‡ No. 34. § WAF. 103/352/01 [Nos. 37 & 39]: not printed.

we were on the point of writing to you on the basis of the information we then had. The situation as described in your Intelligence Report for November could only be described, and was described by the Secretary of State, as "ghastly." We are very glad indeed that, as appears from your letter of 6th January, your Ministers do seem to be tackling it with some show of urgency. I know you will keep us up to date with developments. Things do not now look so bad but there is a large gap between intention and achievement and it seems wise to be prepared for the worst in case achievement does not match up to the intention.

2. Payne had given us a picture of the situation very similar to that in your letter and had expressed the view that your Ministers were unlikely to take in time the decisions necessary to balance the budget, and that they would continue on much their present course in the hope that something or someone would turn up in time to save them. Payne also added as his personal view that your Ministers believed that if they ran into serious trouble the United Kingdom Government would ultimately bail them out. In the second paragraph on page 6 of your letter of 23rd December you also refer to the possibility that the United Kingdom Government may ultimately have to pay whatever is needed to meet the Regional Government's debts and to put the Region on its feet again. Perhaps it would help if at this point I made it clear that we can see absolutely no prospect of providing United Kingdom funds to assist your Government by way of a grant in aid of administration nor would we entertain for a moment any exceptional proposals for the use of Colonial Development and Welfare money to relieve the strain on the recurrent budget. In our view of self-governing Region should rely on its own financial resources and in cases of difficulty should address any requests for help to the Federal Government. I might also perhaps dispose of other possibilities of your Ministers being saved by action from without by saying that even if a large oil field is proved in the Region its commercial development will take years. Further, since the report of the Fiscal Commission when it is received must be considered by the resumed Conference, there is no prospect of effect being given to its recommendations at the earliest before the financial year 1959/60. Even, therefore, if these recommendations were favourable to the Eastern Region—and we have no reason to think they will be, though we do not of course know what recommendations will emerge—they would not in themselves tide your Government over its present difficulties.

3. Assuming that the pressure you are bringing to bear on your Ministers to agree to a balanced budget for the coming financial year fails, the first question of principle to be decided is whether there should be intervention (in whatever form is most appropriate) before the crash comes, or whether you and we should allow the processes of Regional self-government to work themselves out to the bitter end of breakdown before intervening. I suppose it could be argued that it would be well to wait until the crash occurs, so that the bankruptcy of the Region may expose the bankruptcy of Zik and the N.C.N.C. as a political party. But we are certain that this course would not be right in itself and that in the long run it would not pay dividends. It would easily be apparent that both the Secretary of State and the Governor-General had been aware or could have been aware that the crash was coming months before it occurred, so that their refusal to intervene before the crash had been an act of deliberate policy which had probably brought needless suffering on the people of the Region and set back its development for years. We are confident that the right course is to intervene before the crash occurs. The question is at what stage and by what means this should be done.

4. You will, we know, continue to urge on your Ministers while the estimates are being prepared that these estimates must be realistic and offer some prospect of a balanced budget within the resources of the Region. If it becomes apparent that this advice will not be accepted and that either estimates which will lead to a considerable deficit are being put into final shape, or (as last year) estimates which do not disclose the full likely expenditure for the year are being completed, we suggest that you should draw the attention of the Premier to the fact that the estimates are likely to lead to the early bankruptcy of the Region and that the likely consequence of this will be to bring about a breakdown in the administration of government in the Region sufficient to be of concern to the whole Federation, of which the Region is part. You could then point out that the presentation to the legislature of estimates having that as their likely consequence would no doubt cause the Governor-General, under Section 135 of the Constitution Order, to consider whether the exercise of the executive authority of the Federation might not be impeded or prejudiced or the continuance of federal government in Nigeria might not be endangered thereby. You could also point out that you have your own responsibilities to consider in this matter and that these arise from Clause 8 (1) of the Additional Royal Instructions to the Regional Governors dated 8th August, 1957, which *inter alia* requires you to reserve for Her Majesty's pleasure "any Bill containing provisions which appear to him (i.e. you) to impede or prejudice the exercise of the executive authority of the Federation or to endanger the continuance of federal government in Nigeria." The Bill in this case would presumably be the annual Appropriation Bill.

5. We suggest, however, that you should not imply that bankruptcy and its consequent breakdown should be considered only by yourself and the Governor-General in the context of the constitutional responsibilities that I have quoted, but that in telling the Premier that this situation would be of concern to the whole Federation you should say that you therefore propose informing the Governor-General of the situation and that you expect that he will consult the Prime Minister and indeed the Council of Ministers as a whole. Clearly, just as we must be concerned about the financial situation in the Region, we must be even more deeply concerned about the wider political effects of that situation and must try to handle it in a way that does not make it appear to be a dispute between an Azikiwe straining his resources to the utmost for the social betterment of his people and an imperialist Governor-General and Secretary of State using obsolescent powers to force financial orthodoxy upon him. Although, as the Conference requested, Section 135 gives powers

to the Governor-General in his discretion and with the Secretary of State's approval, our object must be to ensure that the situation is first reviewed at least by the Federal Government, if not even by the other Regional Governments, so that it is seen by all Nigeria to be a crisis which involves them, as it affects the good government, the credit-worthiness and the good name of the whole country, and must have implications for Nigerian independence and the confidence with which the rest of the world will view that independence.

6. We would therefore propose that if it becomes necessary for you, after duly warning Zik, to report to the Governor-General and no doubt to the Secretary of State—the Governor-General should immediately consult with the Prime Minister and subject to his views with the Council of Ministers about the next steps to be taken. The Prime Minister has declared that he has formed a "Government of national emergency" to achieve independence in April, 1960. It must primarily be for him to consider with the Governor-General how to deal with a situation which threatens to frustrate his efforts. We do not think that it would be right not to consult the Council of Ministers simply because the N.C.N.C. Ministers on it would be gravely embarrassed. Insofar as the Council of Ministers is representative of all the major political parties, it will not find it possible, and has not always in the past so found it, to deal with contentious business concerning any one Region without some of its members suffering political embarrassment. Situations such as this are the essence of Nigerian politics and we cannot properly discharge our duty of preparing the country for independence if we help the Federal Ministers to avoid the possibility of a clash with each other by assuming direct responsibility ourselves. That would foster an unreality in federal politics which might lead to damaging consequences when independence finally forced them to confront all their own problems together. Furthermore, if it ultimately becomes necessary for the Governor-General with the approval of the Secretary of State to take measures to ensure the restoration of the finances of the Eastern Region, this action will obviously have serious internal repercussions in the Region. I imagine it is anybody's guess whether Zik would then resign and so possibly create a situation in which the constitution of the Region might need to be amended or suspended, or whether he would choose to stay nominally in office to be as great an embarrassment as possible to the Governor-General's efforts by direction and regulation to restore the financial position. Whatever course Zik might take, it might make it, to say the least, very difficult for him and his party to be represented at a resumed Conference in the way they were represented last summer—i.e. it might be necessary again to defer the Constitutional Conference because of the situation in the Eastern Region. If this is at all likely, we would want it to be apparent that the Secretary of State has in no way manufactured an excuse for deferring the resumed Conference and possibly Nigerian independence, or even eagerly seized upon an excuse, but that action taken to deal with the situation in the East was unavoidable, is attributable solely to the mismanagement by Eastern Ministers of their affairs, and had the concurrence, or at least the passive acquiescence, of the Federal Council of Ministers.

7. We have considered the question of the extent to which a financial crisis in the East, which seems likely to lead to breakdown, would justify intervention by the Governor-General under Section 135. I enclose a note* on this by one of our legal advisers. This note largely speaks for itself, but there are two points about it which I might make. The first is that, as you will see from its opening paragraph, the note assumes that there is at present no question that the policy of your Government in preparing a deficit budget, with the breakdown that that might bring, would in itself impede or prejudice the performance by the Federal Government of any of its functions. This assumption is, however, subject to any factual case to the contrary that the Governor-General may be able to make. For instance, it may be the case that in some respects at least the functioning of the Federal Government and the Regional Government is so interlocked, or some of the actions of the Federal Government or its officers are so dependent on the basic structure of government in the Region maintained by the Regional Government, that a breakdown of the Regional Government would impede or prejudice action by the Federal Government. If the Governor-General is able to make out such a case our lawyers here would like to reconsider the assumption in the first paragraph of the note. At present, however, they are very much inclined to the view that it would not be right to regard the executive authority of the Federation as being impeded or prejudiced for the purposes of Section 135 merely because the Eastern Region, owing to its insolvency, was unable to perform for the Federal Government certain services, that it had voluntarily undertaken. They concede that the wording of the section might be wide enough to support such a view but they maintain that this part of the section was really aimed at preventing obstructive tactics by Regional Governments in the executive field. Second, I should like to draw your attention to the conclusion in paragraph 4 of the note that the Governor-General is not required before he acts to wait until the continuation of federal government has actually been endangered; he can if he thinks it right act so as to prevent an anticipated danger from arising. Our lawyers point out indeed that, in a case where the breakdown of government in a Region is likely, then, if Section 135 is to be of assistance, it should be used before a breakdown occurs, for the section does not provide for the Governor-General to step in and take the place of the Regional Government. What it does is to give the Governor-General certain powers to control the actions of the Regional Government through directions and regulations.

8. Once the situation in the East has to be taken to the Council of Ministers, this fact will become known to Zik and may bring about political repercussions both in the East and in the Council of Ministers which we cannot forecast. But we must I think assume that in either the short or the long run the Council of Ministers will be prepared to recognize that situations of this nature are very much matters for the Federal Government and that, whether or not the immediate machinery for action rests with the Governor-General under Section 135, the general responsibility for action and

* Enclosure in No. 35.

for helping the Region back onto its feet must rest with the Council of Ministers as the body responsible for the good health of Nigeria as a whole. For it may well not be sufficient for the Governor-General to give directions and issue regulations to restore the finances of the Eastern Region. It may be necessary, even with an enforced cutting back of the education programme, to inject more funds into the Region, at least to tide it over the existing emergency. As I said above, it is not for the United Kingdom Government to take this action. The Eastern Region may have run down its Regional funds but Nigeria as a whole is by no means bankrupt and it must be for the Federal Government to consider how and on what terms any financial assistance that the East may need can be given. This fact in itself will mean that any action taken by the Governor-General under Section 135 will need to be co-ordinated with any proposals by the Council of Ministers for restoring the financial position in the East.

9. We have given some thought to the nature of the steps that the Governor-General could take under Section 135, assuming that the situation justified such action. He may be faced with something of a logical contradiction in considering the action to take and the timing of that action. This contradiction put in its simplest terms is that if the Council of Ministers, on learning of the situation in the East, decided forthwith to make a grant to the Eastern Regional Government which would cover its prospective deficit, the possible crisis in the Region would disappear so that there would be no ground for the Governor-General to take action. We imagine it is most unlikely that the Federal Government any more than the United Kingdom Government would be prepared to underwrite the mismanagement of Zik and that, if it was at all prepared to find funds to put the East on its feet again, it would want to attach conditions to the use of those funds and to the programmes and policies of your Government that would at least offer the prospect of a fairly permanent restoration of the situation. Presumably then the sequence should be that the Governor-General, after consulting the Prime Minister, reported the situation to the Council of Ministers and suggested that to avoid the need for action by him under Section 135 the Federal Government should in effect take up the argument with Zik where you had left off and urge on him financial prudence. There would then be some period of negotiation between your Government and the Federal Government to see whether your Government, in return possibly for some offer of assistance by the Federal Government, would be prepared to set its own house in order. If this attempt failed, it would then be for the Governor-General to consider whether to resort to his powers under Section 135. We cannot try to forecast from here whether, if such action became necessary, the Governor-General's directions and regulations would relate only to financial policy or would extend to other matters as well. His power is to give directions for the purpose of ensuring that the executive authority of the Region is not exercised in contravention of sub-section (1) of Section 135 and what may be necessary for that purpose must obviously depend upon the situation at the time. No doubt the Governor-General will with you and his officers be giving thought to this and, so far as is practicable, prepare a plan in advance. But, as I said above, if it comes to this Robertson may still need more money from the Federation to enable him to get the East going again and so may need to reach some sort of agreement or understanding with the Council of Ministers about how this money is to be found and the conditions under which it is to be spent.

10. I am sorry to have written you so long a letter. What I have tried to say does not of course by any means exhaust the possibilities of the situation which may take turns that we have not foreseen. But I do not think there is more that we can usefully add at the moment without indulging in pure speculation. The final point I might make is about the Fiscal Commission. If the Governor-General has to discuss the situation in the East with his Council of Ministers, it is possible that at any rate the N.C.N.C. members of the Council will suggest that the situation is not one for emergency powers at all but that it is for the Fiscal Commission to devise permanent means of enabling the Eastern Region to undertake the proper social and educational responsibilities which it is trying to meet. Such a plea would of course amount to a proposal that the terms of reference of the Fiscal Commission should be completely re-written; and to this only a resumed Conference could agree. I imagine that this point will if necessary be made readily enough by the N.P.C. and Action Group members of the Council.

11. I am sending copies of this letter and enclosure to Robertson, Bell and Rankine.

J. S. MACPHERSON.

Enclosure in No. 35.

WAF. 103/352/01 [No. 40]: Enclosure.

NOTE ON SECTION 135 OF THE NIGERIA (CONSTITUTION) ORDER IN COUNCIL, 1954, AS AMENDED BY THE NIGERIA (CONSTITUTION) (AMENDMENT No. 2) ORDER IN COUNCIL, 1957.

The question for consideration is whether, in the circumstances visualized in the two letters, the Governor-General could use the powers conferred on him by Section 135 of the Order in Council; and, since there is no suggestion that the policy of the Government of the Eastern Region is impeding or prejudicing the exercise of the executive authority of the Federation, I take it that the question need be considered only in the context of danger to the continuance of federal government in Nigeria.

2. The validity of an exercise in good faith by the Governor-General of his power to give a direction under sub-section (2), or to make a regulation under sub-section (3) for the purpose of ensuring compliance with such a direction, cannot be questioned by any court.

3. Nevertheless the Governor-General cannot properly give a direction under sub-section (2), unless in his opinion:—

(i) the continuance of federal government in Nigeria is actually endangered or is likely to be endangered;

(ii) the danger arises, or is likely to arise, as a result of the exercise of the executive authority of the Region;

(iii) the direction is necessary in order to put an end to the actual danger, or to prevent the anticipated danger from arising, as the case may be.

4. As regards conditions (i) and (iii) it should be noted that the Governor-General is not required, before he acts, to wait until the continuation of federal government has actually been endangered. His power under sub-section (2) is a power to give directions for the purpose of ensuring that the executive authority of a Region is not exercised so as to endanger the continuance of federal government in Nigeria; and that means he can either act so as to remove a danger that has already arisen or act so as to prevent an anticipated danger from arising.

5. As regards condition (ii) the expression "the executive authority of the Region" is very wide. In my opinion it includes all governmental authority belonging to the Region as a constitutional entity except the legislative authority of the Regional legislature and the judicial authority of the Regional courts. And, broadly speaking any governmental action other than the enactment of a law by the legislature or the giving of judgment by a court would be an exercise of the executive authority of the Region.

6. It is difficult to give precise advice on the application of a provision like Section 135 except in relation to a set of circumstances that have in fact arisen. But it does not seem to me that, in the circumstances visualized in the letters, the Governor-General would have much difficulty in satisfying himself as regards condition (ii), for there would inevitably be some exercise of Regional executive authority to which the trouble could be related—e.g. the submission by the Regional Government to their legislature of estimates which there was not sufficient revenue to meet. I think, however, that the Governor-General might find it difficult to satisfy himself as regards condition (i). It does not seem to me that the continuance of federal government in Nigeria would necessarily be endangered merely by the fact that the Government of the Eastern Region had got itself, or threatened to get itself, into a position where it had insufficient funds to meet its commitments; for that is a situation which it might be possible to rectify within the framework of a federal constitution. The suggestion that the other Regions might wish to contract out of the Federation if the Eastern Region became insolvent is really beside the point, for it is not constitutionally open to them to contract out of the Federation and I take it that there is no practical possibility of their leaving the Federation by extra-constitutional action, i.e. by revolution. Nor would intervention under Section 135 be justified merely because the credit of the Federation as a whole would be adversely affected by the insolvency of the Eastern Region, for a federal form of government is still possible even where government credit abroad is not good.

7. Before the financial policy pursued by the government of the Eastern Region would afford justification for intervention by the Governor-General under Section 135 the circumstances would have to be such that one could reasonably maintain that, as a result of that policy, the continuance of federal government in Nigeria was in fact endangered or was likely to be endangered. I think that the continuance of Federal Government in Nigeria would in fact be endangered if, for example, owing to the financial policy of the Government of the Eastern Region there was a breakdown of the machinery of government in the East of such proportions as to make it impracticable for the Eastern Region to continue to play its part as a full member-territory of the Federation under a democratic constitution. It is true that, even in that event, the central government and the governments of the North, the West and the Southern Cameroons, could still be carried on under the present federal constitution or something like it but nevertheless it seems to me that the continuance of federal government in Nigeria would certainly be endangered if the Eastern Region had to be taken out of the Federation altogether and governed as a separate entity or if, though remaining within the Federation territorially and for some purposes politically, it had to be governed as a special area in a different way from the other Regions. There may be other circumstances in which the financial policy of the Government of the Eastern Region would justify intervention under Section 135 but the hypothetical example which I have just given seems to me to be the one most relevant to the circumstances visualized in the two letters.

J. C. McPETRIE,

Legal Division.

2nd January, 1958.

WAF. 103/352/01 [No. 49] No. 36.

SIR ROBERT STAPLEDON

to

MR. C. G. EASTWOOD

MY DEAR CHRISTOPHER, Government House, Enugu, Nigeria, 14th January, 1958.

You may well have welcomed the recent lull in my correspondence about the finances of the Eastern Region. The reason for it is that, since I last wrote in my letter A/06/27/22 of 6th January*, I have not been able to find out with sufficient certainty what was going on.

The matter was considered again by Executive Council on Tuesday, 7th January with the Premier in the chair. I saw him on the following Thursday but I was not able to obtain a clear enough account of what had been decided to translate it into arithmetical terms; I had perforce to wait for the minutes and they only arrived yesterday.

Meanwhile the Minister of Education has retired to hospital, whence he has to-day been flown to Ibadan and his (expatriate) Permanent Secretary will, on medical advice, have to be removed to some other duty. The Minister, who may or may not have a duodenal ulcer, is reported to have had moments of lucidity (though described as delirium) in which he appreciated the seriousness of the situation and asserted that the Premier had always led him to believe that the money would somehow be found. The Permanent Secretary's *crise* is a less spectacular loss of confidence in himself and an admission of personal inability to see it through. This evidence of severe strain in the Ministry correctly indicates that the realities of the immediate situation have been asserting themselves. But it seems to me that we are still a long way from getting out of the wood.

After studying the Executive Council minutes and after a further discussion with the Premier which I had this morning I understand that Executive Council have taken the decisions which I set out below and to which I add my comments when it seems to me that comment is needed.

1957/58.

They have rescinded their approval of the £990,000 odd supplementary expenditure to provide for U.P.E. for the current quarter, notwithstanding that it had already been approved by Finance Committee. (From the record it does look as though they may have been influenced by the coincidence of a letter from the Governor suggesting that effect should now be given to the London Conference decision that general and special warrants should cease to be signed by the Governor and be signed instead by the Minister of Finance.)

They have not, however, cut the U.P.E. programme in any way whatever, nor instituted the payment of tuition fees except, as I have previously reported, in Standards V and VI where they are ostensibly allied to improved curricula. They have hit on the ingenious but typically expedient idea of charging once and for all enrolment or registration fees of 10s. for every pupil in infant classes I and II and £1 for every pupil in Standards I to IV. This is estimated to raise nearly £1 million and I am advised that it is administratively practical provided that the Managers of the Voluntary Agency schools co-operate to the full extent of collecting the money and paying it over.

Assuming that this device were to be fully successful it would have the effect of restoring the General Revenue Balance to nearly £4 million at the 1st April, 1958 which, as you know, is necessary to enable the Government to pay its way during the first few months of the financial year.

1958/59.

(i) An extra £1m. is to be budgeted for on direct tax by raising the rates and abolishing the marriage allowances on incomes below £149 per annum. I am advised that this is probably not by itself impossible but of course there is considerable doubt as to how an attenuated administration will cope with tax collection next year.

(ii) As previously reported other revenue is to be increased by £.25m. and this is not impracticable.

(iii) All votes other than Education to be cut by 10 per cent. on the Revised Estimate for 1957/58 which is estimated to yield £.8m.

(iv) The Education Vote to be cut by £2.3m. to £5.2m. The term "cut" is not quite appropriate in that tuition and registration fees are for this purpose deemed to be credited to the Vote. These two together (i.e. tuition fees in Standards V and VI at £.8m. and registration fees for new pupils in 1959 at £.25m.) are estimated at £1.05m. leaving £1.25m. of actual cut. Of this £.5m. is said by the Premier to be taken from special expenditure on buildings leaving as he thinks a final balance of £.75m. as yet unexplained. I am very much afraid the Premier has done his sums wrong here. The £.5m. on buildings had already been excluded from the Ministries' calculations and the "balance unexplained" is therefore £1.25m. This I think is what has defeated the Minister and his Permanent Secretary. The Premier, however, assures me that he is personally satisfied that further cuts in the Education Vote can be made without putting the educational programme out of gear. As at present advised I cannot myself see that this is so, but I have suggested to the Premier that we should now put Heaney, the Ministry's Chief Executive Officer, and by far their most solid and knowledgeable officer, in to act as Permanent Secretary. I am hopeful that the Premier will agree to this and that it will lead to quick and clear-cut decisions as to what is and is not practicable. I have also discussed with the Premier the urgent necessity for having consultations with the Voluntary Agencies and the need for this purpose to select a suitable stand-in for the absent Minister. Unfortunately the most suitable Minister is also absent (on leave) at the moment.

(v) Off various capital works £.10m. This is practicable and the consequent P.W.D. slack can be turned to agency work for the Federal Government.

Accepting the five decisions enumerated above at their face value they total £4.45m. or just under the estimated deficit of £4.68m. As I have pointed out to the Premier they do not provide the surplus of £.5m. which he had agreed as essential. The Premier stoutly asserts that this is but a beginning and that they will find the further £.5m. somehow.

I am still in the process of trying to form a considered and advised opinion of the situation as it now appears. My provisional views are that so far Executive Council have done about as well as could have been expected of them. They certainly got into a real flap and had a series of long and difficult meetings. But I am afraid nothing will shake them out of a "sufficient unto the day . . . ." attitude of mind. The consideration is not how to lay the ghost of the mounting U.P.E. bill which is now estimated at £13 million in 1962/63: but quite simply how to lay the ghost of defaulting on their election promises by charging fees for U.P.E. in 1958/59. We shall still try to bring them round but there is little hope of success: and once effect is given to the decision to raise the rates of direct tax on the lower income groups then fees for U.P.E. are politically impossible, if Ministers are not right in thinking that that is so already.

I also think that the Premier still genuinely intends and believes that he can scrape up the £·5m. surplus in 1958/59 in some way or another. Whether it is supporting evidence of this or not it was the Premier himself who squashed a panic move on the part of some of the Council to try and pass the buck to the Federal Government and to Her Majesty's Government straightaway with the request for loans. It was agreed that informal approaches should be made to the Federal Minister of Finance, that is to their N.C.N.C. colleague Ekotie Eboh, to ascertain what their chances of getting a loan were likely to be if they could find no other way out. Whether the Premier knows already that the Prime Minister would be prepared to discuss terms I do not know. It is a very moot point whether at this stage Abubakar should or should not reveal to Ekotie Eboh his willingness to parley and state stiff terms. I am inclined to think that this can only be effective if and when the East are actually on their uppers: but I will discuss with Robertson.

What is perhaps the most significant indication of the Premier's attitude towards the matter is his entirely voluntary request to me this morning that I should see if we could get Fogarty back. I shall be telegraphing or writing to you about this separately and I need say no more here than that I cordially agree with the Premier that if Fogarty could be brought back that would be an excellent thing for the Region and indeed for Nigeria. Obviously it would be a tremendous help to have either as Permanent Secretary or as Financial Adviser someone in whom the Premier and I both had complete confidence.

Finally, I should remind you that this difficult business is having to be conducted against the background of the Minorities Commission over which Ministerial feelings are now running high. I cannot have half an hour's talk on the budget without at least the equivalent on the iniquities of Shawcross and the Action Group and the distressingly tolerant way in which the Commission permits their perpetration. But that's another worry about which there is even less that I can do.

I am sending copies of this letter to Robertson, Rankine and Bell.

Yours, &c.,

ROBERT STAPLEDON.

WAF. 103/352/01 [No. 54] No. 37.

GOVERNOR, EASTERN REGION

to

SECRETARY OF STATE

Immediate. Secret and Personal. Personal No. 7.

(REPEATED TO GOVERNOR-GENERAL PERSONAL No. 5; GOVERNOR WESTERN REGION PERSONAL No. 5; GOVERNOR NORTHERN REGION PERSONAL No. 4.

In my letters to Eastwood of 29th and 31st January* about the financial situation, I have described a developing resistance on the part of Ibo (N.C.N.C.) women to the payment of the recently announced school fees, both registration and tuition.

* WAF. 103/352/01 [No. 39]: not printed.

* WAF. 103/352/01 [Nos. 56 & 57]: not printed.

2. Mass demonstrations, involving so far only minor incidents of violence, have spread from the Owerri to Aba districts. Indications have been that situation might well deteriorate when schools open on Monday unless there were authoritative announcement from Government before week-end.

3. I have been unable to get in touch with the Premier, who is in mourning for his mother who died last Sunday, but I had discussions on Thursday with the next senior Minister, the Minister of Information and Education, and Minister of Agriculture, whose home is in affected area. Executive Council met yesterday (Friday) and authorized following release which is to be broadcast to-day:—

> " Government have decided to allow parents and guardians two weeks of grace from date on which schools re-open for the payment of registration and other fees which Government recently decided should be paid in all primary classes in the Region. School authorities are therefore advised not to deny admission or attendance to any child before expiration of the period of grace on the grounds of non-payment of the fees."

I understand Council also decided that there should be urgent consultations with representatives of the Mission and the local Government organizations who manage the school.

4. As is evidenced by the equivocal announcement quoted above, the Government are now in a very difficult position indeed.

5. As previously arranged, I am proceeding to Lagos this morning for consultation with Governor-General and other Governors and for *ad hoc* conference but I am arranging to return at short notice if situation should deteriorate.

6. Meanwhile police reinforcements from outside Region is not (repeat not) required.

WAF. 103/352/01 [No. 103] No. 38.

MR. O. P. GUNNING

to

MR. C. G. EASTWOOD

Secret and Personal.

DEAR CHRISTOPHER, Government House, Enugu, Nigeria, 27th June, 1958.

Will you please refer to the telegrams and other correspondence from Sir Ralph Grey, concluding with his letter No. 597/319 of 20th June, 1958*, on the subject of the split within the N.C.N.C. You may be interested to have my assessment of the reaction in the Eastern Region to the break away of Mbadiwe's faction.

As indicated in my Secret and Personal telegram No. 30 of 16th June, 1958† there was very little immediate reaction to the " walk out " of Mbadiwe and his allies on 14th June. Almost all the Eastern Regional Ministers were in Lagos with Azikiwe and the prevailing attitude was a combination of startled surprise at the rebels' temerity and of cautious reserve until the protagonists in the dispute should return to the Region to " state their case ".

After the first shock, however, there was a flood of telegrams from the N.C.N.C. branches in the Region pledging support either for one side or the other, although it was significant that the Eastern Working Committee of the Party (which has recently been increasingly critical of Azikiwe) maintained at this stage a discreet silence. Originally the telegrams were fairly evenly distributed as between Azikiwe and Mbadiwe but following the declaration of Okotie Eboh in favour of Azikiwe and the defection of some of the signatories to the letter demanding his resignation, the tide set in strongly in favour of Azikiwe.

Typical of the uncertainty of this period was the attitude of the Association for One Nigeria (the deserters from the Enugu Branch of the N.C.N.C.) Originally the Association sent a telegram pledging support for Mbadiwe; but the hasty and somewhat surreptitious return from Lagos of Nwandu, one of the leaders of the Association (who was clearly having second thoughts about his signature to Mbadiwe's ultimation), produced an immediate repudiation of this telegram. Nwandu's personal explanation of his change of front was characteristically bogus: he maintained that his signature was a mistake as he had been misled as to the contents of the document which he had been asked to sign.

Shortly after the return of the main party of Regional Ministers Akpabio and Ogon (the Chief Whip who was recently committed to prison as a Judgment Debtor) issued a statement on behalf of the Ministers and Parliamentary Secretaries of the Regional Government declaring " 100 per cent. support " for Azikiwe.

* WAF 103/352/01 [No. 100]: not printed. † Not printed.

The publication of this statement coincided with Mbadiwe's arrival in Onitsha. He was heralded by a " motorcade " of loud speaker vans painted in the N.C.N.C. colours and " overpainted " with the words " Reform Committee " and, although he held no formal public meeting, he was able to move freely about the town, receiving in more or less equal measure both boos and applause.

At this time Mbadiwe was apparently contemplating an " invasion " of Enugu; but Akpabio's statement together with other indications that, at best, he would be accorded a mixed reception here caused him to change his plan of campaign and, instead of coming to Enugu, he took himself and his motorcade to Aro Ndizuogu, his home town in the Orlu Division. He has since visited Port Harcourt and Aba and in both places has received a mixed reception.

Azikiwe returned to the Region four days ago and after a good reception at Onitsha was accorded a carefully organized civic welcome at Enugu. " A Sword of Freedom " was presented to him by Altine, the Mayor (and the leader of the Association for One Nigeria) and after being led in procession to the Sports Stadium, he received an address of welcome from Dr. Mbanugo, the Chairman of the Eastern Working Committee of the N.C.N.C. There is no doubt that these proceedings were attended by large and enthusiastic crowds, though both their size and their enthusiasm have been considerably exaggerated by the N.C.N.C. press.

Since Azikiwe's return there have been a series of meetings, of Ministers, of the Eastern Working Committee, of such members of the Eastern Parliamentary Party as are in Enugu and of other *ad hoc* bodies; and all the N.C.N.C. Members of the House of Representatives have been summoned to a meeting with the National President which is to be held to-day. So far there is little to show for these conclaves apart from the expulsion from the Eastern Parliamentary Party of Dr. Walter Onubogu (former Minister of Works, whose attitude to Azikiwe has for some time been highly critical) and of Onyeri and Achara (N.C.N.C. Members for Port Harcourt and Okigiwi respectively) who have declared unequivocally for Mbadiwe.

It appears, in spite of the fact that on the surface all is going Azikiwe's way, that he is nevertheless taking Mbadiwe's challenge to his leadership with great seriousness; it may be, indeed, that by so doing he is contributing more than his opponent to the damage which is undoubtedly being done to his position.

Informed African opinion, so far as it exists in the Region, is that, while there is very considerable support for Mbadiwe's view point and general disillusion with Azikiwe both as Premier of the East and as National President of the N.C.N.C. he (Mbadiwe) has played his cards badly. It is widely held that, had he acted " constitutionally " by moving a formal vote of no confidence and then remaining in the National Executive Committee while the motion was debated, he would have rallied to himself much more support than was obtained by his letter of protest and subsequent " walk out ". It is also considered, as suggested by Sir Ralph Grey in paragraph 2 of his letter No. 597/319 of 20th June, 1958 that he would have been better advised to make sure that he had the open backing of two or three important Ibo party members before making his move (it is of course significant that Okpara who has long been the leader of the " hidden " opposition to Azikiwe in this Region is at present absent from the country).

To sum up: one can say that, at the moment, it seems that Mbadiwe's shot at ousting Azikiwe has gone off half-cock and that even those who share Mbadiwe's poor opinion of Azikiwe's conduct are nevertheless rallying to the man in power. There is, nevertheless, substantial " conceded " support for Mbadiwe which may yet make itself felt and the fact that the Ibo State Union has so far refused to commit itself one way or the other in the dispute but has merely called on both sides to " make peace " may be significant.

Copies of this letter go to Grey, Rankine and Bell.

Yours, &c.,

PETER GUNNING.

P.S.—Since this letter was drafted Okpara has returned from the United Kingdom and has declared his support for Azikiwe calling on Mbadiwe to " make peace ".

WAF. 103/352/01 [No. 125] No. 39.

GOVERNOR-GENERAL

to

SECRETARY OF STATE

REPEATED REGIONAL GOVERNORS.

Immediate Secret and Personal. Personal No. 123. 25th July, 1958.

For Eastwood from Robertson. N.C.N.C. Crisis. Last week Prime Minister told Mbadiwe and Kola that unless they could show him that they had following in House of Representatives of about 12 members, he would ask them to resign from Council of Ministers. Mbadiwe has been touring country to obtain support but earlier promises have been forgotten and it seems unlikely he will find much.

2. Expect Prime Minister to come to me tomorrow, either with their resignations or with recommendation for me to dismiss them. I am advised I must accept such recommendation under Constitution.

3. Prime Minister has told me he will not appoint new Ministers but will give vacant portfolios to two Ministers without portfolios. He wishes to make these changes tomorrow as Azikiwe is due in Lagos on Monday and Abubakar fears appearing to be acting under his instructions.

4. It seems that Mbadiwe's revolt has failed, for although many agree with him that Azikiwe is hopeless as administrator and Head of Government, no obvious successor as party leader has appeared and Mbadiwe himself is unpopular. Furthermore Azikiwe still has considerable credit for his past nationalist leadership and many think it ungrateful and ungenerous to attack him.

WAF. 103/165/01 [No. 35] No. 40.

GOVERNOR, WESTERN REGION

to

SECRETARY OF STATE

REPEATED TO GOVERNOR-GENERAL, GOVERNOR, NORTH, GOVERNOR, EAST.

Secret and Personal. Personal No. 37. 29th May, 1956.

My telegram No. 36*. Elections. Last two results have now been received and position is Action Group 48 seats N.C.N.C. 32. Three seats will probably be in dispute but decision regarding them will not materially affect Action Group majority.

GOVERNOR.

WAF. 103/165/01 [No. 32] No. 41.

SECRETARY OF STATE

to

OFFICER ADMINISTERING GOVERNMENT OF WESTERN REGION

TO THE OFFICER ADMINISTERING THE GOVERNMENT OF THE WESTERN REGION OF NIGERIA, IBADAN, No. 33.

REPEATED TO THE OFFICER ADMINISTERING THE GOVERNMENT OF THE FEDERATION OF NIGERIA, LAGOS, No. 72.

Secret and Personal. Saving. 4th June, 1956.

Your Secret and Personal telegram Nos. 35†, 36†, and 37‡.

Elections

I am grateful to you for keeping me informed of the progress of the elections.

2. No doubt you will be sending me by mail fuller report on the elections and their results. Please include in this some account of how the different areas of the Region voted. I should like in particular to know the reasons for the defeat of so many Ministers, and the extent of the N.C.N.C. success in the Benin and Warri Provinces. If these Provinces have largely supported them is this fact likely to sharpen the Action Group demand for a separate Benin-Delta State?

SECER.

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* WAF. 103/165/01 [No. 29]: not printed. † WAF. 103/165/01 [Nos. 28 and 29]: not printed. ‡ No. 40.

WAF. 103/165/01 [No. 38] No. 42.

GOVERNOR, WESTERN REGION

to

SECRETARY OF STATE

Secret and Personal. Personal 28. Saving. 14th June, 1956.

(REPEATED TO THE GOVERNOR-GENERAL, LAGOS; GOVERNOR, NORTHERN REGION; GOVERNOR, EASTERN REGION)

Elections to Western House of Assembly

As I informed you in my Secret and Personal telegram No. 37,* the final result of the recent elections to the Western House of Assembly was :—

Action Group	48 seats
N.C.N.C.	32 seats
Independent	NIL

Attached as Appendix A is a copy of the detailed results, from the summary of which you will see that 68 per cent. of the registered electorate voted. 48·3 per cent. of the votes cast were for the Action Group, and 45·3 per cent. for the N.C.N.C. It is noteworthy that all the independent candidates between them could muster only 6·4 per cent. of the votes, and secured no seats; indeed most of them forfeited their deposits. The various Provinces voted as follows :—

Province	*Number of Action Group Seats*	*Number of N.C.N.C. Seats*
Abeokuta	7	2
Benin	2	9
Colony	6	—
Delta	2	7
Ibadan	9	7
Ijebu	6	—
Ondo	12	1
Oyo	4	6
	48	32

2. The following four Ministers of the last administration lost their seats :—

(*a*) MR. J. F. ODUNJO, formerly Minister of Lands. He had previously represented the Egba Division but, when it became apparent that his personal popularity there had waned, he changed to an area in the neighbouring Egbado Division where he was comparatively little known. A "local" Action Group candidate would probably have retained this seat.

(*b*) MR. S. O. IGHODARO, formerly Minister of Public Health, lost his seat in the Benin Division. This came as no surprise and any other Action Group candidate in this constituency would probably have suffered the same fate. Benin Division is an N.C.N.C. stronghold.

(*c*) MR. A. M. A. AKINLOYE, formerly Minister of Agriculture and Natural Resources, as expected was defeated in a three-cornered contest in Ibadan Town. Ibadan Town is strongly N.C.N.C., having aligned itself with Adelabu (an *Ibadan* man who retains great personal popularity despite recent reverses) against the Western Region Government (popularly considered by the Ibadan people to be dominated by the *Ijebu* element in it).

(*d*) MR. F. O. AWOSIKA, previously Minister of Finance, who went down after a hard fight in Ondo Central.

Odunjo, Ighodaro and Akinloye are not men of outstanding ability or personality. Their defeat therefore may not make much difference to the Party, but the loss of the administrative experience which they now have will be felt in Executive Council where they will be replaced by completely inexperienced Ministers. Awosika, however, was of an independent turn of mind, and has shown himself a capable and respected Minister both here and in the Federation, where he was formerly Minister of Works. His loss at the Treasury where he had made a good start is a sad blow. His successor is not very impressive and is likely to have more extreme "Party" views.

3. Other Ministers romped—or scraped—home. Chief Anthony Enahoro, Minister of Home Affairs, was among those who romped. It is reported that when he left for his constituency in the Benin Province prior to the election he was heard to say "It's every man for himself", and that he took with him a considerable sum, two to three thousand pounds, with which to seek golden opinions. His victory, which was by no means a foregone conclusion, since the Ishan Division had voted N.C.N.C. in the Federal elections, seems to have been expensive, and must be due to personal popularity rather than any preference for the Action Group.

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* No. 40.

4. The following comments on voting in individual Provinces may be of interest :—

(*a*) As was expected, the Ibadan Division with the exception of the Ibadan West constituency (Ibarapa District) which expressed the rural distrust for the town by voting Action Group, voted solidly N.C.N.C.—signifying support for the local hero Adelabu. The Oshun Division—where N.C.N.C. was expected to gain several seats—returned all Action Group candidates.

(*b*) The Benin and Delta Provinces, as was expected, were strongly N.C.N.C. The Action Group must have been surprised to win two seats in the Benin Province (concerning one of which please see paragraph 3 above) and delighted at its dual success in the Warri Division where the Itsekiris clearly managed to register more of their number than did the Urhobos, their traditional opponents. As regards the query in your Saving telegram No. 33* I do not believe that the success of the N.C.N.C. will make any significant difference to the attitude of the Action Group to the demand for a mid-West State. They are likely to continue to support it perhaps hoping that others will take the odium for opposing it or that you will refuse to grant it. They may even be prepared to accept its excision from the Region philosophically since for them it must be to some extent a political and financial liability.

(*c*) In the Oyo Division the future of the Alafin was one of the major election issues, and only in the Oyo North and South constituencies—where the Alafin is least popular—was an Action Group candidate returned. The Ilesha Division—as before—showed its pro-N.C.N.C. leanings, and the N.C.N.C. victory in Ife North was also not unexpected. This constituency comprises the Ila District, who have no love for the Ife people, resenting being grouped with them administratively.

(*d*) As also expected, the Colony and Ijebu Provinces returned all Action Group candidates. The narrow margin of Chief Akran's victory in Badagry West suggests that he has lost some support as a result of his interference in a local chieftaincy matter.

5. During the whole electioneering period, both major parties conducted vigorous campaigns throughout the Region. Although the N.C.N.C. were perhaps not as highly organised as the Action Group, their organisation was certainly more efficient than it had been for the 1954 Federal Election. They called their campaign "Operation '80'" (by virtue of the fact that they were contesting 80 constituencies) in which their star performer was Dr. Azikiwe himself, who undertook a formidable tour with considerable personal success. Throughout the whole campaign, Obas and Chiefs played an important part. Many, including the Oni of Ife, the Alake of Abeokuta, the Oba of Benin and the Olubadan came out openly and often on the side of the Action Group. And this in spite of my repeated warnings to the Obas and Chiefs to steer clear of politics.

6. The campaign was enlivened by the granting of broadcasting facilities to the two major political parties, each of which was allowed three broadcasts. I attach copies—extracted from the *Daily Times*—of two speeches on behalf of each of the parties, which will give some indication of the standard of oratory and argument attained. The Action Group was able to afford a daily double page advertisement in that paper for some days prior to the election. The advertisement outlined the party's past achievements and its promises for the future. A copy is attached as it may indicate the shape of things to come. It may be noted that the Party claims as the first of its achievements the raising of the price of cocoa from £60 to £200 per ton!!

7. While the major parties were thus engaged, the leaders of the minor parties were by no means idle. A photograph of Dr. Chike Obi, lecturer in Mathematics at the University College and leader of the Dynamic party, is attached, which shows the methods he adopted to reach the more remote areas.

8. From the security point of view, the period preceding the election was tense, with sporadic outbreaks of hooliganism. The worst incidents of this were reported in my Secret and Personal telegram No. 35† in which I informed you also of some of the efforts made to reduce the temperature. A copy of the agreement signed by Chief Awolowo and Dr. Azikiwe at that meeting is attached. The Action Group house, stated in that telegram as having been raided, is owned by Aboderin, Action Group candidate for Ibadan South-East. As a result of information received from those arrested, it is apparent that the hooligans had been recruited in Lagos by Mr. Fani Kayode and were being fed and paid by Mr. A. M. A. Akinloye. Police charges are being preferred against all three.

9. Election day itself was not marred by any serious incidents from the security point of view. At the request of the Ministers the practice of posting one or two policemen to each polling station was not followed this year. In any case there were too many stations (over 6,000) to make this feasible. But seventeen units of Nigeria Police were stationed at strategic points throughout the region, ready to give assistance where required. Polling itself was generally orderly; and the very large number of women who exercised their right was most noticeable. The majority of the polling officers were local government employees, strengthened in some places by African Administrative Officers. On the whole they seem to have done the job reasonably well. The Provincial Administration remained in the background throughout but exercised a general supervision.

10. The results of the election must have given the Action Group reasonable satisfaction, although the *Daily Service* has suggested that some Action Group seats had been lost owing to a late announcement by the Electoral Commissioner on election procedure. (Please see paragraph 12 below.) The N.C.N.C. has naturally laid great stress on the high percentage of votes it has gained, and having won

* No. 41. † WAF. 103/165/01 [No. 28]: not printed.

16 of the 20 seats in Benin and Delta Provinces has declared that it will support the creation of a Mid-West State. It has also announced its intention of submitting 14 election petitions. It claims that the heavy vote it received in the Oyo Division (paragraph 5 above) indicates that the Alafin should be returned to Oyo. This is vehemently denied by the Action Group, and there are many indications that the future of the Alafin will soon again become a major political issue.

11. The four Ministers who were defeated submitted their resignations to me in identical and dignified terms. There have so far been none of the indiscriminate recriminations and mud-slinging which occurred when Awokoya and Babalola resigned.

12. The Regional Electoral Commissioner has been attacked by the press of both parties. In a leading article on 29th May, the *Daily Service*, for example, alleged that as a result of a broadcast announcement by the Commissioner, a number of persons had been scared away from the polls, thus causing two Ministers and one Parliamentary Secretary to lose their seats. The facts behind this allegation are briefly that electioneering at or near a polling station is illegal. When it came to the Commissioner's notice that certain "polling" cards issued by the Action Group to show each supporter how and where to vote contained the name of that party he announced that voters who appeared at polling stations with these cards were liable to prosecution under Regulation 103(2)(e) of the electoral regulations. At the instance of the Premier this announcement was later withdrawn. It is gratifying to note that the Premier has since publicly acknowledged the hard work and organisation done by the Electoral Commissioner and his staff. In referring to the eve-of-election announcement about "polling" cards the Premier said that he was satisfied that the Commissioner had acted in good faith and that the incident should be treated as one of those accidents of life" which even the most meticulous of mortals cannot sometimes avoid". The reference to an "accident" hardly does justice to the Commissioner, but it is about as far in the circumstances as the Premier can be expected to go.

13. Before the Legislature can meet it is necessary to reconstitute the House of Chiefs. On 26th May I approved new regulations for this purpose. The Regulations, of which six copies are attached, incorporate the recommendations of an all-party committee under the chairmanship of the Oni which I set up for this purpose. With the exception of one constituency, in which changes in the traditional membership of local government councils are under consideration, it is hoped that the selection of chiefs will be completed by 27th June, and the Legislature has been summoned to meet on 2nd July, 1956.

14. The N.C.N.C. press took advantage of the delay to suggest that Awolowo was unable to form a Government and has made frequent references to the continuation of Chief Rotimi Williams as a Minister, stressing the fact that he entered the Government through the "back door" of special membership of the House of Chiefs. The Action Group press has retaliated by commenting very freely on the appointment of Adelabu as Leader of the Opposition in the new House of Assembly in the place of Osadebay, and has announced its intention of refusing to "recognize" him. It appears, although this information is still to be confirmed and comes from a very delicate source, that Dr. Azikiwe reluctantly supports this appointment and is anticipating that one of the various charges against Adelabu will result in his conviction and sentence to prison. It seems clear that had Dr. Azikiwe not appeared to agree to the appointment, Adelabu would have led the N.C.N.C. members from Ibadan away from the party in this region.

15. On 6th June, Awolowo advised me that he was ready to form his Government. Accordingly I re-appointed him as Premier, and on the following day, acting on his advice, I appointed the following Ministers :—

Minister of Development	Chief C. D. Akran.
Minister of Home Affairs	Chief A. Enahoro.
Minister of Justice and Local Government ..	Chief F. R. A. Williams.
Minister of Education	Chief J. A. O. Odebiyi.
Minister of Lands and Labour	D. S. Adegbenro.
Minister of Local Government	A. O. Adeyi.
Minister of Agriculture	Chief G. A. Deko.
Minister of Health	A. Okusaga.
Minister of Finance	J. O. Oshuntokun.
Minister of Public Works	A. O. Ogedengbe.

My telegram Personal No. 43* refers. Personal dossiers of the new Ministers are being prepared and will be sent to you when they are completed.

16. I am sending copies of this Savingram (without attachments) to the Governor-General and to the other Regional Governors.

GOVERNOR.

* WAF. 161/165/02 [No. 15]: not printed.

Enclosure in No. 42.

WAF. 103/165/01 [No. 38]: Enclosure

APPENDIX A

1956, PARLIAMENTARY ELECTION WESTERN REGION—RESULTS

Constituency	Action Group	N.C.N.C.	Other Parties and Independents	Percentage total votes cast to total number of persons qualified to vote
				(per cent.)
Egba South	Abdul A. A. Adalemo 6,832	S. Adisa Adeshola 2,020		78
Egba Central	Akintoye A. Coker 11,199	A. S. Oyalowo 11,453	L. A. Davies (Ind.) 253 (LD)	63
Egba West	Danda S. Adegbenro 21,323	H. A. Shodipo 7,074		69
Egba East	Joseph A. O. Shobola 12,608	J. A. O. Akande 5,530		63
Egba North	Samuel O. Sogbein (Unopposed)			
Egbado North	J. A. O. Odebiyi 5,803	O. A. S. Olude 765 (LD)	Afolabi Ogunkunle (Ind.) 605 (LD)	65
Egbado West	Joseph F. Odunjo 3,422	Y. S. Abioro 4,436		63
Egbado East	E. A. A. Fadayiro 6,810	S. O. Abiodun 621 (LD)	D. A. Fafunmi (Ind.) 335 (LD)	68
Egbado South	Z. A. Opaleye 7,407	J. A. Odu 1,791 (LD)		76
Asaba West	M. Onyeago 1,655 (LD)	A. E. O. Isede 16,144	B. S. M. Idhara 1,297 (LD)	73
Asaba North	Nduka Eze 2,540 (LD)	D. C. Osadebay 10,111	T. A. Mozia (Ind.) 2,366 (LD)	82
Asaba South		F. H. Utomi 12,241	A. U. Jibunoh 279 (LD) C. A. K. Nwajei (Ind.) 2,717 (LD) F. D. Nwaka (Ind.) 881 (LD)	82
Benin West	S. Y. Eke 6,671	H. O. Uwaifo 13,852		80
Benin Central	O. Akenzua 6,836	V. I. Amadasu 12,345		76
Benin East	S. O. Ighodaro 9,080	G. I. Oviasu 21,841		77
Ishan East	A. Enahoro 16,024	P. O. Oboh 5,848	A. O. Ayewoh (D.) 1,004 (LD)	86
Ishan West	P. D. Oboh 14,295	P. S. Momodu 20,104	J. O. Odigie (D.) 976 (LD)	81
Kukuruku North	O. Oye 8,102	A. Orisaremi 4,591	M. E. Adebayo (Ind.) 801 (LD) Ogunnubi (Ind.) 1,412 (LD) Chief Ojenomoh (D.) 837 (LD)	74
Kukuruku East	K. Momoh 10,133	S. A. K. Onwude 12,057	A. John (Ind.) 3,391 (LD) I. Olowu (Ind.) 1,194 (LD) D. Ozemoya (Ind.) 418 (LD) A. Deke (D.) 1,782 (LD)	80
Kukuruku West	O. Eboh 4,842	Chief J. A. Ogedengbe 7,743		66
Badagry West	C. D. Akran 5,977	D. Sennoke 4,362		78
Badagry East		J. B. Adande 1,083 (LD)	E. A. Idowu (Ind.) 4,209	66
Epe West	J. A. Odutuga 4,632	M. Ibrahim 276 (LD)	S. O. Hassan (Ind.) 3,040	78
Epe East	C. A. Williams 10,269	M. D. Kassim 1,042 (LD)	A. K. Edu (Ind.) 3,752	67
Ikeja South	F. O. Okuntola 5,173	T. T. Akinshilo 1,568		77
Ikeja North	S. O. Gbadamosi 12,743	T. O. S. Benson 11,356		76

APPENDIX A—continued

Constituency	Action Group	N.C.N.C.	Other Parties and Independents	Percentage total votes cast to total number of persons qualified to vote
				(per cent.)
Aboh East	C. H. Olisa 1,440 (LD)	P. V. Okwusa 5,939		46
Aboh West	S. O. Akpotohwo 2,733 (LD)	F. Oputa Otutu 16,291		66
Warri East	R. D. Edukugho 5,810	M. Kubeinye 5,376	I. Okandeji (Ind.) 121 (LD)	65
Warri West	G. E. Etchie 4,500	Webber Egbe 3,948		76
Western Ijaw North	F. M. Bribena 1,654	J. M. Areworiyai 3,150	A. T. Okorie (Ind.) 1,057 (LD)	45
Western Ijaw South	M. F. Agidee 615 (LD)	H. O. Harris 4,219		49
Urhobo West	J. E. Odiete 10,698	J. O. Edewor 30,629		61
Urhobo Central	J. U. Akpodiete 7,081	P. K. Tabiowo 25,336		69
Urhobo East	M. A. Marioghae 5,279	J. E. Otobo 12,747		67
Ibadan Central	Y. S. O. Ishola 2,776 (LD)	L. A. Bello 11,828	M. Ajibola (Ind.) 90 (LD) V. O. Esan (Ind.) 109 (LD) R. Salami (N.P.P.) 110 (LD)	71
Ibadan South-West	J. A. Akinlotun 2,694	A. O. Adesokan 8,985		66
Ibadan North-West	S. A. Lanlehin 4,624	A. Agbeje 13,728	Chike Obi (D.) 242 (LD)	69
Ibadan North-East	A. M. A. Akinloye 3,941	L. S. Salanu 6,625	L. O. Laoye (N.P.P.) 149 (LD)	54
Ibadan East	L. A. Adeduntun 4,396	E. O. Fakayode 12,713	D. Ogundiran (Ind.) 938 (LD)	59
Ibadan South-East	M. Aboderin 4,428	I. Lawal 14,369	W. O. Adeshina (N.P.P.) 205 (LD)	56
Ibadan South	A. S. Akande 2,449	A. Adelabu 11,390	B. Abasi (N.P.P.) 168 (LD)	57
Ibadan West	O. A. Adedeji 5,010	J. A. Akinleye 4,743	D. M. Gbolagute (Ind.) 3,748	59
Oshun North	J. O. Adigun 3,334	V. Lajide 1,605 (LD)	N. A. Adibi (Ind.) 3,212	70
Oshun North-West	S. O. Ogundipe 8,126	S. Anifaloba 1,887 (LD)	A. Oguntoru (N.C.P.) 264 (LD)	66
Oshun East	B. Ojeniran 4,089	M. A. Oyewo 1,873	Y. Adeagbo (Ind.) 371 (LD)	67
Oshun Central	S. A. Oyaniyun 4,378	R. Gbadamosi 2,779	B. A. Adeyemo (Ind.) 2,592	73
Oshun South	S. I. Ogunwale 12,490	T. A. Lamuye 10,512	A. O. Ojo (N.C.P.) 866 (LD)	82
Oshun South-East	J. A. O. Ogunmuyiwa 11,936	J. A. Williams 4,032		47
Oshun North-East	S. A. Tinubu 16,473	A. Dahunsi 7,073	A. Oyewole (N.C.L.P.) 5,401 (LD)	77
Oshun West	D. A. Oyewale 9,947	J. Oyelade 4,506	T. A. Ogunleye (Ind.) 2,464 (LD) S. A. Layonu (Ind.) 1,773 (LD) E. V. A. Daralowe (N.C.P.) 1,020 (LD)	56
Ijebu North	E. O. J. Bamiro 8,003	B. Sanni 474 (LD)	A. Adesanya (Ind.) 4,003	56
Ijebu West	S. Onasanya 12,312	I. I. Okusanya 4,026	S. O. Awokoya (N.P.P.) 2,397 (LD)	65
Ijebu Central	T. A. Odutola 14,728	J. O. Osibogun 6,525	O. A. Okenla (Ind.) 265 (LD) J. A. Okusi (N.C.P.) 151 (LD)	71
Ijebu East	A. Okusaga 8,302	A. F. Odulana 4,323	L. O. Ayannubi (Ind.) 2,854 (LD)	66
Remo North	Obafemi Owolowo 17,439	E. A. A. Ladega 2,596 (LD)	O. Oremade (N.C.P.) 268 (LD)	80
Remo South	A. Adedoyin 8,363	M. Akinsanya 1,566 (LD)	O. M. Lawal (N.C.P.) 286 (LD)	77
Ekiti North	D. Atolagbe 20,759	S. A. Dada 2,748 (LD)	E. A. Babalola (Ind.) 2,535 (LD)	71
Ekiti West	J. O. Oshuntokun 18,098	G. O. Fagbeyiro 6,007		64
Ekiti Central	J. E. Babatola 15,286	A. A. Abiodun 11,493		70

APPENDIX A—continued

Constituency	Action Group	N.C.N.C.	Other Parties and Independents	Percentage total votes cast to total number of persons qualified to vote
				(per cent.)
Ekiti South	G. B. Adeyemi 4,844	J. Alonge 4,755	S. A. Okeya (Ind.) 4,300 J. A. Adebayo (Ind.) 3,683 M. O. Jegede (Ind.) 432 (LD)	81
Ondo North	J. L. Tifase 11,200	L. Adegbola 7,823	W. Fagbe (Ind.) 2,264 (LD) A. Oluwole (N.C.P.) 351 (LD)	66
Ondo East	G. A. Deko 5,060	J. A. Akinseye 260 (LD)		50
Ondo Central	F. O. Awosika 7,429	D. A. Fadashe 8,706	S. M. Fadayomi (N.C.P.) 1,202 (LD)	61
Ondo North-West	A. Adekeye (Unopposed)			
Okitipupa North	N. B. Lebi 10,335	J. A. Jegede 4,048		47
Okitipupa South	A. O. Akingboye 3,517	H. O. Jatuashe 2,356	M. K. Ojijoh (Ind.) 383 (LD)	37
Owo North	R. A. Olusa 13,888	D. K. Olumofin 4,753		67
Owo Central	A. O. Ogedengbe 14,927	J. A. Ogunode 9,275		55
Owo West	S. B. Aruwajoye 11,312	A. Lasekan 6,632	C. O. Isijola (N.C.P.) 540 (LD)	69
Oyo North	E. O. Folarin 12,049	S. Gbogbo-Ade 9,671	J. O. Coker (Ind.) 249 (LD)	81
Oyo Central	H. M. Adeleke 7,326	B. Bello 11,826		71
Oyo West	I. A. Adelodun 7,879	S. O. Poenia 10,039		71
Oyo East	A. Akerele 17,570	P. A. Afolabi 20,280		78
Oyo South	A. O. Adeyi 8,364	S. K. Aiyegoro 2,644		78
Ife North	J. O. Opadina 3,034	S. Akerele 5,894		81
Ife Central	D. A. Ademiluyi 8,207	S. Ogunyemi 1,743 (LD)	J. O. Omitowoju (Ind.) 4,204 A. Pedro (N.C.P.) 185 (LD)	64
Ife South-West	J. L. Adeniran 4,689	J. Oyedele 506 (LD)		47
Ilesha Central	L. Omole 2,155	B. Olowofoyeku 6,161		79
Ilesha South-West	J. A. Akinyemi 7,050	J. O. Fadahunsi 10,889		68

KEY: LD = Deposit lost.
Ind. = Independent.
N.C.P. = Nigerian Commoners Party.
N.P.P. = Nigerian Peoples Party.
D. = Dynamic Party.
N.C.L.P. = Nigerian Commoners Liberal Party.

Note.—71 Candidates lost their deposits.

SUMMARY

Province (1)	A.G. (2)	N.C.N.C. (3)	Ind. (4)	N.C.P. (5)	N.P.P. (6)	Dyn. (7)	N.C.L.P. (8)	Total (9)
Abeokuta	75,404 (68%)	33,690 (31%)	1,193 (1%)					110,287 (67%)
Benin	80,178 (34%)	136,877 (58%)	14,756 (6%)			4,599 (2%)		236,410 (79%)
Colony	43,218 (62%)	19,687 (28%)	6,792 (10%)					69,697 (74%)
Delta	39,810 (27%)	107,635 (72%)	1,178 (1%)					148,623 (62%)
Ibadan	101,091 (42%)	118,648 (49%)	15,297 (6%)	2,150 (1%)	632	242	5,401 (2%)	243,461 (64%)
Ijebu	69,147 (70%)	19,510 (20%)	7,122 (7%)	705 (1%)	2,397 (2%)			98,881 (69%)
Ondo	136,655 (62%)	68,856 (31%)	13,597 (6%)	2,093 (1%)				221,201 (63%)
Oyo	78,323 (48%)	79,653 (49%)	4,453 (3%)	185				162,614 (73%)
TOTALS ..	623,826	584,556	64,388	5,133	3,029	4,841	5,401	1,291,174

Note.—Percentages given in column (9) show the proportion of votes cast to the number of persons qualified. When considering these figures it should be noted that in the Egba North (33,271) and Ondo North-West (14,361) Constituencies, the candidates were returned unopposed. No figures for these constituencies have been included. All other percentages quoted in the above table are based upon the total number of valid votes which were cast.

PERCENTAGES

		Per cent.
Votes cast to total effective electorate	1,291,174 (1,899,520)	68·0
A.G. vote to total vote	623,826 (1,291,174)	48·3
N.C.N.C. vote to total vote	584,556 (1,291,174)	45·3
Independent vote to total vote	64,388 (1,291,174)	5·0
N.C.P. vote to total vote	5,133 (1,291,174)	·4
N.P.P. vote to total vote	3,029 (1,291,174)	·2
Dynamic vote to total vote	4,841 (1,291,174)	·4
N.C.L.P. vote to total vote	5,401 (1,291,174)	·4
		100·0
Independent and other parties vote to total vote		6·4

WAF. 103/416/01 [No. 86] No. 43.

GOVERNOR, NORTHERN REGION

to

SECRETARY OF STATE

Secret and Personal.

No. 71. Saving. 5th December, 1956.

REPEATED TO GOVERNOR-GENERAL, LAGOS 20, GOVERNOR, ENUGU 67, GOVERNOR, IBADAN 67.

Elections to the Northern Regional House of Assembly.

My Saving No. 68 Secret and Personal of 21st of November*. The elections were completed on 29th of November. Of the three remaining rural seats two went to U.M.B.C. Pastor David Lot's Wing, and one to N.P.C. The final strength of the parties were:—

Party	*Seats*
Northern Peoples' Congress	102
Northern Elements Progressive Union	6
Bornu Youth Movement (in alliance with N.E.P.U.)	2
United Middle Belt Congress (Pastor David Lot's Wing)	5
United Middle Belt Congress (Moses Rwang's Wing)	6
Ilorin Talika Parapo—Action Group Alliance	4
Independents	6

As anticipated, both the successful Igbirra Tribal Union candidates have declared for N.P.C.

* WAF. 103/416/01 [No. 35]: not printed.

2. These groupings must not be regarded as fixed. On the contrary intense activity has already begun to persuade various successful candidates to "cross the carpet". In particular N.P.C. are doing their utmost to persuade the I.T.P.—Action Group members to renounce the connexion with Action Group, to declare for the North and to agree to at least a limited I.T.P.–N.P.C. alliance such as existed last year. N.P.C. may also succeed in winning over two of the five U.M.B.C. (Moses Rwang's Wing) members successful in Benue Province. One of the six independents is likely to declare officially for N.E.P.U. and the other five may be regarded as N.P.C. supporters.

3. The N.P.C. for some time had only shown token loyalty to the alliance with Pastor David Lot's Wing of the U.M.B.C. In the latter stages of the election a small group within the party executive dominated by Abba Habib in face of the inertia of more responsible members gave free rein to the party "thugs", especially to their Principal Organizing Secretary, the notorious M. Muhammadu KING, who intervened actively and unscrupulously in the important Jos Rural constituency. By so doing they did not gain a single seat and deeply offended the non-Muslim Chief of Jos, who was grossly and publicly insulted by M. Muhammadu. N.P.C. did not really need the extra seats and by this insensate behaviour they have only succeeded in thoroughly alarming the non-Muslim Chiefs, already concerned over the implications of self-Government in 1959, and have driven Pastor David Lot and his followers from their position of moderation straight into the arms of Moses Rwang's Wing of low-quality irresponsibles. The Lot Wing formally renounced the alliance with N.P.C. on 30th of November. Incidentally the Rwang Wing will have to find a new leader in the House as Moses Rwang forfeited his deposit at Jos. The result is that there may well be a bloc within the House committed to the thesis of a "Middle Belt" now fifteen strong (Lot's Wing five, Rwang's Wing six, I.T.P. four) and able to rely on the support of the eight members of the N.E.P.U.–B.Y.M. alliance. They would be uneasy bedfellows but necessity could keep them together long enough to make the "Middle Belt" issue a very real one. The depressing feature is that this artificial alliance will have been brought about entirely through the inertia of the N.P.C. leaders and the utter folly of Abba Habib and his "thug" assistants.

4. One lesson of the elections which is plain enough to those who had the conduct of them is that this is the last time that election by acclaim at any stage will meet with the wishes of the people in the greater part of the Region and that in many areas the electoral college system will no longer be acceptable. It remains to be seen whether the party in power will accept this when the time comes but most of the leaders will probably have realized that even if there had been direct election and the secret ballot throughout the Region on this occasion the results would not have been very different and N.P.C. would still have enjoyed an overwhelming majority.

GOVERNOR.

WAF. 103/416/01 [No. 88]

No. 44.

SIR JAMES ROBERTSON

to

SIR BRYAN SHARWOOD-SMITH

D.O. 17th December, 1956.

I have meant ever since I got back from the North to sit down and write you a letter with my impressions, but have been very busy clearing off arrears and dealing with current matters. Then I have had Stapledon here for about twenty-four hours, and had a good deal to chat over with him. My hurried dash to Ibadan to present Colours to the 5th Battalion Q.O.N.R. also occupied the best part of two days—so I have been delayed.

I have written a number of "thank you" letters to Residents and D.Os. and have also written d.o. to you, but should not wish to start this letter without saying how very much I appreciated the way in which I was received everywhere. The programme was pretty full, but it was excellently arranged, we generally kept well to time, and there were no hitches, a tribute in itself to the organization. Everybody was extremely kind and forthcoming, and my wife and I are very grateful for the hospitality and kindness which we were shown; both by the expatriate staff, and by the Sultans, Emirs and people generally. My I reiterate our warm thanks for all that was done for us?

I had the opportunity of talks and discussions with the four Residents, whom I met, Johnston, Hunt, Pott and MacBride; and I am very grateful to them for all the information and ideas which they gave me. I am sure I now have a much better idea of these northern Emirates than I had before, and later on in this letter I shall perhaps inflict on you some of the conclusions I came to. My impressions of the Residents may be of interest to you.

(i) Johnston is obviously a first-class man: he is determined and firm and seemed to me to have a first-class personal approach to his work. He clearly gets on well with his staff and with the Emir and the native leaders. It is a pity that his wife is so shy and retiring, and is not ready to do more socially. I got the impression that in this respect Johnston would do more, if his wife was more welcoming to strangers.

(ii) Hunt struck me as popular with everyone: not so experienced as Johnston, and of course new to Katsina where he had only just taken on as acting Resident. I doubt also if he has the fibre of Johnston but he was a good soldier, and obviously has good stuff in him. His wife is the very opposite of Mrs. Johnston, cheerful, and socially minded, and will obviously do much to help her husband on this side of his job.

(iii) I saw more of Pott than any of the others: as I was longer in his Province. He impressed me as knowing his stuff and as having a very good relationship with the Sultan and the other Emirs and tribal leaders. I also thought that there was a very happy spirit amongst the D.Os. and A.D.Os. in the Province, and that Pott and his wife were obviously instrumental in creating it. He had much to tell me about the problems of his Province and I was most interested in his ideas. He may worry too much some times but I should assess him as a very sound capable chap.

(iv) I didn't see so much of MacBride, but we had a talk in the car between his boundary and Kontagora; when we discussed "the Twelve Pillars" proposals and other matters, I would say he was rather "old school", but sound and sensible; and knows his stuff. I would not suppose that he would go further than his present rank.

Amongst the D.Os. and A.D.Os. I met, I found pretty high morale, better I think than last year. They all seemed enthusiastic on their present jobs, but a little worried on their long term future. I liked Britton at Kano, Roberts at Katsina, Bourdillon at Daura; A. J. Warren at Gusau is clearly an excellent officer. Glason at Sokoto I thought to be quiet, but very sound and sensible. Walters at Sokoto had prepared an excellent little handbook on the Province for me for which I was most grateful. Du Bouley at Argungu is a very able and efficient young man. Odgers knows his stuff, but is perhaps a bit inscrutable: I thought M. J. Hollis a good young man with a considerable future before him, and a very nice wife.

However these are only impressions, and you will not take them as more than that I am sure.

I discussed general matters with the various Emirs and their Councils, and in several places tried to interest them in the Federal set up, explaining the division of functions between the Regional and Federal Governments. I hope that I did not put my foot in it in these talks, but I do feel that it is my duty to try and get the idea of federation across. An analogy about the five governments of the Federation being rather like five horses which we had to try to ride in the same direction went down all right at Katsina in the atmosphere of a polo tournament, but seems to have given offence in some obscure quarter, as I have had a telegram from the Secretary of State. The other topics discussed, in these talks were the usual ones of crops and water supplies; trunk A roads and communications generally. The Emirs and Councillors were generally quite forthcoming and much less silent than I expected. We had quite good discussions in one or two places. I was impressed by the progressive outlook of the Emirs of Katsina and Yauri, and with the commonsense and stability of the Sultan of Sokoto, who proved much easier to get to terms with than I had been led to believe. I had one or two very good talks with him. The Emir of Gwando too struck me as a wise and sensible chap. I found the Emir of Kano friendly and forthcoming, though I am not sure that one could rely on him, as on some of the others. He assured me that the Tiganiaya excesses of the early summer would not recur, and that he was in contact with Ibrahim Nyas at Kaolack who, he knew, did not want trouble to be stirred up.

In several Councils I was asked about the Middle Eastern situation and what I thought would be its effect on the pilgrimage. My answer to this was that the pilgrimage was some months ahead and that surely by the time it came along, the situation would have cleared up. I also mentioned my experience during the last war when although the whole world was at war, and shipping was extremely scarce, we in the Sudan always managed somehow to get the African pilgrims over the Red Sea. Surely now when the Sudan was an Islamic Republic, and Saudi Arabia also encouraged the pilgrimage, a way would be found. This aspect of the present Middle East situation seemed much more in people's minds than any other and I did not obtain the impression that anyone cared very much whether Egypt was being attacked or not.

Much is being done to improve the roads both Federal and Regional and I was glad to see some of the work going on on the bridges—one of which I was invited to open. There was a good deal of criticism of the slowness with which these projects are being executed and I hope to take this up with the Minister here. There were however indications that more staff and machinery had now been provided and perhaps this will have results this season.

Education is much behind in these Provinces in comparison with the Provinces further south. Ilorin, Plateau and Bauchi come to mind after my tour in May when I saw so many schools and training colleges, and unless the Moslem Provinces can be stimulated to show greater interest in education they will be left far behind. But this is a matter well known to everyone, which need not be stressed here.

It struck me that the proposals for Provincial devolution now being worked out are likely to be much easier to bring to being in Provinces where there are a number of small Native Authorities than in these Northern Provinces where one Native Authority completely outweighs the others. Kano, Sokoto and Katsina Native Authorities will have so much greater representation on the Province Councils that the smaller Native Authorities in these provinces may be swallowed up; and I was led to believe that this was appreciated by the Emirs of the smaller independent Emirates, who were worried by the prospects. It also seemed unlikely from what I heard that the Sultan of Sokoto, or the Emir of Kano would be willing to allow any of the powers now exercised by their Native Authorities to be handed on to the Province Councils. MacBride thought that in Niger Province these difficulties would not arise and that a Province Council there would be a most useful institution.

It looks as if the pattern might have to differ from place to place, and Provinces be provided with Councils cut to fit their make-up. Clearly, Residents have lost a good deal of their authority in the last two decades: the Emirs have gained in independence and prestige on the one hand with the weakening of the Residents' influence over them, and on the other hand the Resident, as representative of the Regional Governor, is less influential now that there is an Executive Council with responsible Ministers. If the Councils proposed can enhance the position of the Resident, as Resident-in-Council, it should help to strengthen the local representative of the Regional Government.

On the more general questions concerning the future, I had some interesting discussions, and acquired fresh insight into some of the problems which confront us at the present time. It seems to me that the general outlook of the people in these Northern Emirates is so different from that of those in Southern Nigeria, as to give them practically nothing in common. There is less difference between an Englishman and an Italian than between a Moslem villager in Sokoto, Kano or Katsina and an Ijaw or Calabari. How can any feeling of common purpose or nationality be built up between people whose culture, religion and mode of living is so completely different? In Churchill's first volume of his history of the English-speaking peoples he shows how various races and stocks combined to make up our present population in a thousand or twelve hundred years. But here in Nigeria we are back at the beginning and the process of coalescence has hardly started. There is a common interest in communications, and in access to the sea, and a mutual advantage in peaceful trading—cattle from the North, Kola nuts from the South—but what else? When the British go, what will keep these diverse peoples together within the artificial boundaries drawn on the maps in the 1880's and 1890's?

Furthermore, the position in the North is itself far from easy to foresee. I got the impression that the big Native Authorities are pretty self-reliant, and do not readily co-operate. If it were not for the British Governor, his Residents and D.Os. I very much doubt if the Emirates would maintain much unity. At present with the framework of expatriate authority, they are kept working together. It seems to me that should the Governor lose his power when regional self-government comes in 1959(?), the only binding factors will be the Executive Council and the Civil Service. So long as the Executive Council is composed mainly of persons from the princely classes, it may exercise some power and influence, though it seems to be doubtful whether even with the Sardauna as Premier, the Sultan, the Shehu of Bornu and the Emir of Kano are likely to pay much attention to the Executive Council's orders if they do not wish to. And if in a few years' time more of the middle class young educated Northerners find their way into the Cabinet, their ability to control the big Emirs is likely to be extremely small. And the power of the Civil Service will diminish rather than increase with Regional self-government. In discussion I asked one of the Sudanese sheikhs at the Kano School of Arabic Studies what he thought would happen when the British left Nigeria. Without hesitation he said "The Emir of Kano will rebuild the city walls."

I have no doubt that these, and many other thoughts, are constantly in your mind, and that they have only struck me forcibly because I have learned more about Northern problems during my recent tour. I hope that nothing I have said will be taken as criticism: it is not meant as such. I have been trying to put down on paper some of the impressions I have received.

Your letter GHN.1/– of 10th December with your early impressions of the situation deals more with the position in the "Middle Belt" Provinces than with the areas I visited, and I am sorry to hear that the last week or two have made the situation more difficult. We have certainly many problems to face and none of them will be easy to solve.

With many thanks once more for your people's great assistance on my tour, and for the loan of the railway coach.

J. W. ROBERTSON.

WAF. 16/165/03 [No. 6] No. 45.

OFFICER ADMINISTERING GOVERNMENT OF WESTERN REGION

to

SECRETARY OF STATE

No. 350.

SIR, Government House, Ibadan, Nigeria, 16th August, 1957.

I have the honour to forward herewith a memorandum containing certain proposals which this Government wishes to be embodied in the Constitutional Instruments now being drafted in accordance with the conclusions of the recent constitutional conference.

2. These proposals were not discussed at the conference but they are substantially the same as those contained in a memorandum which it is understood Mr. de Winton, our Principal Legal Draughtsman, submitted to Mr. Rushford in London, save for the proposal in Section K of the memorandum relating to the office of the Director of Public Prosecutions, which has been added subsequently.

3. With regard to the question of the power of pardon to which Section I of the attached memorandum refers, it was my understanding that the conference Steering Committee had decided that this matter should not be discussed at the London Conference but should be referred to the resumed conference in Lagos in due course. If this is the case it would appear that the inclusion of the proposed provision in the Constitutional Instrument must await the outcome of the resumed conference.

4. I am addressing copies of this despatch and the memorandum to the Governor-General and to the other Regional Governors with the request that any representations which their Governments may wish to make should be communicated to you as well as to this Government.

I have, &c.,

A. G. R. MOORING,

Officer Administering the Government.

Enclosure in No. 45.

WAF. 16/165/03 [No. 6]: Enclosure.

MEMORANDUM ON WESTERN REGION CONSTITUTIONAL PROPOSALS

A. *The name of the Legislature*

The Legislature should be styled Parliament and should consist of Her Majesty and two Legislative Houses, i.e. the Western House of Chiefs and the Western House of Assembly.

B. *Composition of House of Chiefs*

The Members of the House of Chiefs should be:—

(1) Head chiefs and other chiefs appointed or selected in accordance with subsequent proposals; the number not to exceed the number of constituencies for the time being established for the return of elected Members to the House of Assembly.

(2) The Members of the Executive Council who are Members of the House of Assembly.

(3) Special Members as at present.

(4) Any Temporary Members appointed as at present.

C. *Recognition, Designation and Selection of Chiefs*

There should be provisions having the same effect as Sections 25 and 26 of the existing order but the powers of the Governor under those sections should be exercised on the advice of the Executive Council and not in his discretion.

D. *Composition of the House of Assembly*

The House of Assembly should consist of:—

(1) Such number of elected Members not exceeding 120 as may be determined by the Regional Legislature.

(2) The Members of the Executive Council who are Members of the House of Chiefs.

(3) Where the Attorney-General of the Region is not for the time being an elected Member of the House of Assembly or a Member of the House of Chiefs the Attorney-General of the Region. No increase in the number of elected Members of the House of Assembly should have effect until after the next dissolution of the House.

E. *Composition of the Executive Council*

The composition of the Executive Council should be:—

(1) Not less than nine persons to be styled Regional Ministers appointed from amongst the Members of the House of Chiefs or the House of Assembly in accordance with the existing provisions.

(2) The Attorney-General of the Region.

F. *Ministers of State*

There should be provision enabling the Governor, acting on the recommendation of the Premier, to appoint a Minister of State from amongst the Members of the Legislative Houses who are eligible for appointment as Ministers to assist any Minister in the discharge of any responsibility assigned to him under the Constitution. The Governor should be enabled to appoint such Ministers of State in addition to Parliamentary Secretaries. The tenure of office under these Ministers of State would be the same as a Parliamentary Secretary.

G. *Permanent Secretaries*

The provision establishing the office and dealing with the general function of a Permanent Secretary should be so drafted as to ensure that there is no doubt that this Officer can direct Heads of Departments and all subordinate officers in his Ministry. A proposed form of wording is as follows:—

"Each Permanent Secretary shall, subject to the general directions of his Minister, oversee and direct the Officers of the Department for which the Minister is responsible and shall have control over the business thereof."

H. It is the duty of the Premier to keep the Governor informed of Government business. The provision for this matter should take the following form:—

It will be the duty of the Premier:—

(*a*) to ensure that there are transmitted to the Governor all agenda and papers relating to meetings of the Executive Council at the same time as such agenda and papers are transmitted to members of the Council, and, immediately following every meeting of the Council, a record of all decisions and conclusions reached at that meeting by the Council;

(*b*) to furnish such other information relating to the administration and affairs of the Governmen and proposals for legislation that the Governor may require;

(*c*) if the Governor so requires, to submit for consideration of the Council any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

I. *The Power of Pardon*

This power should be exercised on ministerial advice, the Privy Council ceasing to exist for the purpose. As regards the position of the Minister advising the exercise of the power, the same convention should be observed as applies in the United Kingdom i.e. the power should be exercised on the advice of one Minister who should act in a quasi judicial capacity.

J. *Local Civil Service*

There should be provision for the establishment of a local Civil Service for the Region to which all Public Officers in the Public Service of the Region, other than officers entitled to retire under the Lump Sum Compensation Scheme, should be transferred.

K. *Director of Public Prosecutions*

There should be provision to meet any possible failure of the Government to find a suitable person to act as Director of Public Prosecutions temporarily either when the substantive holder is away or if no suitable candidate could be found within a reasonable time after a vacancy has occurred. The provision should be similar to the amendment which has been made in regard to the appointment of High Court Judges (the amendment to Section 142 of the Constitution Order as per Section 6 of the Nigeria (Constitution) (Amendment) Order in Council 1956). In the case of a temporary appointment of a Director of Public Prosecutions, however, it is suggested that the appointee should have at least seven years' post-call experience.

L. The provisions to be inserted in the Constitution for the Region with regard to elections may be considered by the Electoral Committee of the Constitutional Conference and for this reason, the Government's proposals with regard to the qualification of candidates, the qualifications of electors and the method of making the electoral law, have not been included in this memorandum.

WAF. 16/256/032 [No. 7] No. 46.

GOVERNOR, EASTERN REGION

to

SECRETARY OF STATE

Nigeria Eastern Region. Despatch No. 223.

SIR, Government House, Enugu, Nigeria, 26th October, 1957.

I have the honour to address you on the subject of the Constitutional Instruments now being drafted in accordance with the conclusions of the recent Nigeria Constitutional Conference.

2. I attach three Schedules. The first contains the comments of the Government of the Eastern Region on the attachments to Despatch No. 350 dated 16th August, 1957*, addressed to you by the Officer Administering the Government of the Western Region. The second contains proposals of this Government for further amendments to the Constitutional Instruments. The third contains suggestions submitted with respect for amendment to the Royal Instructions to the Governors of the Northern, Western and Eastern Regions.

3. In connection with Item G of the addendum to the despatch of the Officer Administering the Government of the Western Region on the position of Permanent Secretaries, I would refer to my despatch No. 212 of the 8th October, 1957†.

4. With reference to Item I in the first schedule, the Power of Pardon, it is also the understanding here that, as stated in paragraph 3 of the despatch of the Officer Administering the Government of the Western Region, to which I have referred, this subject will fall to be considered at the Resumed Conference.

I have, &c.,

R. DE S. STAPLEDON,

Governor.

Enclosure in No. 46.

WAF 16/256/032 [No. 7]: Enclosure

SCHEDULE I

Comments made by the Government of the Eastern Region on the attachments to Despatch No. 350 from the Officer Administering the Government, Western Region, to the Secretary of State for the Colonies.

Note.—References are to the sections of the Nigeria (Constitution) Order in Council, 1954.

Item A—The name of the Legislature—Section 5 (4)

The Legislature of the Eastern Region should be styled "Parliament" and should consist of Her Majesty and two Legislative Houses, the Eastern House of Chiefs and the Eastern House of Assembly.

Item B—Composition of the House of Chiefs

Item C—Recognition, Designation and Selection of Chiefs

The composition of the Eastern House of Chiefs has not yet been determined. As recorded in paragraph 23 of the Report of the Constitutional Conference it was agreed that the Regional Legislature should legislate for the classification of Chiefs and that thereafter the Eastern Regional Government would propose that constitutional provision should be made for an Eastern House of Chiefs. It is not yet possible to say when that proposal will be made.

* No. 45. † Not printed.

Item D—Composition of the House of Assembly—Section 32

The Eastern House of Assembly should consist of:—

(i) such number of elected members not exceeding 130 as may be determined. No increase in the number of elected members shall have effect until after the next dissolution of the House.

(ii) any members of the Executive Council who are members of the House of Chiefs, being not more than two in number, such member or members not being entitled to vote (paragraph 23 (k) of the Report of the Constitutional Conference).

(iii) the Attorney-General of the Region. If he is not an elected Member of the House he should not be entitled to vote.

Item E—Composition of the Executive Council—Sections 110 and 118

The composition of the Executive Council should be:—

(i) not less than nine Regional Ministers appointed from among the Members of the Legislature, not more than two being appointed from the House of Chiefs (paragraph 23 (k) of the Report of the Constitutional Conference).

(ii) the Attorney-General of the Region who shall be a full member of the Executive Council with the right to vote.

Item F—Ministers of State

No provision is necessary.

Item G—Permanent Secretaries—Section 121

It is the intention of this Government that the Permanent Secretary shall be considered the Head of any department within the portfolio of the Minister. The form of wording proposed by the Western Regional Government is acceptable.

Item H—Position of the Governor

The proposals of the Western Regional Government are acceptable to this Government.

Item I—The power of pardon

It is agreed that this power should be exercised by the Governor on Ministerial advice, but it is also thought that provision for a Privy Council to advise the Governor on capital sentences should remain, its members being appointed by the Governor acting on the recommendation of the Premier.

Item J—Local Civil Service

The proposal of the Western Regional Government is acceptable, but it is thought that the Service should be designated the " Public Service of the Eastern Region ".

Item K—Director of Public Prosecutions

The proposals of the Western Region Government are acceptable for application to the Eastern Region.

Item L—Electoral Reform

It is to be noted that the N.C.N.C. delegation will raise the question of Regional Electoral Regulations at the Resumed Conference (paragraph 34, last sentence, of the Report of the Constitutional Conference).

SCHEDULE II

Proposed amendments to the Nigeria (Constitution) Order-in-Council.

Section 4 (2) (b)

It is considered that the words " in his discretion " should be replaced by " on the advice of the Regional Executive Council ".

Section 5 (4)

Provision should be made as in Section 5 (3) concerning the Western Region, that is for two Legislative Houses to be styled the Eastern House of Chiefs and the Eastern House of Assembly.

Section 32 (1)

It is proposed that membership of the Eastern House of Assembly shall be " not more than 130 ".

Section 33

It is considered that the Governor should no longer appoint the Speaker of the Eastern House of Assembly but that he should be elected by the House being either a Member of the House or a person who is not a Member of the House. It is therefore proposed that the present Section 33 should be remodelled on the lines of the present Section 31.

Section 50

It is considered that the Governor should act " on the advice of the Premier " and not " in his discretion ".

SCHEDULE III

Proposed amendments to the Royal Instructions to Governors respectfully submitted by the Government of the Eastern Region.

Clauses 18 (1), 19 (1) (c), 21

It is submitted that the words " in his discretion " should be deleted and replaced by " on the recommendation of the Premier ".

Clause 20 (1)

It is submitted that the words " in his discretion " should be replaced by " on the advice of the Regional Executive Council ".

WAF. 16/165/03 [No. 20] No. 47.

OFFICER ADMINISTERING GOVERNMENT OF NORTHERN REGION

to

SECRETARY OF STATE

Northern Nigeria No. 545.

SIR, Government House, Kaduna, Northern Region, Nigeria, 11th November, 1957.

Constitutional Instruments

I have the honour to refer to the memorandum forwarded to you under cover of Despatch No. 350 of 16th August, 1957* from the Officer Administering the Government of the Western Region.

2. This memorandum has now been considered by the Executive Council of the Northern Region, and my Government has the following comments:—

A. *Name of Legislature*

(i) The principle has been established that Federal institutions should be distinguished from their Regional counterparts by different names, e.g. the Federal House of Representatives and the Federal Prime Minister as distinct from the Regional Houses of Assembly and the Regional Premiers. It follows, therefore, that the designation of the Regional Legislative bodies will depend on the name given to the collective Legislative body of the Federation (i.e. the House of Representatives and the projected Senate). It is suggested that the word " Parliament " should be reserved for the Federation and the word " Legislature " for each Region. There should not be any variation between Regions.

(ii) The reference to " Her Majesty and two Legislative Houses " is not understood since under self-government there will still be a Governor. The word " Governor " should be substituted for the words " Her Majesty ".

* No. 45.

B. *Composition of the House of Chiefs*

This does not immediately concern the Northern Region as the composition of the Northern House of Chiefs was settled at the Constitutional Conference (paragraph 21 (*a*) of the report by the Constitutional Conference).

C. *Recognition, Designation and Selection of Chiefs*

Provision was made for the recognition, designation and selection of Chiefs in the Northern Region by the decision at the Constitutional Conference to create a Council of Chiefs. (Paragraph 21 (*e*) of the Report).

D. *Composition of the House of Assembly*

(i) Paragraphs (1) and (2) of Proposal D do not concern the Northern Region as the composition of the Northern House of Assembly was settled at the Constitutional Conference. (Paragraph 21 (*c*) of the Report.)

(ii) Paragraph (3) underlines the necessity for a responsible legal adviser to be a member of the Legislature, whether elected to the House of Assembly or appointed thereto. The position is virtually the same now in the Northern Region and it may have to be continued into the self-governing era.

E. *Composition of the Executive Council*

(i) The composition of the Northern Regional Executive Council is laid down at paragraph 21 (*d*) of the Report.

(ii) Regarding the inclusion of the Attorney-General the remarks in paragraph (D) (ii) above are applicable.

F. *Ministers of State*

It is desirable that there should be some special provision in the Constitution enabling the Governor to appoint Ministers of State. No good reason can be found for linking the tenure of office of Ministers of State to that of Parliamentary Secretaries.

G. *Permanent Secretaries*

No comment.

H. *Keeping the Governor informed*

No comment.

I. *The Power of Pardon*

It is thought that there are dangers, political and otherwise, in giving the effective power of pardon to a single man, whether he is a Minister or not. It might be appropriate at the stage of attaining self-government for a Privy Council with its present functions to be appointed by the Governor after consultation with the Premier.

J. *Local Civil Service*

No comments.

K. *Director of Public Prosecutions*

No comments.

L. *Elections*

No comments.

3. I am addressing copies of this Despatch to the Governor-General and the other Regional Governments.

I have, &c.,

K. P. MADDOCKS,

Officer Administering the
Government of the Northern Region
of Nigeria.

WAF. 16/165/03 [No. 24] No. 48.

MEMORANDUM SUMMARIZING COMMENTS ON WESTERN REGION DESPATCH No. 350

A.

(i) *The name of the Legislature*

The West propose that the Regional Legislature should be styled Parliament. The East agree.

Maddocks thinks this title should be reserved for the Federal Legislature, and so does the Northern Government.

Stapledon agrees and says Zik was receptive to this suggestion and thinks he might willingly accept it.

The Governor-General agrees with Maddocks and Stapledon but thinks it is not worth having a battle about it.

We agree with the Governor-General. No Colonial Territory has a Parliament. Among Dominions the Australian precedent is against us but the Canadian is in our favour. In Central Africa both the Central Legislature and the Southern Rhodesian Legislature are referred to in the local press as Parliament but this is not provided for in the constitutional instruments. In the Caribbean Federation neither the Federal Legislature nor any of the Legislatures of the component territories are called Parliament either officially or unofficially.

We would propose to reply as follows:—

> It would be anomalous to describe the Regional Legislatures as Parliaments if the Federal Legislature were not also so described. In modern practice the title of Parliament is usually reserved for the Legislatures of fully independent countries. It would seem best therefore not to make any change in the title of Regional Legislatures at the present moment.
>
> For practical convenience there would be some value in different descriptions for the Regional and Federal Legislatures.

(ii) *The question whether a Regional Constitution should expressly refer to The Queen as part of the Legislature.*

We are enquiring into this. Unless we have a clear view by the time we came to reply we would not propose to comment on the point at that stage.

B. *Composition of House of Chiefs; and*

C. *Recognition, etc., of Chiefs*

(i) *Composition of House of Chiefs*

The West propose that the House should consist of:—

(1) Head Chiefs and " other chiefs appointed or selected in accordance with subsequent proposals ". They do not specify what these proposals are. The number is not to exceed the number of elected members in the House of Assembly.

(2) Members of Ex. Co. who are members of the House of Assembly.

(3) Special members as at present.

(4) Any temporary members as at present.

The East have not yet determined how their House of Chiefs should be composed. The Regional Legislature has first to make up its mind and constitutional provision must be made thereafter. But under paragraph 23 (*d*) of the Conference Report the House is to consist of Chief's " selected by and from among their fellow classified Chiefs ".

The Northern House, under paragraph 21 (*a*) of the Conference Report, is to consist of all first-class Chiefs as at present, 47 other Chiefs selected from their own number " under regulations made by the Governor in Council " and an Adviser on Muslim Law as at present. Members of Ex. Co. can attend but not vote.

The position at present in the West is that under Sections 25 and 26 of the Constitution Order the Governor in his discretion recognizes persons as Chiefs, designates certain Chiefs as Head Chiefs and makes regulations for the selection of members of the House of Chiefs from among those recognized or designated as Chiefs. The regulations at present in force briefly:—

(*a*) designate as Chiefs " all Presidents and traditional members of local Government Councils ";

(*b*) designate by name as Head Chiefs nine individual Chiefs who, *ipso facto*, become members of the House of Chiefs;

(*c*) prescribe a simple procedure for selecting from the list of Chiefs the remaining members of the House.

These regulations incorporate the unanimous recommendations of a joint committee of both Houses set up in 1956.

The present total of members of the Western House of Chiefs is 50. The Governor-General says that if they wish to raise the maximum to 120 as for the House of Assembly he supposes there can be no valid objection but the bigger it is the more room there will be for packing it.

(ii) *Recognition*

The West want provisions as in Sections 25 and 26 to remain but the powers of the Governor to be exercised on the advice of his Executive Council and not in discretion. For purposes other than those of the Constitution powers of appointment and deposition of Chiefs are governed by the Chiefs Law, 1957 which vests them in the Government of the day, so that discretionary powers are a thing of the past in this field.

In the East the question of recognition, classification, etc., has still to be considered by the Legislature.

For the North, First Class Chiefs are selected in pursuance of a local law and other Chiefs are selected by the Governor in his discretion. Under paragraph 21 (*e*) of the Conference Report a Council of Chiefs is to be established consisting of the Governor and two to four Chiefs from the Executive Council, the Premier and four other Chiefs. They are to be " empowered to approve the appointment, recognition, grading and deposition of Chiefs ". The Chiefs will select from among their number those (other than First Class Chiefs) that are to sit in the House of Chiefs, in accordance with Regulations made by the Governor in Council.

Comments on (i) *and* (ii)

There is general agreement that we should come down very heavily against the proposal that selection for the House of Chiefs should be under the control of Executive Council. The Governor-General refers to the Canadian precedent where the Government appoints to the Upper House but such appointments are for life and there is no subsequent power to revoke them.

We would propose to reply as follows:—

> It is recognized that this question might well have been discussed at some length at the recent Conference since the present arrangement whereby in the Western Region the Governor is responsible in his discretion for the recognition, etc., of Chiefs for the purposes of the Order and for making regulations concerning their membership of the House of Chiefs is not easily compatible with Regional self-government. But it does not necessarily follow that the discretionary power of the Governor at least in regard to selection for the House of Chiefs should simply be replaced by the power of the Executive Council seeing that this would place in the hands of the Executive Council, which is chosen from the membership of a political party, the power at will to vary the membership of the Upper Legislative House. The solution to this difficult question of where the power should lie under Regional self-government to determine the composition of a Regional House of Chiefs needs to be worked out not only in the context of the Western Region but with regard also to the Northern Region and the proposed House of Chiefs in the Eastern Region. It would, therefore, seem desirable to retain the present arrangement as an interim one until the resumed Conference when the whole question might be considered.
>
> In regard to the East, no provision could in any case be made in the constitution as a formula has first to be worked out for the classification of Chiefs and legislation passed to give effect to it—see paragraphs 23 (*b*) and (*c*) of the Conference Report.

If it would help we could add to this a reference to the Canadian precedent and to the House of Lords as it is now and to the proposal to appoint life peers. We could make the obvious points that with the system of hereditary peerages the government of the day in practice does not exercise much influence in the composition of the Upper Chamber, and while it is able to recommend additions to the peerage it has no other power, short of fresh legislation, to vary or reduce the membership.

We shall then have to give much careful thought in the next few months to working out the most desirable solution to this awkward problem. There are of course two separate matters to be considered. One is the recognition etc., of Chiefs. This is to be, for the North, the business of the Council of Chiefs which the Conference agreed should be set up. In the West it is already given to the Executive Council by the Chiefs Law of 1957. The second question is that now raised by the Western Region, i.e. the appointment of Chiefs, once recognized, to the Upper House.

Rankine thinks that in the West the best solution for this would be to incorporate in a schedule to the Constitution the provisions of the present regulations (as quoted above) which have been agreed by an all-party committee. Provision would also have to be made for the amendment of such a schedule and he suggests that the most acceptable procedure would be for it to require a specified majority, perhaps two-thirds, of each House. We could thus at least ensure that any tampering with the terms of the present regulations could only be carried out if it was generally acceptable to the Legislature and with all the publicity inseparable from parliamentary proceedings. The Western Regional Government would still be able to prevent a Chief from becoming a member of the House of Chiefs by removing him from his position as a Chief. The only check on this would be the force of public opinion which is a strong factor in the Western Region.

Another possible solution might be for the Governor acting in his discretion after consultation with the Premier to appoint a Chiefs' Commission akin to the Public Service Commission. It should perhaps consist wholly of Chiefs. The Governor in Council would then be required to seek the advice of the Chiefs' Commission before making appointments to the House of Chiefs or removing members from it, and before rejecting the advice of this Commission the Governor in Council might be required to refer any case back to it with an explanation of the reasons for initially rejecting the advice. Although we think the Government should probably have the last word because of the political implications of these appointments, we would hope that by making it difficult to reject the advice of this Commission and in effect making a public issue of such a rejection the Government would not be able lightly to override the collective advice of the Chiefs through their Commission.

This suggested combination of a Council of Chiefs and a Chiefs' Commission seem cumbersome but the two functions have to date been dealt with separately by legislation, so that the establishment of two bodies might perhaps be acceptable as an extension of the present system which has of course, so far hinged on the Governor's discretion. All the same we should not perhaps have needed to think about two bodies if we had not already, perhaps too readily, accepted at the recent Conference the Northern proposals for a Council of Chiefs with a composition which we think would not be very suitable for discharging both functions in that its composition very much overweights the influence of the government of the day on chiefly matters.

D. *Composition of House of Assembly*

The West propose:—

(1) Up to 120 elected members as determined by the Regional Legislature.
(2) Members of Executive Council who are in the House of Chiefs.
(3) The Attorney-General when he is not an elected member.

The East propose:—

(1) Up to 130 elected members.
(2) Up to 2 members of Executive Council who are members of the House of Chiefs but without a vote.
(3) The Attorney-General if not an elected member but then without a vote.

Maddocks makes no comment. Paragraph 21 (*c*) of the Conference Report provides that the next Northern House of Assembly should consist of 170 elected members, 5 special members appointed by the Governor in his discretion and the Attorney-General.

Mooring and Stapledon both refer to the risk of gerrymandering unless there is proper provision for boundary delimitation by an independent authority. Zik's motive in wanting a larger House is to encourage minority groups to think that they would get a better deal that way. Stapledon thinks that 130 members for 8 million people is not unreasonable.

The Governor-General agrees about the need for an impartial electoral commission. He suggests the Regional constituencies might be a sub-division of the Federal one.

We would propose to reply as follows:—

> The suggestion that the precise number of elected members should be determined by the Regional Assemblies raises the question of the extent to which the constitution of a self-governing region should be amendable after independence by the region itself without reference to the Federal Government or any other Government. On the assumption that one of the Regional Governments contemplates an early election to their House of Assembly, it is proposed that the method of altering the composition of the Regional Houses of Assembly should be held over to be considered by the resumed Conference.
>
> The N.C.N.C. delegation at the recent Conference gave notice that it proposed to raise at the resumed Conference the question of Regional electoral regulations. The Conference agreed that there should be a permanent Electoral Commission to deal with electoral matters relating to the Federation including constituency boundaries. There would seem to be much to be said for a similar arrangement in the Regions. Indeed there might well be advantage in giving to a single Commission responsibility for both Federal and Regional electoral matters. This again could well be discussed at the resumed Conference.

The members of the Executive Council who are members of the House of Assembly should presumably not have a vote in that House.

The question of the position of the Attorney-General is dealt with separately.

E. *Composition of the Executive Council*

The West propose:—

> Not less than 9 Regional Ministers either from the House of Chiefs or the House of Assembly plus the Attorney-General.

The East propose the same test limit the number of members of the House of Chiefs to two and say that the Attorney-General should have a right to vote.

For the North, the Conference Report paragraph 21 (*d*), provides for a Council consisting of the Governor, Attorney-General, not less than 12 members of the House of Assembly, one of whom should be the Premier and not less than two nor more than four members of the House of Chiefs—i.e. an Executive Council of not less than 15 plus the Governor.

Maddocks suggests that it might be wise to fix an upper limit to restrict patronage.

We should be prepared to suggest an upper limit if the Governors of all three Regions think it desirable and would suggest a figure. For the East and the West it could hardly be less than 12; for the North it would have to be higher. Indeed it might be awkward to suggest any limit for the North seeing that the composition of the Executive Council is set out in detail in the Conference Report.

F. *Ministers of State*

The West want provision enabling the Governor on the recommendation of the Premier to appoint from among the members of the Legislative Houses Ministers of State " to assist any Minister in the discharge of any responsibility assigned to him under the constitution ". This should be in addition to Parliamentary Secretaries.

The East think no provision necessary.

Maddocks points out that the Federation, the North and the East have all appointed Ministers of State because the constitution makes provision for the appointment of Ministers without portfolio.

This seems to be principally a question of terminology. In the present constitution a Minister connotes a member of Executive Council and we should be reluctant to alter this. Is it really necessary to have provision for a Minister of State as well as a Minister without Portfolio? We would propose to reply accordingly.

Other members of the Government should, we suggest, be known as Parliamentary Secretaries or Assistant Ministers and provision should be made for them in the constitution. By Section 16 of the Ghana Constitution the maximum number is limited to two more than the number of Ministers. If no specific provision is made in the constitution and they are to receive a salary, legislation would have to be passed in each House to exempt from disqualification from membership of the Assembly persons holding these offices of profit under the Crown.

G. *Permanent Secretaries*

The West propose the following wording:—

> " Each Permanent Secretary shall, subject to the general directions of his Minister, oversee and direct the officers of the Department for which the Minister is responsible and shall have control over the business thereof ".

This is acceptable to the East and the North. The Governor-General and Maddocks think the wording a bit too wide. In the last few weeks much thought has been given to this question by the Federation and a memorandum has been prepared by Mr. Newns. See also Mr. Eastwood's letter to Mr. Maddocks of 19th November (WAF. 30/416/04) copied to the Governor-General and other Regional Governors. We should be grateful for suggestions from the Governor-General as to a suitable form of words to be proposed in reply to the Western Region suggestion. We suggest that it should be made clear that the Permanent Secretary is the Accounting Officer for the Ministry.

H. *Keeping the Governor Informed*

The West propose that it should be the duty of the Premier (*a*) to see that all Executive Council agenda and papers are sent to the Governor and a record of all conclusions, (*b*) to give him such other information about the affairs of Government as he requires and (*c*) " if the Governor so requires to submit for consideration of the Council any matter on which a decision has been taken by a Minister but which has not been considered by the Council ".

These proposals are acceptable to the East. The North have no comments.

The Governor-General and Mooring point out that (*a*) and (*b*) are already taken care of under Section 123 (*a*) of the Constitution. They agree with Stapledon that (*c*) is neither feasible nor necessary. So do we. We propose to reply accordingly.

I. *The Power of Pardon*

The West recommend that this should be exercised on Ministerial advice, the Privy Council ceasing to exist. They want the same convention as in the United Kingdom, i.e. the power to be exercised on the advice of one Minister who should act in a quasi-judicial capacity. The Acting Governor in forwarding this request says that it was his understanding that the Conference Steering Committee had decided that this matter should be referred to the resumed Conference. In that case the change in the Constitutional Instruments should wait till after that.

The East say as follows:—

> " It is agreed that this power should be exercised by the Governor on Ministerial advice, but it is also thought that provision for a Privy Council to advise the Governor on capital sentences should remain, its members being appointed by the Governor acting on the recommendation of the Premier ".

The North say:—

> " It is thought that there are dangers, political and otherwise, in giving the effective power of pardon to a single man, whether he is a Minister or not. It might be appropriate at the stage of attaining self-government for a Privy Council with its present functions to be appointed by the Governor after consultation with the Premier ".

There is general agreement that this must wait for the resumed Conference and Zik at least recognizes this. We propose to reply accordingly.

We must give further thought to the question before the resumed Conference. Stapledon thinks it useful to have got his Government on record as advocating the retention of the Privy Council for capital cases. He suggests that it may provide a starting point for arguing at the resumed Conference that there is no need to follow the English model and that the Privy Council should be retained even though its members would have to be appointed on the recommendation of the Premier. He has it in mind to draw the attention of the Minorities Commission to this.

The Governor-General thinks there is great advantage in keeping the power " in discretion " and retaining the Privy Council.

Rankine's preliminary view is that if the Governor's discretionary power to appoint members of the Privy Council cannot be retained then we should not try to retain the discretionary power of pardon for capital offences or indeed any category of case. It could be very embarrassing for a Governor to have to act against the advice of a Privy Council nominated by the Premier. Equally it would be difficult for him to reconcile his conscience to accepting that advice if he felt it to be wrong.

J. *Local Civil Service*

The West want provision for a local Civil Service for everyone " other than officers entitled to retire under the lump sum compensation scheme ".

There is general agreement that there is only one Civil Service for each Region to which all officers must belong. But there seems no reason why if the Western Region and other Governments want it there should not be provision in their constitution simply saying:— " There shall be a Public Service for the . . . . . Region ". This might be a section of the Public Service part of the Constitution Order and would then lead on naturally to the provisions about the Public Service Commission and appointments, etc. to that Public Service. We propose to offer this.

K. *Director of Public Prosecutions*

The West recommend provision for an Acting Director with lower qualifications than the permanent one, i.e. seven not ten years post-call experience.

No comment from the East or the North.

Mooring is a little suspicious of this proposal and would like to stick out against it and so would Stapledon. But the Governor-General agrees that it would be difficult to demand greater minimum qualifications than for an Acting Judge. Unsworth feels strongly that the posts in the Department should be sufficiently attractive for there always to be two officers with at least ten years experience.

We would propose to reply that it is hoped that the posts should be sufficiently attractive for there always to be at least two persons with a minimum of ten years experience in the department but that we agree that, in case there might not be, the minimum provision for the Acting Director should be seven years as proposed.

L. *Electoral Provisions*

The West make no recommendation because the Electoral Committee set up by the Conference (para. 34) may consider the matter. This Committee however is only to consider the Electoral Law for the Federation and the Conference took note (see the end of para. 34) that the N.C.N.C. delegation proposed to raise the question of Regional electoral regulations at the resumed Conference.

We should propose to reply accordingly that this is a matter for the resumed Conference.

WAF. 16/256/027 [No. 32] No. 49.

SECRETARY OF STATE

to

GOVERNOR-GENERAL

Federation of Nigeria.

No. 3079

Colonial Office, The Church House,
Great Smith Street, London, S.W.1, 19th December, 1957.

SIR,

I have the honour to refer to the instruments providing for the constitutions of the Nigerian Governments.

2. A number of references was made to these instruments at this summer's Constitutional Conference. Paragraphs 25, 37 and 72 of the Report of the Conference (Cmd. 207) read as follows:—

> 25. At the conclusion of the item concerning Regional self-government, the Secretary of State informed the Conference that he would take steps forthwith to implement in respect of the Eastern and Western Regions the undertaking given in 1953 by the United Kingdom Government to grant Regional self-government. To hasten this process he proposed, in advance of the making of the main constitutional instruments, to submit to Her Majesty an amendment to the Nigeria (Constitution) Order in Council, 1954, to enable the Premiers of the two Regions to preside in Executive Council. He would also submit to Her Majesty certain proposals for interim amendments to the Royal Instructions with a view to requiring the Governors of the Western and Eastern Regions, in so far as that could appropriately be done in advance of the making of the main constitutional instruments, to exercise their powers in accordance with the decisions of the Conference. The Conference welcomed this statement.
>
> 37. The Secretary of State undertook to submit to Her Majesty at an early date an amendment to the Royal Instructions providing that, until the main constitutional instruments are made, Federal Ministers will be appointed on the advice of the person who appears to the Governor-General to command a majority in the House of Representatives and that that person will be styled Prime Minister.
>
> 72. The Conference took note that the question of the form that the new constitutional amendments might take had been removed from the agenda of the Conference and that it would be considered by the legal advisers to the Secretary of State.

3. In accordance with my undertaking recorded in paragraph 25 of the Conference Report, the Nigeria (Constitution) (Amendment) Order in Council, 1957, (S.I. No. 1957/1363) was made and came into operation on 8th August, 1957. On the same date Her Majesty approved Additional Instructions to the Governors of the Northern, Western and Eastern Regions of Nigeria.

4. Similarly, in accordance with my undertaking recorded in paragraph 37 of the Conference Report, the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, (S.I. No. 1957/1530) and the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957, (S.I. No. 1957/1531) were made and came into operation on 30th August, 1957. On the same date Her Majesty approved Additional Instructions to the Governor-General and Commander-in-Chief of the Federation of Nigeria.

5. This series of instruments gave effect *inter alia* to the main agreements reached at the Conference concerning the introduction of Regional self-government in the Eastern and Western Regions, the creation of an office of Federal Prime Minister, and the composition of the Federal Council of Ministers and the Northern Regional Executive Council.

6. My legal advisers are now engaged in preparing further instruments to give effect to a considerable number of other matters on which agreement was reached at the Conference and which do not require further consideration either by the various Commissions and Committees that the Conference agreed should be established, or by the resumed Conference which is due to be held in due course to consider *inter alia* the reports of the Minorities Commission and the Fiscal Commission. In the course of their work they have considered what instruments will need to be made during the next year or so and have reached certain conclusions with which I agree and which I should like to record.

7. In the first place they have pointed out that constitutional changes that can be made forthwith to give effect to the agreements outstanding from this year's Conference, although they will be extensive, are not final. In addition, other constitutional changes, some consequential and some involving new proposals, have been suggested to me in despatches that I have received since the Conference. These are despatch No. 350 of 16th August* from the Governor of the Western Region, despatch No. 223 of 26th October† from the Governor of the Eastern Region, and despatch No. 545 of 11th November‡ from the Officer Administering the Government of the Northern Region. These despatches are being carefully studied and I shall be replying to them in due course. It is clear that it is likely to take a little while to reach agreement between myself and all the Nigerian Governments on some at least of the complex matters raised in these despatches, and that when agreement is reached further amending instruments will become necessary.

8. It is proposed to hold in February the *ad hoc* meeting of the Conference contemplated in paragraph 73 of the Conference Report. It is possible that yet further constitutional changes may be required as a result of this meeting.

9. The successive constitutional changes I have referred to above will not complete the series. The resumed Conference is due to consider the reports of the Minorities and Fiscal Commissions, legislation concerning fundamental rights and a number of other matters left over from this summer's Conference including the question of Regional electoral regulations, the appellate jurisdiction of the Federal Supreme Court, and certain matters concerning Lagos. The agreements which I hope will be reached at the resumed Conference will thus require further constitutional changes and it will be convenient for these to include provision for the Senate and the enlarged House of Representatives which have already been agreed for the Federation. Thus the process of constitutional change began on 8th August, 1957, will not be complete until after the resumed Conference. In these circumstances my legal advisers have reached the conclusion that it would be pointless to attempt at this stage to revoke and re-enact the existing instruments in their entirety or to alter their form and that the sensible course is to wait to do this until the series of amendments described above is completed after the resumed Conference. If a fresh set of instruments in a new form were made now they would themselves be subject to early amendment and would probably be substantially altered as a result of the resumed Conference.

10. I therefore propose to proceed by way of amendment of the existing instruments until after the resumed Conference. I hope to submit to Her Majesty in Council at an early date, and if possible in February, draft amending instruments to give effect to the matters agreed at this year's Conference which require to be given the force of law and which have not yet been brought into operation. I am, however, aware that the Nigerian Governments wish to have constitutional instruments which, so far as possible, are self-contained and to reduce to a minimum the inconvenience of having to consult a number of documents to ascertain the law. I therefore propose that as soon as possible after the submission of these draft amending instruments, material should be prepared here for a reprint of the existing instruments including all amendments then in force. This material will be sent to you for printing and you will then be able if you so wish to use it for the reprinting in Nigeria of the Constitution Order, the Offices Order and the Royal Instructions to the Governor-General and the Regional Governors in the form of a single volume or booklet. The reprinting of the instruments in this form should remove any difficulty of ascertaining the law caused by the existence of a number of amending Orders and Instructions. The instruments included in the reprint will continue in force, subject to any further amendments in the meanwhile until after the resumed Conference.

11. My legal advisers consider that the most convenient time to prepare consolidating instruments in a new form would be after the resumed Conference. After examination of various means by which consolidations might be affected, my legal advisers have concluded that the most satisfactory method, and the one most appropriate to the form of federation obtaining in Nigeria, would be the making of a short Order in Council with Annexes containing separate constitutions for the Federation, each

* No. 45. † No. 46. ‡ No. 47.

Region and the Southern Cameroons respectively. The Annexes would include the relevant provisions of the present Offices Order which could accordingly be revoked. I accept this advice, which will provide a separate constitution for the Federation itself and one for each of its constituent parts, all contained in a single document.

12. I am sending copies of this despatch to the Governors of the Northern, Eastern and Western Regions.

I have, &c.,

ALAN LENNOX BOYD.

WAF. 16/256/030 [No. 10] No. 50.

DEPUTY GOVERNOR, NORTHERN REGION

to

SECRETARY OF STATE

Northern Nigeria. No. GN. 2.

SIR, 7th February, 1958.

Constitutional Instruments

I have the honour to refer to paragraph 4 of my Despatch No. 605 of 31st December, 1957* relating to Sections 33 and 50 of the Nigeria (Constitution) Order-in-Council, and to say that these sections have now been considered by the Executive Council of the Northern Region.

2. My Government does not wish to express any views on the proposal by the Government of the Eastern Region to amend Section 33. It has however indicated that possible amendments to Section 23 will be raised at the resumed Conference. My Government has already agreed that the Deputy President of the Northern House of Assembly shall be elected by and from within the House and that the President might come from within or without the House. It has not yet decided whether to recommend that the latter should be elected by members on a free vote and formally appointed by the Governor thereafter, or that he should continue to be appointed by the Governor in his discretion.

3. My Government has noted the recommendation by the Government of the Eastern Region in respect of Section 50 of the Constitution Order-in-Council that the Governor should act on the advice of the Premier in selecting an interim Speaker. It considers however that as the Speaker is above party politics it is undesirable that a party politician should in effect select him, and it would prefer to follow the precedent of the House of Commons (Speaker) Act of 1832 and the House of Commons (Offices) Act of 1846 which laid down that the Speaker of the dissolved House should be deemed to be the Speaker for the time being until a new one is chosen. It would not however wish to imitate the United Kingdom practice and appoint commissioners to execute the office of Speaker in the event of his death, disability or absence from the Northern Region during any dissolution or prorogation of the House, but it recommends that his duties should be carried out by the Deputy Speaker of the dissolved House in such circumstances.

4. My Government therefore invites you to make an appropriate amendment to Section 50 of the Order-in-Council providing for the Speaker of the dissolved Northern House of Assembly, or in the event of his death, disability or absence from the Northern Region for the Deputy Speaker of the dissolved House, to be deemed to be the Speaker until a new one is appointed.

5. I am addressing copies of this Despatch to the Governor-General and the other Regional Governments.

I have, &c.,

K. P. MADDOCKS,

Deputy to the Governor,
Northern Region of Nigeria.

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* WAF. 16/165/03 [No. 35]: not printed.

WAF. 16/165/03 [No. 40]

No. 51.

SECRETARY OF STATE

to

GOVERNOR, WESTERN REGION

Western Region, Nigeria, Ibadan.

No. 119.

Colonial Office, The Church House, Great Smith Street,
London, S.W.1, 13th March, 1958.

SIR,

I have the honour to refer to Mr. Mooring's despatches No. 350 of 16th August, 1957*, enclosing a Memorandum from your Government about changes in the constitutional instruments proposed by that Government, and No. 457 of 6th December† on the same subject. Will you also please refer to the Governor-General's Savingram No. 2149 of 13th December, 1957‡, the Despatch No. 223 of 26th October, 1957§, from the Governor of the Eastern Region and the Despatch No 545 of 11th November, 1957‖, from the Officer Administering the Government of the Northern Region. Copies of all these were sent to you.

2 I have considered most carefully the proposals contained in your Government's Memorandum, and the comments on it by the Governments of the Federation and the Eastern and Northern Regions. I have the following comments. The references are to the paragraph numbering of your Government's Memorandum.

A. *The Name of the Legislature*

It would in my view be anomalous to describe the Regional Legislatures as Parliaments if the Federal Legislature were not also so described. For practical convenience, in order to avoid confusion, there would be some value in different descriptions for the Regional and Federal Legislatures. It would seem best, therefore, to reserve the title of " Parliament " for use by the Federal Legislature after independence and not to make any change in the title of Regional Legislatures at the present moment.

B. *Composition of House of Chiefs*

C. *Recognition, Designation and Selection of Chiefs*

I very much wish that at the 1957 Conference time had permitted a full discussion of the House of Chiefs and the method of appointing members thereto. I have no doubt that some amendment to Sections 25 and 26 of the Constitution Order is required, and that some alternative to the existing exercise of the Governor's discretionary powers must be found. I am however by no means sure that the answer is necessarily to transfer the Governor's responsibilities to the Government of the day. I feel, moreover, that a matter of this importance—which touches the very foundations of one of the Legislative Houses—should be thoroughly discussed around the Conference table, and discussed not only in the context of the Western Region but also with regard to the Northern Region and the proposed House of Chiefs in the Eastern Region. I sincerely trust that your Government, and the other Nigerian Governments, will agree that this matter should be put on the agenda at the resumed Conference. If so, I should propose to circulate in advance a paper setting out some of the issues involved as I and my Advisers see them, and suggesting broad lines along which a solution might be found.

D. *Composition of the House of Assembly*

The suggestion that the precise number of elected members should be determined by the Regional Assembly raises the question of how the constitution of a self-governing Region should be amendable after Independence. On the assumption that none of the Regional Governments contemplate an early election to the House of Assembly, it is proposed that the method of altering the composition of the Regional Houses of Assembly should be held over to be considered by the resumed Conference.

The N.C.N.C. delegation at the 1957 Conference gave notice that it proposed to raise at the resumed Conference the question of Regional electoral regulations. The 1957 Conference agreed that there should be a permanent Electoral Commission to deal with electoral matters relating to the Federation including constituency boundaries. There would seem to be much to be said for a similar arrangement in the Regions. Indeed there might well be advantage in giving to a single Commission responsibility for both Federal and Regional electoral matters. This again could well be discussed at the resumed Conference.

E. *Composition of the Executive Council*

I agree with your Government's proposals, saving that I would propose that the Attorney-General should not automatically be a member of the Executive Council, but should be eligible for appointment as a member.

* No. 45. † WAF. 16/165/03 [No. 29]: not printed.
‡ WAF. 16/165/03 [No. 31]: not printed. § No. 46. ‖ No. 47.

F. *Ministers of State*

It is already open to the Governor under Section 109 of the Constitution Order to appoint a Minister, without, under Section 119 of the Order, assigning to him responsibility for any particular matter or department of government. In exercise of these powers appointments of Regional Ministers without Portfolio have been made. Provision is being made in the amending Constitution Order now in draft to enable additional Parliamentary Secretaries to be appointed. Since it will be possible to appoint both Ministers without portfolio and additional Parliamentary Secretaries, I suggest that there will be no need to provide for a separate office of Minister of State.

G. *Permanent Secretaries*

The wording of the provision proposed in your Government's Memorandum would seem to imply that the Permanent Secretary of a Ministry should have direct control over or responsibility for the direction of professional and technical officers in relation to the professional or technical manner in which they carry out policy. I doubt if this would be wise, although of course I entirely agree that, as already provided in Section 121 of the Constitution Order, the Permanent Secretary should be generally responsible to the Minister for the execution of policy. But I note that the Regions are in the process of reorganizing the system of Ministries, and arranging for the integration in different degrees of Departments and Ministries. The action now being taken may lead your Government and the other Regional Governments concerned to fresh conclusions on this difficult matter. I would therefore propose that the Order should for the present remain unchanged in this respect. Amendment will always be possible at the next stage.

H. *Informing the Governor of Government Business.*

The proposals in paragraphs (*a*) and (*b*) of your Government's Memorandum are in my view already adequately covered by the provisions of Section 123 (A) of the Constitution Order. With regard to paragraph (*c*), I should deprecate the insertion of any provision in the constitution that implied that the drawing up of the agenda of the Executive Council was the responsibility of anyone other than the Premier. It is of course open to the Premier at any time to consult the Governor in drawing up his agenda for Executive Council, but this does not require constitutional provision.

I. *The Power of Pardon*

I agree with the suggestion in paragraph 3 of your despatch that this is a matter which should be discussed at the resumed Conference.

J. *Local Civil Service*

The provisions to be made by the forthcoming amending Constitution Order will give effect to the agreements recorded in paragraph 16 of the 1957 Conference Report and so remove any remaining responsibility of Her Majesty's Government for the Regional Public Service. In these circumstances I do not consider that any further constitutional provision is required. As explained in paragraph 2 of my Savingram No. 412 of 31st July, 1957*, the separate Public Service of the Western Region has been in existence since 1st October, 1954 and no additional constitutional provision is necessary for its establishment. But if, once the forthcoming Order is made, your Government and the other Nigerian Governments still wish there to be further constitutional provision to make the position of the Public Service clear, I will consult with my legal advisers about what further provision might suitably be made.

K. *Director of Public Prosecutions*

I agree that it is desirable that provision should be made for an Acting Director. It is proposed to provide that the qualifications should be the same as for an Acting Judge of the Regional High Court, which I understand to be at present seven years.

L. *Regional Electoral Provisions*

See under D.

3. I am sending copies of this despatch to the Governor-General of the Federation of Nigeria, to the Governor of the Northern Region, and to the Governor of the Eastern Region.

I have, &c.,

ALAN LENNOX BOYD.

* WAF. 30/22/03 [No. 101]: not printed.

WAF. 16/165/03 [No. 44] No. 52.

SECRETARY OF STATE

to

OFFICER ADMINISTERING GOVERNMENT OF EASTERN REGION

[*Answered by No.* .]

Eastern Region Nigeria.

No. 158.

Colonial Office, The Church House, Great Smith Street

London, S.W.1, 11th April, 1958.

SIR,

I have the honour to refer to Sir Robert Stapledon's despatch No. 223 of 26th October, 1957*, to which were attached as Schedule I the comments of your Government on the constitutional proposals put forward by the Government of the Western Region. My comments on these proposals, which took account of your Government's comments in Schedule I, were contained in my despatch No. 119 of 13th March† to the Western Region, a copy of which was sent to Sir Robert Stapledon.

2. I have the following comments on the proposals set out in the second and third Schedule to the despatch of 26th October*. In making these comments I have borne in mind the observations of the Council of Ministers as set out in the Governor-General's savingram No. 2149 of 13th December, 1957‡, and those of the Government of the Northern Region as set out in Mr. Maddock's despatches No. 605 of 31st December, 1957§, and No. GN.2 of 7th February, 1958‖.

Second Schedule

(i) *Section 4 (2) (b)* of the Nigeria (Constitution) Order in Council. The words "in his discretion" were removed from the section in their application to the Eastern and Western Regions by Section 3 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957.

(ii) *Section 5 (4)*. I agree that such provision should in due course be made and shall await the legislation by the Regional legislature referred to under Items B and C of Schedule I to the despatch which will open the way for such provision to be made.

(iii) *Section 32 (1)*. I suggest that your Government's proposal to increase to 130 the maximum number of members of the Regional House of Assembly might await the discussion at the resumed Conference of Regional electoral regulations. In this connexion I would draw your attention to paragraph 2 (D) of my Despatch No. 119 of 13th March, 1958†, to the Governor of the Western Region.

(iv) *Section 33*. I agree with your Government's proposal that the Speaker of the House of Assembly in the Eastern Region should be elected by that House and I propose to include appropriate provisions in the next instrument amending the Constitution Order.

(v) *Section 50*. The Government of the Northern Region in paragraph 3 of Mr. Maddock's despatch No. GN. 2 of 7th February, 1958‖, proposed that the Speaker of the House of Assembly should be deemed to be the Speaker after its dissolution until the appointment of a new Speaker. This appears preferable to the proposal that a temporary Speaker should be appointed by the Governor acting on the advice of the Premier. I also support the Northern Regional Government's suggestion that in the event of the death, absence or incapacity of the Speaker, the Deputy Speaker should act in his place until a successor is appointed. I should be grateful to learn as soon as possible the views on these questions of the Governments of the Federation and the Western Region.

Third Schedule

(iv) Clauses 18 (1), (19) (1) (*c*), 20 (1) and 21 of the Royal Instructions to Governors. These clauses relate to the appointment and meeting of the Regional Privy Council whose principal concern is to advise the Governor on his exercise of the power of pardon. You will have noted that in paragraph 2 I of my despatch No. 119 of 13th March, 1958†, to the Governor of the Western Region and paragraph 3 of Mr. Mooring's despatch No. 350 of 16th August, 1957¶, it was agreed that, in accordance with the recommendation of the Steering Committee of the Constitutional Conference, 1957, the question of the power of pardon should be referred to the resumed Conference. I trust that it will be convenient to your Government that these clauses should be discussed there.

3. Copies of this despatch have been sent to the Governor-General and the Governors of the Northern and Western Regions.

I have, &c.,

PERTH,

(For the Secretary of State).

* No. 46.
† No. 51.
‡ WAF. 16/165/03 [No. 31]: not printed.
§ WAF. 16/165/03 [No. 35]: not printed.
‖ No. 50.
¶ No. 45.

WAF. 16/57/038 [No. 3] No. 53.

MR. C. G. EASTWOOD

to

SIR JAMES ROBERTSON

Secret and Personal.

The Church House, Great Smith Street, London, S.W.1, 16th January, 1958.

In the third paragraph of Gardner-Brown's Secret and Personal letter G.582/4 of 31st December* he asked that whoever visits Lagos for the *ad hoc* meeting should be in a position to discuss preliminary arrangements about the resumed Conference. As you know, it has been arranged that I should come to Lagos and I shall be very glad to have a talk about this. It may be helpful if, before I arrive, I set down some of the considerations that have occurred to us.

2. The last sentence of paragraph 73 of the report of last summer's Conference reads as follows: "The Conference also agreed in principle that resumed Conference should take place to consider the reports of the Minorities Commission and the Fiscal Commission and other matters then outstanding from the present Conference". It is clear from this that the possible date for the resumed Conference is in the first place dependent on the times when the reports of the Minorities and Fiscal Commissions are received. We understood from Raisman, after his return from his first trip to Nigeria, that he had every hope that, assuming he and Tress were able as they plan to go out again late in March, their final report would be available by June. You will have more up-to-date information than we have about a likely date for the completion of the Minorities Commission's report but we know that when they left here they too hoped to be able to complete by next June a report which at least set out the principles to be followed in dealing with minority problems. When the reports of these two Commissions are received they will need to be sent not only to all the Nigerian Governments but also to all those entitled to attend the resumed Conference and no doubt they will need to be published early for general information. There will also have to be some interval allowed for all parties to consider the reports, so that if the reports are submitted in June it would seem that August or September would be the earliest months when the Conference might resume. I understand that August would not be convenient to the Secretary of State—and indeed as the general leave season here it is desirable if possible to avoid it—but that an opening date in say the second half of September would probably be convenient.

3. It seems likely that the agenda will be a fairly long one and that some of the items may prove highly contentious.

4. Much will obviously hinge on the nature of the *Minorities Commission's Report*. If this report concludes that comparatively minor measures are all that are required to allay the fears of minorities, then we may perhaps hope that it would prove acceptable to the Conference as a whole; but the discussion may well take quite a time all the same.

5. If the Minorities Commission recommend the establishment of one or more new States, a new situation will be created which will force us all to reconsider the whole timetable. I can imagine that it might cause so much local dissension and discussion that a special conference earlier than September might be necessary to deal only with this one question. If the idea of a new State were to be pursued, it would probably also involve a further inquiry (? by Raisman) into the division of revenue, since, although Shearer of the Minorities Commission is in touch with Raisman, I doubt if the Minorities Commission will be able themselves to work out in any detail in the time they have, the finances of a new State or States or of the rump or rumps of the Region or Regions from which they would be taken. One way or another it would seem that independence for the whole of Nigeria would inevitably be put back.

6. However, that is all speculation and for present purposes I am assuming that the Minorities Commission will *not* recommend any new States. Even on that basis, it seems likely, as I have said above, that there will be quite a lot of discussion at the resumed Conference of their recommendations.

7. The next item on the agenda will presumably be the *Fiscal Commission's Report*. The extent to which this proves acceptable may well depend on how far Raisman and his colleagues have convinced the Nigerian Governments of the soundness of their ideas before they leave the country. Since the Fiscal Commission cannot create more money but only re-allocate existing funds, someone is presumably bound to be disappointed by the Commission's conclusions and to try some sort of filibuster. No doubt some wrangle over the division of the spoils is inevitable.

8. Apart from the reports of these major Commissions, last summer's Conference noted the following items as due to be considered next time (the references that follow are to paragraphs of the Conference Report):—

Paragraph 34. The N.C.N.C. stated that they proposed to raise the question of *Regional Electoral Regulations*.

We think this will be a useful item as we should probably wish to propose either that the Regions should have their own independent Electoral Commissions similar to the one agreed for the Federation or that the functions of the Federal Electoral Commission should be extended to include Regional affairs with the Commission for this purpose possibly including members co-opted from the Regions concerned.

* WAF. 16/57/038 [No. 2]: not printed.

Paragraph 40. The question of *the appellate jurisdiction of the Federal Supreme Court* is to be discussed.

Paragraph 43. Item 30 (7). It is presumably possible that either the Northern Peoples Congress or the Action Group may propose, once the business of the Minorities Commission is out of the way, that the decks should be regarded as cleared for the *regionalization of the police.*

Paragraph 56. Several points over *the position of Lagos* are due for further consideration although it may be that the Governments of the Federation and the Western Region will not feel free to conclude the discussions contemplated in paragraph 56(g) of the Report until the conclusions of the Minorities Commission and the representations made to them about the position of Lagos are known.

Paragraph 67. We have still to prepare draft clauses on *fundamental rights* for consideration at the resumed Conference. We hope to do some preliminary work on them in the next few weeks once the present draft amending constitutional instruments are made. But it will not be easy to submit our provisional draft to the Nigerian Governments before the report of the Minorities Commission is received as these clauses are likely at least to some extent to traverse the ground covered by the Minorities Commission.

Paragraph 70. The question of *the procedure after independence for the amendment of the constitution* is likely to prove a thorny one. We have already been asked by Rankine to begin some research on this and have offered you some preliminary comments.

9. The last sentence of paragraph 73 of the Conference Report does not in terms allow for the addition to the agenda of the resumed Conference of items not outstanding from last summer's Conference. We should be grateful for your advice on whether there is likely to be any pressure for fresh items to be added and, if there is, whether it is desirable to try to stand on the letter of the wording of paragraph 73. In principle we would think that if there is a general desire to discuss any fresh item it might be tactically unwise to resist this on the purely formal grounds provided by paragraph 73.

10. There are two other major items which may well come up. Since the resumed Conference is not likely to be held until comparatively late in 1958, and as the North will fully realize that time must be given for the making of constitutional amendments, it may well be that the Northern Peoples Congress will wish to discuss at the resumed Conference *the arrangements for the introduction of Regional self-government in the North in 1959.* We should naturally like early warning of this. I see that the Sardauna has now given notice that he wants self-government to take effect on 15th March, 1959.

11. The other and even more difficult additional question that may well be raised is presumably *the question of independence for Nigeria.* Assuming that the reports of the Minorities and Fiscal Commissions are satisfactorily disposed of and that the resumed Conference brings to light no further major points of contention among the Nigerian parties, it seems likely that the Nigerians will press again their demand for independence on 2nd April, 1960. This seems likely not merely on ordinary human and nationalist grounds but because, apart from this demand, there is nothing very much for the Nigerians to get by way of concession from the United Kingdom out of this next Conference. In particular, unless for example the Minorities Commission proposes to assign Ilorin to the West, there will be nothing much for the West to get and we assume that the heavy guns of the Action Group which last time were trained on Regional self-government will now be directed at the next major stage of early independence. Furthermore Abubakar may wish, by obtaining a specific undertaking from the Secretary of State, to establish himself not just as the temporary seat-warmer for the first real Prime Minister of an independent Nigeria but as the genuine national leader winning independence for his country. Subject, therefore, to your views we think we must expect that, once what the Secretary of State referred to at the last Conference as its "unfinished business" is completed, the Nigerians will unite to press for a definite undertaking about independence.

12. To complete the record I should add that there may be some additional and comparatively minor items on the agenda arising out of the proposals for constitutional amendment made by the Government of the Western Region in Despatch No. 350 of 16th August* and subsequently commented on by the other Nigerian Governments. In your Savingram No. 2149 of 13th December†, you reported that the Federal Council of Ministers considered that these proposals should be deferred for consideration by the resumed Conference. As you know from my Secret and Personal letter of 11th December‡ we also intended to propose that a number at least of the points raised by the West should be held over until the resumed Conference.

13. We are faced, therefore, with a potentially difficult and contentious agenda which it may well take at least a fortnight and quite possibly considerably more to complete.

14. Since last year's Conference was in London it may well be that the Nigerians will propose that the resumed Conference should be in Lagos. What would be your reactions to that? From many points of view London would be a more satisfactory venue. It would be easier for the Secretary of State than Lagos if the Conference is to be at all a lengthy one and it will be very important that he should be present throughout. And it would make it easier for contentious business to be considered in a calm atmosphere away from local political pressures. At the last Conference the question of independence for Nigeria was discussed at three separate sessions of the Conference held over a period of weeks and by unofficial leak the fact that this question was unresolved became

* No. 45. † WAF. 16/165/03 [No. 31]: not printed. ‡ WAF. 16/165/03 [No. 25]: not printed.

known in the Nigerian Press. If the question is raised again and there is a similar leak when the Conference is in Lagos and not in London, it might be easy for ugly scenes to develop outside the Conference chamber or as the Secretary of State travelled between Government House and that chamber. We should bear this in mind when we discuss the possible venue.

15. I imagine that it is possible that at the *ad hoc* meeting either you or the United Kingdom delegation may be asked by some of the delegates what the arrangements for the resumed Conference are to be. If so, we suggest the reply might be that no date for it can be fixed until the reports of the Fiscal and Minorities Commissions are received but that once it is known when these reports are likely to be ready the Secretary of State would hope to take up with the Nigerian Government the question of the arrangements for it.

I am sending copies of this letter to Bell, Stapledon and Rankine.

C. G. EASTWOOD.

WAF. 16/57/038 [No. 37] No. 54.

SECRETARY OF STATE

to

OFFICER ADMINISTERING GOVERNMENT OF FEDERATION

[*Answered by No. 55.*]

Federation of Nigeria No. 1290.

SIR, Colonial Office, London, S.W.1, 27th May, 1958.

I have the honour to refer to the last sentence of paragraph 73 of the Report of the Nigeria Constitutional Conference, 1957 (Cmd. 207), which reads as follows:—

> "The Conference also agreed in principle that a resumed Conference should take place to consider the reports of the Minorities Commission and the Fiscal Commission and other matters then outstanding from the present Conference."

2. I understand that the Minorities and Fiscal Commissions are hoping to submit their reports by the end of July. These reports will then need to be printed and they should be available for distribution by about mid-August. I know it will be the wish of all who were represented at the conference in 1957 that the resumed conference should take place as soon as possible after the publication of the reports, allowing for an interval to enable all concerned to have an opportunity of studying them. The earliest time at which the resumed conference could open would therefore be towards the end of September, 1958.

3. In view of the great importance of the subjects to be discussed at the resumed conference, I should naturally wish to attend the conference on behalf of Her Majesty's Government, and if it is the wish of the delegations, I should be glad again to preside. I very much regret that my very heavy commitments here preclude the possibility of my visiting Nigeria during the autumn for the length of time that I judge would be required for the conference, but I should hope to be able to combine those commitments with attendance at a conference in London. This will, I know, mean that the Nigerian delegations will again be involved in the heavy expense and inconvenience of travelling to the United Kingdom, but I believe it will be agreed that this inconvenience is preferable to the delay and uncertainty which would result from deferring the conference until a time after the end of the year when I might be able to visit Nigeria for the time required.

4. I should be grateful if you would place these considerations before your Ministers and all parties represented at the 1957 Constitutional Conference, and if you would then issue on my behalf formal invitations to a resumed conference opening in London in the week beginning 29th September, 1958.

5. The principal business of the resumed conference will be the consideration of the reports of the Minorities and Fiscal Commissions. There are several further subjects deferred by the 1957 Conference and recorded in the Conference Report (paragraphs 34, 40, 56, 67 and 70) as being due for consideration at the resumed conference. In addition, certain matters have arisen in the course of correspondence since the conference which it has been agreed should be placed before the resumed conference. I estimate that the time required to deal adequately with this volume of business at the conference will not be less than two weeks, and I hope it will not be more than three.

6. I propose that no announcement of the proposed venue and date of the conference should be made either here or in Nigeria until replies to your informal invitations have been received.

7. I understand that thought is being given to the possibility of mutual agreement among all the parties to be represented at the conference upon means of reducing the size of delegations.

8. I am sending copies of this despatch to the Governors of the Northern and Western Regions and to the Officer Administering the Government of the Eastern Region.

I have, &c.,

ALAN LENNOX-BOYD.

WAF. 16/57/038 [No. 55] No. 55.

DEPUTY GOVERNOR-GENERAL

to

SECRETARY OF STATE

No. 1135.

SIR, Government House, Lagos, Nigeria, 24th June, 1958.

I have the honour to refer to your Despatch No. 1290 of 27th May* concerning the arrangements to be made for the resumed constitution conference this autumn. The proposals set out in the despatch were discussed at an informal meeting, held in Lagos on 15th June, of the Premiers of the Regions and of the Southern Cameroons under the chairmanship of the Prime Minister of the Federation. The meeting reached full agreement on the following points :—

(i) The proposal to hold the conference in London during the week beginning 29th September was acceptable.

(ii) The proposals for the agenda contained in the fifth paragraph of the despatch were also acceptable. In addition, however, the meeting thought that consideration should be given to the subjects which the Steering Committee of the 1957 Conference, at its fifteenth meeting, noted as requiring further discussion at the resumed conference.

(iii) Formal invitations should be issued by the Governor-General, through the Regional Governments, to the parties attending the conference.

(iv) The number and composition of the party delegations, and their advisers, should remain unchanged from that of the 1957 Conference.

2. The Council of Ministers has now considered these recommendations and has requested me to inform you that the Council has expressed its support of them. At the same time the Council has stressed the importance of an early announcement of the arrangements for the resumed conference, which should be published simultaneously in London and in Lagos. In the meantime I shall prepare the formal invitations on your behalf to the parties that will attend the conference.

3. I am sending copies of this despatch to the Governors of the Northern and Western Regions, to the Officer Administering the Government of the Eastern Region and to the Commissioner of the Cameroons.

I have, &c.,

R. F. A. GREY.

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* No. 54.

WAF. 16/3/042 [No. 35] No. 56.

MR. P. A. GRIER

to

MR. A. EMANUEL

Secret and Personal.

DEAR EMANUEL, Governor's Office, Northern Region, Kaduna, Nigeria, 16th May, 1958.

I understand that when Maddocks was in London recently you discussed with him the question of the incorporation in the revised Nigerian Constitution of a declaration of Fundamental Human Rights and said that you would like to know as soon as possible what line the Northern Peoples Congress were likely to take on this subject. The position is that the Executive Council set up a Committee some six months ago

> " to consider whether any safeguards will be needed for Northern legislation and custom or practice in view of the proposal for incorporation of a declaration of human rights in the Nigerian Constitution ".

This Committee has made very slow progress but should be able to put its recommendations to Executive Council early in June, after which the views of the Regional Government will be sent to the Secretary of State in a despatch.

In this connection I gather that a copy of a press release on " religious tolerance " was sent to the Colonial Office from the Premier's office here in November 1957, but you may find it convenient to have by you the attached spare copy and also a copy of the record of Sir Kenneth Grubb's meeting with the Premier. The statement referred to in the record is the press release.

Yours, &c.,

P. A. GRIER.

Enclosure 1 in No. 56.

Secret and Personal.

INTERVIEW WITH THE PREMIER OF THE NORTHERN REGION AT 1.00 P.M.

on 5th November, 1957

Time : 1.00 to 1.45 p.m.

Present : The Premier, 10(?) other Ministers, Bishop Mort, Sir Kenneth Grubb.

After exchange of compliments, the Premier said he would like to read a statement on religious liberty which he proposed to release shortly. He did so and then invited my comments.

2. I said that I observed that the reason for the statement was a difficulty between two schools of Muslim opinion. I was comforted to find that Christians were not alone in having their own differences and sects. This broke the ice and aroused mirth.

3. I added that, so far as I could judge on a first hearing, the statement covered the whole ground most satisfactorily, and, as a policy, offered all that could reasonably be asked in the matter of religious rights and liberties. I asked the Premier if a certain phrase meant that the individual was free to change his religion, and he answered, with support from round the table, that that was so.

4. The Premier then asked me to speak generally on this question, and said that he was sending missions to the Sudan, Libya and Pakistan to see how they managed these affairs.

5. I said that in a multi-communal area, I started from the principle that no community should enjoy rights or privileges denied to any other. I then pointed out the implications of this in worship, assembly, education, proclamation, change of religion, and organization. All such rights were, however, subject to the overriding requisite of law and order which all citizens must recognize provided that no civil disability be imposed if, for instance, a man peaceably changes his religion. We discussed all this vigorously and amicably with no signs of dissent from the Ministers.

6. I said I was not concerned to defend all the actions of the ' fringe ' Christian groups. But every large body had to carry its difficult members. Several members paid strong tributes to the educational work of missions, and to the C.M.S.

K. G.

Kaduna,
5th November, 1957.

PRESS RELEASE FROM NORTHERN REGIONAL INFORMATION SERVICE: KADUNA 6/11/57.

Enclosure 2 in No. 56.

No. 2693

RELIGIOUS TOLERANCE

Kaduna.

The Regional Government noted with regret that during the past few months there has been wide criticism of its silence about the tension between Kadiriya and Tijjani sects of Islam in some parts of the Region. As the Government was aware that negotiations were going on in order to reconcile the parties concerned, it thought that chance should be given to achieve the required objective. It has now proved beyond doubt that the results have been encouraging.

The Regional Government therefore considers that the time is now ripe once again to clarify beyond any possible doubt its position with regard to the freedom of individuals to practise their religious beliefs, whatever they may be, and to reiterate quite clearly its attitude towards all the religions which are being practised in the Region.

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. All persons in the Region are, as they have always been, absolutely at liberty to practise their beliefs according to their conscience without fear or favour, let or hindrance, within the limitations outlined above.

If, however, religious observances of any denomination or sect are conducted in such a manner that they cause or appear likely to cause, apprehension or concern to the majority of the people living in a particular area, or if a breach of the peace or outbreak of violence seems likely to result from them, then the Regional Government will unhesitatingly take action to restore order and in so doing may find itself compelled to prohibit or curtail the freedom of individuals in that area to conduct themselves in the manner that they desire.

With regard to proselytization 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 from amongst other religions.

The Regional Government is however, confident that with understanding and tolerance for the rights of all men to hold to their own beliefs and with a courteous regard and due respect paid by the various sections of the community to the traditions and tenets of the faiths of others, there will be no need for it to exercise any of the powers which it possesses and that the Region will progress from day to day with increasing unity, goodwill and understanding between its component groups.

(PREMIER'S OFFICE RELEASE)

WAF. 16/3/042 [No. 45] No. 57.

SIR GAWAIN BELL

to

MR. C. G. EASTWOOD

Secret and Personal.

DEAR EASTWOOD, Government House, Kaduna, Northern Region, Nigeria, 17th July, 1958.

Your letter WAF. 16/3/050 of 3rd July* forwarded preliminary draft briefs on two subjects—"Amendment of the Constitution after Independence" and "Fundamental Rights". The attachment to this letter will deal only with Fundamental Rights as it is the more urgent. Comments on the other will follow later.

We have, as you know, been having meetings of a Fundamental Rights Committee. Its conclusions are to be placed before Executive Council shortly and you will thereafter no doubt receive a formal despatch on the subject. Meanwhile it is, I think, fairly clear to all familiar with the trend of thought in this Region what is likely to be acceptable on this question and what is not.

A copy of this letter and its enclosure has been sent to Robertson, Rankine, Stapledon and Field.

Yours, &c.,

GAWAIN BELL.

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* WAF. 16/3/042 [No. 40]: not printed.

Enclosure in No. 57.

WAF. 16/3/042 [No. 35]: Enclosure

COMMENTS ON NOTE AND SUPPLEMENTARY NOTE ON FUNDAMENTAL RIGHTS (NORTHERN REGION)

Moslem Law

In the first place all provisions, which might conflict with Moslem law as at present enforced, must, as you say in the fifth paragraph of your note, await the recommendations of the advisory panel of jurists which will meet here on 28th August to study the reports of the missions to Libya, the Sudan and Pakistan. It is most unfortunate that the panel could not have met earlier but this is due to no fault here but to the inordinate delays of the Pakistani Government in deciding the time for the mission's visit. In the end it did not leave till 27th June. It can, therefore, be said with certainty that the full report of this panel will *not* be available by 29th September. The most that could be hoped for would be a summary of its recommendations. No document of this importance could be completed and published within so short a space of time. Both the Fiscal and Minorities Reports have taken from three to four months to emerge and the problems which the panel will discuss cover a very wide range. The Brooke Report on the same subject took, I believe, nearly a year to appear in print. It looks, therefore, as though this is a subject which cannot be concluded during the current conference. There is, however, one advantage in the late sitting of the panel and that is that it will have before it, clearly set out by the Minorities Commission, the difficulties, inconsistencies and injustices which Moslem law as at present administered causes. The panel can then directly bend its mind to making such changes as will remove these, and I hope that it might be agreed that its final terms of reference may invite it to do this.

Religious Freedom

2. Turning to paragraph 7(*a*) of the draft brief, it is a fact that Christian minorities fear oppression after self-government and that Moslems fear both Christian proselytization and also the religious intolerance of rival sects within Islam. It was to allay these fears that the statement quoted in paragraph 6 of the note was issued. This statement is one which the Northern Government would certainly stand by and be willing should be incorporated in any article on religious freedom.

Northern Discrimination against Southerners

3. Paragraph 7(*b*) is a problem on which the North has made up its mind. The Northernization policy is one of the main planks of the Northern Peoples Congress platform and one which has massive support. Neither N.E.P.U. with its N.C.N.C. affiliations nor U.M.B.C. with its Action Group support has ever attempted to win a vote by opposing Northernization of the public service. The Southern clerks and artisans brought in by the European and kept there by him are the very symbol of colonial rule. If fundamental rights mean that Southerners are still to be recruited to the Northern service on anything but temporary contract terms, then this is a fundamental right in which this Region wants no part.

4. The suggestion that for ten or fifteen years the North may be given a breathing space on the ground that the North was "less educated" and "generally backward" would be ill received. To give self-government to a Region does not seem to accord with such phrases and true or not they would be resented and rejected. It is for this reason that I am sure that the provision contained in paragraph 2 of the Supplementary Note on Fundamental Rights, so long as it was limited as in (iii) to "the period of fifteen years", would not be acceptable. I suggest, therefore, that this phrase be deleted, and a new sub-clause be inserted which said "This provision shall be valid for the period of fifteen years whereafter the need for its continuance shall be reviewed every five years until such time as it may be rescinded". This, which does not bind the North to a fixed date, might be acceptable. Five years allows for a change in Government.

5. I think it very possible that the other Regions will argue that they should have a similar right of discrimination and to this the North would have no objection. As far as is known there are at present no Northerners in the permanent pensionable service of either East or West. As the North has made plain in its public notices, there has not been any intention to remove Southern officials who were in established posts before the Northernization policy began.

6. With regard to the acquisition of land, it appears to me that there has been very much to commend the United Kingdom practice in West Africa of protecting native land from easy acquisition by the more commercially-minded and astute non-native. If this has been a desirable policy for fifty years it is hard to see what there is in self-government to make it suddenly undesirable. It is suggested that such "protection" against fellow citizens must perpetuate bad blood. I believe that much more bad blood would ultimately be engendered by allowing the acquisitive Ibo to spread unchecked over the urban areas and farmlands of the North, until the Northerner found that his birthright had gone.

7. There remains one other point on which the Northern Government may well be anxious and which has been noted by the Fundamental Rights Committee. Paragraph 7A(5) of the Action Group draft taken from the Indian Constitution gives the right "to move freely throughout the country". This, rather oddly, has been interpreted as a right for women in purdah to leave purdah and go about in public as they wish, on the ground that it has become a fundamental right to which they are entitled. There is nothing in the Malay version on "Freedom of Movement" (Malaya Article 9(*a*)) to suggest such an interpretation, but it will clearly be necessary to put in a proviso somewhere to allay this Moslem fear. Purdah will go in time, just as polygamy has recently gone in Tunis, but legislation here, as there, will follow, not precede, public opinion.

8. Having now covered the main subjects which particularly interest the North, I will go through the sections in the same order as in your note, giving my comments, if any :—

(*a*) *Freedom and equality before the law.*—Too vague to be useful, omit.

(*b*) *The Rule of Law.*—Too vague, omit.

(*c*) *The Right to Life.*—Agreed as it stands.

(*d*) *Freedom from inhuman treatment.*—This is sure to find a place in the Minorities Report. Northern views will be influenced by the report of the panel of Moslem jurists. "Haddi" punishments, whether adjudged inhuman or not, should disappear. There may be some opposition from the most conservative.

(*e*) *Freedom from slavery and forced labour.*—I suggest a further item.

(iii) (*e*) any work which the community jointly or through its locally elected representatives has agreed should be carried out by communal effort.

(*f*) *The right to liberty.*—Agreed as it stands.

(*g*) *Rights concerning criminal law.*—2(3)(*c*) is the only item open to question. The Northern Government will certainly not wish to admit legal practitioners into Native Courts. It is doubtful if it would support free legal aid for the accused except in capital cases. There would, however, be no objection to including the clause "when the interests of justice so require" and this can be interpreted widely or narrowly as the case may be.

Other items all appear acceptable.

(*h*) *The right to private and family life.*—Limitations for the purposes of public safety must be made here to prevent, for example, the wholesale importation and distribution of Communist or other subversive literature. Fundamental rights will be of no value to anyone in Nigeria if the country is allowed to become Communist. There are no fundamental rights in a police state. It would be fatal to be doctrinaire on this clause. On the subject of deciding what is necessary in the interests of national security, I agree that such a decision should not be left to the Courts. I do not even think that the decision whether Government's acts were "reasonably justified" should be put to the Courts. By laying too heavy a burden on the Courts we may bring them into constant collision with Government and so discredit both them and the Government. In this question of combating Communism we should not, I suggest, make action so difficult and opposition so easy that Government can never take a strong line.

(*i*) *Rights concerning religion.*—As noted above, the Northern Government in a recent statement has gone far on the road of tolerance. It is unlikely to wish to go much further. It would, I believe, accept (i)(1) if, instead of (2), the following proviso more or less in the words of its own manifesto were included :—

"Provided that such manifestation does not cause or appear likely to cause undue offence to the beliefs of others of whatever religion living in that area, is not likely to cause a breach of the peace or adversely affect health or morals, or otherwise interfere with the rights and freedom of others".

I believe that with this proviso, limiting the manifestations permissible, this fundamental right would be accepted. The manifestations of the Yan Wazifa a year ago in East Sokoto were in Government's opinion just as much in need of control as the manifestations of the converts of the Danish Branch of the S.U.M. at Wurkum in Adamawa three years ago. Both led to breaches of the peace.

(*j*) *The right to freedom of expression.*—This section appears quite adequate to preserve the right of free speech. There may after self-government be attempts by political parties to limit unduly the right of free speech. There have been indications of such in Ghana. There may perhaps be reason to believe that there is more danger of this tendency developing in the North than elsewhere on account of its former traditions of discipline and order. It is difficult to see how these restrictions can be stopped whatever the form of words used. It is certain that the right of freedom of expression has in the past led to a great deal of scurrility and abuse and in some cases to breaches of the peace. Any country entering on self-government wishes to maintain a reputation for law and order, without which it will attract no foreign capital. Moreover it will gain no respect abroad if it is in constant disorder and will discredit the United Kingdom which will be said to have abandoned it to such courses. To permit so much licence of expression that the whole country is in a turmoil is sacrificing too much material prosperity to an ideal, and bringing misfortune on a country to which we are professedly well-wishers. The clause proposed lays down the principle. We can, I think, do no more than secure its acceptance.

(*k*) *Freedom of peaceful assembly and association.*—This is acceptable in the same way as (*j*).

(*l*) *Freedom of movement.*—This clause seems to cover all eventualities from Said Bin Hayatu visiting Bornu to Mrs. Ransome Kuti visiting Russia. The proviso about land acquisition is very necessary in the North. I have noted above in paragraph 7 the North's fear that this right is directed against purdah.

(*m*) *The right to marry.*—No one would oppose this.

(*n*) *Compensation for the compulsory acquisition of property.*—Already a well-accepted principle.

(*o*) *The independence of the judiciary.*—I agree that this can be assured by entrenchment in the constitution rather than by a vaguely expressed provision.

(*p*) *The enjoyment of Fundamental Rights without discrimination.*—People who have the rights enjoy them and this clause is, we agree, supererogatory.

(*q*) *National emergency.*—This exception is essential whatever abuses it may result in.

(*v*) *The enforcement of Fundamental Rights.*—The proposal that a Magistrate's Court should have power to decide whether a *prima facie* case of breach of a fundamental right has been established, is most welcome. Paragraph 4 of your Supplementary Note on Fundamental Rights does, however, stress a very real danger. If executive acts of Government can be questioned in the Courts the opposition party with a long purse could hamper Government business and lawyers would be quick to identify and recommend local action in the Court in any act remotely discriminatory. A Secret and Personal letter (Goble to Gorell Barnes) in May or June, 1954, not copied to this office, set out at some length the difficulties resulting from a series of applications to the High Court for prerogative writs by members of N.E.P.U. in Kano at a time when there was a great political tension and danger of renewed disorders. It appeared at that time that the action taken in the Courts was designed with the very purpose of exacerbating the acute tension already existing and it is possible to foresee a recrudescence of this where party feelings ran high and lawyers saw money in it. I believe that the summary decision in a Magistrate's Court on whether or not a *prima facie* case existed would tend to eliminate without delay many tendentious and unjustified complaints.

9. On discrimination against Southerners in the recruitment for the public service and for employment as labour by the Northern Government I have written at length in paragraph 3 above. Northernization is the cardinal tenet of the Northern Peoples Congress Government.

10. On the discriminations caused by Moslem law the panel will recommend (paragraph 1 above).

11. I concur that female suffrage should not be made a fundamental right.

12. I agree that the jurisdiction of certain African Courts should continue to be limited to certain special categories of Africans.

WAF. 16/3/042 [No. 66] No. 58.

GOVERNOR, NORTHERN REGION

to

SECRETARY OF STATE

Northern Region. No. 199.

SIR, Government House, Kaduna, Northern Region, Nigeria, 2nd September, 1958.

I have the honour to refer to paragraph 67 of the Report of the Nigeria Constitutional Conference held in London in May and June 1957 on the subject of the inclusion in the new Constitution for the Federation of Nigeria of provisions to safeguard fundamental human rights.

2. In view of the proposal for the incorporation of a declaration of human rights in the Nigerian Constitution and with particular reference to the memorandum on fundamental rights prepared by the Action Group for the 1957 Constitutional Conference my Government has recently considered whether any safeguards are required for existing Northern Regional legislation and for custom and practice in this Region.

3. My Government has now agreed that it would be undesirable that any of the aspects of Northern legislation set out below should be affected by the incorporation in any revised Nigerian Constitution of provisions covering fundamental human rights :—

(*a*) The Land and Native Rights Ordinance (Cap. 105), in particular the policy of this Ordinance as set out in the preamble and sections which provides essential safeguards against the alienation of land in the Region.

(*b*) Section 47 of the Native Authority Law, 1954, which empowers a native authority to order any native, who is not a member of the native community and who cannot prove that he can support himself and his dependents, to leave the area of that native authority.

(*c*) Section 37(17) of the Native Authority Law, 1954, which empowers a native authority with the approval of the Governor to make rules regulating and controlling the movement, from or within the native authority area, of children and young females.

(*d*) Section 120 of the Labour Code Ordinance as amended by the Labour Code (Amendment) Ordinance which makes it lawful for a native authority to require the inhabitants of a town or village to provide labour for communal purposes. Under Section 43(7A) of the Native Authority Law, 1954, a native authority may also require a native to cultivate enough land as to supply food for himself and his dependents.

(*e*) The Unsettled Districts Ordinance which gives to the Governor power to prevent persons entering a declared unsettled district.

(*f*) Section 37(29) of the Native Authority Law, 1954, which gives a native authority power to make rules to prevent the holding of public meetings in any place where an infectious disease exists.

(*g*) Section 249(*e*) of the Criminal Code and in particular section 249(*e*) (ii) which prohibits scurrilous songs in public places. This might be held to be in conflict with paragraph 7A(i) of the Action Group memorandum which covers the right to freedom of speech and expression;

(*h*) The Third Schedule of the Nigeria Lands Transfer Ordinance (Cap. 149) by which land specified in the agreements therein vests in the Governor-General or Governor.

4. With regard to custom and practice my Government would oppose the inclusion in any constitution of provisions which might deprive a Region of the right to give priority of employment to its own citizens to the exclusion, if necessary, of non-Regional citizens. Furthermore my Government could not agree, save with its express approval, that any provision should be included in the new constitution which could be interpreted as interfering with the system of purdah, changing the punishments inflicted by Moslem Courts, or requiring votes for women.

5. In submitting these recommendations my Government has not overlooked the comments in paragraphs 37–38 and the recommendations made in paragraph 39 of Chapter 14 of the Report of the Minorities Commission which no doubt will be discussed at the resumed conference. Subject to the reservations made in my paragraphs 3 and 4 my Government is in general agreement with the principles of the Action Group memorandum provided that the words " reasonable restrictions " in line 3 of paragraph 7B are given a liberal interpretation and provided also that the word " law " in the same line includes any subsequent subsidiary legislation made by any person or authority under that law. A copy of the Action Group memorandum is attached for easy reference.

6. I am sending copies of this despatch to the Governor-General of the Federation, to the Governors of the Western and Eastern Regions and to the Commissioner of the Cameroons.

I have, &c.,

G. W. BELL.

WAF. 16/3/040 [No. 77] No. 59.

MR. A. G. H. GARDNER-BROWN

to

MR. C. G. EASTWOOD

Secret and Personal.

DEAR EASTWOOD, Governor-General's Office, Lagos, Nigeria, 27th June, 1958.

Would you refer to your letter WAF. 16/3/040 of 13th June* to Grey under cover of which you sent us a paper on the establishment of a Joint Police Authority.

This is not more than an interim reply in Grey's absence on tour and he will, I am sure, be replying at greater length later.

We have given your proposals much thought in conjunction with Bovell and we are very appreciative of the trouble you have taken to work out this scheme. We came to the conclusion that although it presented a great number of complications and difficulties it was a workable scheme provided people were prepared to make it work. We concluded that they would only be prepared to make it work if it was in principle acceptable to them, and accordingly we authorized Bovell, who was seeing Abubakar in any case, to trot it out to him in outline as his own idea. Abubakar's immediate question was " with whom would the ultimate responsibility lie ?" and when he was told that in the last resort the ultimate authority would be with the Federal Government, he said that the idea was totally unacceptable. What the reasoning is that governs this view we do not know, but we do know that Abubakar would still like to retain a Federal Force (more than the specialist services such as Special Branch, C.I.D. and training).

We have come to the conclusion that none of the Regional Premiers or Abubakar have really thought through what they do want and we now propose to make a determined effort to get them to crystallize their views so that we can see what sort of solution is likely to get a reasonably satisfactory amount of support.

Abubakar told Bovell that if a solution was left for discussion in the full Conference there would be great emotion and we should never get a decision, and he suggested that there should be a Working Party on the subject at the Conference. We here, however, take the view that it would be far better

* WAF. 16/3/040 [No. 66]: not printed.

to have a Working Party before the Conference. We shall attempt this when, as a result of Bovell's discussions with the Premiers (he was in Ibadan talking to Awolowo yesterday), we have a clearer view of what they do want. It may be that it will come round to something like your Joint Police Authority idea but we cannot say at present.

The conclusion is, therefore, that it would not be worth our while at this stage to go into the Joint Police Authority scheme in detail and produce a comprehensive plan based upon it. We have first to establish what it is that these people really want and we will then make a plan if we can which would go as far as possible to meet their wishes.

I am sending copies of this letter to the Regional Governors.

Yours, &c.,

A. G. H. GARDNER-BROWN.

WAF. 16/3/040 [No. 79] No. 60.

SECRETARY OF STATE

to

ACTING GOVERNOR-GENERAL

[*Answered by No.* .]

Personal No. 124. Secret and Personal. Priority. Telegram 4th July, 1958. Addressed to Acting Governor-General, Federation of Nigeria. Repeated by airmail to Governor, Northern Region, Nigeria ; Governor, Western Region, Nigeria ; O.A.G. Eastern Region, Nigeria. Following from Eastwood.

Begins.—Perhaps we have read too much into Gardner-Brown's letter 185/734 of 27th June* about police but we are a little concerned at line taken.

2. We note your tentative conclusion that scheme for Joint Police Authority would be workable but is likely to be unacceptable. It seems that this is because Prime Minister reacted against it when put informally to him by Bovell. Yet his reason for doing so, namely that scheme provides for ultimate Federal responsibility, comes strangely from Federal Prime Minister. We find it difficult to believe that he could sustain argument that Federal Government should not have ultimate responsibility for law and order and therefore ultimate for Force primarily concerned with its maintenance.

3. We are sure there will be advantage in Bovell making cautious soundings about sort of scheme that might be generally acceptable. We can quite believe that none of the politicians have really thought through what regionalization would mean. But as at present advised we do not see how Secretary of State, whose main concern must be to ensure that at independence Federal Government retains means of preserving unity of Nigeria, could agree to any scheme, however acceptable to majority of Nigerian opinion, which did not retain for Federal Government overriding responsibility for law and order and adequate means of discharging this responsibility.

4. 1957 Conference left it to Secretary of State after consulting Nigerian Governments to reach decision before independence about future of Nigerian Police. While it is most desirable that ultimate solution should be broadly acceptable this is not a requirement of Conference decision, and it may be that Secretary of State's main concern, as expressed above, is not shared by majority of Nigerian opinion. We are therefore anxious that Secretary of State's freedom to reach decision should not be prejudiced by discussions in Nigeria which it seems will be aimed principally at setting out common factors among Nigerian parties who we know are wedded to regionalization. We trust Bovell's sounndings will not be followed by more formal discussions which might make it difficult for Secretary of State to question any conclusions reached.

5. We assume your working party will be on a secret and personal basis. I am sure you will agree that between us we have got to work out constructive proposals which will satisfy the Secretary of State's requirements and that we shall never get this by waiting for Nigerian politicians. It was with this objective that we prepared our scheme and we hope you will consider it carefully and let us have comments and also of course any suggestions for an alternative scheme which would be an improvement on it.

6. It may be that we should be wise not to attempt to take things very far at the Conference but to leave more time for ideas to be evolved and guided towards a satisfactory solution. There is no absolute necessity to get a firm decision then though we know Bovell would like it. We should probably at least be able to get pointers toward it.—*Ends.*

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* No. 59.

WAF. 16/3/040. [No. 83]

No. 61.

MR. C. G. EASTWOOD

to

SIR JAMES ROBERTSON

Secret and Personal.

The Church House, Great Smith Street, London, S.W.1, 25th July, 1958.

Many thanks for the letters and other communications that we have received from you and the Regional Governors (to whom this letter is being copied) over the past few days about the Minorities Commission Report. Your comments were much in line with those we were proposing to make—although in some respects more trenchant than our own—and with the Secretary of State's approval, but without associating him personally with what is said, we have passed on to the Commission all your communications in full under covering letters of our own suggesting, for the consideration of the Commission, how some of the major points of difficulty might perhaps be met by the rewording of some of the recommendations and the omission of others.

2. We shall not know for a few days what the final conclusions of the Commission are. I shall myself be on leave by then until 18th August and I wanted before going on leave to write a general round-up letter on the thorny subject of Police. We very much shared your views about the Commission's recommendations concerning the Police. We were, indeed, surprised at the wording of some of these recommendations, since we had understood in conversation with the Commission that they were fully alive to the need to retain a single Nigeria Police and that their recommendations would put this need much to the fore. We still think that that was their intention and we very much hope, if that is so, that they will be prepared to reconsider those of their recommendations that seemed to us all not to harmonize with it.

3. Since we sent out our Police Scheme for the comments of yourself and the Regional Governors, we have received comments from Gardner-Brown (his letter 185/734 of 27th June)*, from Gunning (N.C.E.1, Vol. II/63 of 1st July)†, from Rankine (a copy of his letter S.40/6 of 2nd July to Grey)‡ and from Bell (910/135 of 3rd July)§. I should like to comment on these letters and to set out the stage which we think we have now reached.

4. The communications we have recently received from you about the Minorities Commission have made it clear enough that you, Stapledon and Rankine adhere to the view that the Nigerian Police should not be regionalized but should continue as a single unified force. Parts of Gardner-Brown's letter had suggested to us that doubts were beginning to creep in whether a unified force must be maintained. We were rather afraid that the Prime Minister's initial reaction to Bovell's kite flying about our scheme might be regarded as sufficient reason for not giving it full examination and possibly a run at the Conference. We were also afraid the proposed Working Party might include Nigerian representatives as well as your own people, and might then get led away from the basic principle of retaining a unified force and so might prejudice the Secretary of State's power to maintain it at the Conference. It was because of these anxieties that we sent our telegram Personal No. 124 of 6th July‖. We are relieved to learn that, on the principle of a unified force, we have been trying to preach to the converted.

5. Gunning's letter conveys guarded approval of the proposals in our paper and offers detailed comments of the sort which might best be cleared up locally, if it is finally concluded that our scheme is worth a run.

6. Bell makes it clear that his main concern is the "fundamental fact (of) the complete intransigence so far shown both by the West and North" on the matter of regional forces. He concludes from this that to argue against regionalization of the police would not "conduce to the happiness of the Conference". We fully recognize that a major objective of the Secretary of State must be to maintain the goodwill of Nigeria towards the United Kingdom through maintaining the goodwill of the principal political parties. But an objective which must have at least equal weight with the Secretary of State must be to ensure that Nigeria becomes independent with the best possible prospects of maintaining the peace and unity of the country. If the regionalization of the police is a means of attaining this objective, then no doubt the Secretary of State should accept it; but if he concludes that a united Nigeria requires a united police, he must presumably advise the Nigerians to this effect. We do not think Bell's arguments by precedent should be conclusive. Our experience, from preparing briefs for the Conference of last year and this year, is that precedents are a useful guide but a poor master. In any case there are few precedents very comparable with a country such as Nigeria with its strong racial and tribal divisions.

7. We fully endorse the powerful summary of the arguments in favour of retaining a Federal force contained in paragraph 5 of Rankine's letter. But we find it difficult to follow the arguments in his paragraphs 6 and 7: the 1957 Conference agreed that the Governor-General should continue until independence to be responsible in his discretion for the use and operational control of the police; we are primarily concerned with the problem after independence, and at that time the Governor-General will presumably be a constitutional monarch bound to accept the advice of Ministers, and in due course no doubt an African constitutional monarch at that. We do not therefore think that any solution can take refuge in the vesting of a discretion in the Governor-General. If the choice is then to lie between an independent authority, apparently appointed by the Federal Government, or our own

* No. 59.
† WAF. 16/3/040 [No. 80]: not printed.
‡ WAF. 16/3/040 [No. 81]: not printed.
§ WAF. 16/3/040 [No. 82]: not printed.
‖ No. 60.

conception of an administering body in which all the Governments can take part, we would have thought that the advantage would lie with the latter. Furthermore we do not see how it can be denied that all the Governments have a responsibility for law and order, and so must have some form of association with the body of police primarily responsible for the maintenance of law and order.

8. Perhaps it would help if I set out what seem to us the major factors to take into account in any scheme that may be devised :—

(*a*) The position up to independence is, as I have said above, safeguarded by the agreement reached last year: the Governor-General will be responsible in his discretion for the use and operational control of the Nigeria Police. Since the Secretary of State will be ultimately responsible until independence for the good government of Nigeria, this agreement is a considerable gain and not to be discarded.

(*b*) But if it is desirable to maintain the central authority of the Governor-General and the Secretary of State up to the time of independence, it is even more desirable to maintain this authority in the hands of a newly independent Federal Government. That Government will almost certainly be subject in its early years to greater stress and fissiparous tendencies than have assailed the present Federal Government, supported as it ultimately is by the link with this country.

(*c*) Although the Secretary of State would obviously wish to reach a decision about the police in agreement with the Nigerian Governments and the major parties, this was not a condition of the responsibility vested in him by the 1957 Conference. It was agreed then that before his constitutional responsibilities come to an end, he should reach a decision after consultation with all the Nigerian Governments. It may therefore be that the ultimate decision will not be with the agreement of all these Governments (an agreement could not be reached at the last Conference), and it is also not a requirement that the decision should be reached either at the coming Conference or in the next few months, although there is clear advantage in reaching a decision quite a time before independence, so that it can be progressively and steadily implemented while the authority of the United Kingdom remains.

(*d*) We believe that the main purport of their recommendations about the police as finally drafted by the Minorities Commission will be in favour of retaining a single Nigeria Police Force. We think that the effect of this recommendation is likely to be threefold :—

(i) The recommendation must strengthen the hand of the Secretary of State in arguing in favour of a unified force.

(ii) Furthermore, unless the Secretary of State were to reject such a recommendation, its effect must be to commit him with little room for manœuvre to the concept of a unified force. (We do not think he need in any way support the tentative outline scheme set out by the Commission in paragraph 25, if they retain it. This is not a recommendation.)

(iii) The Action Group is trying to set itself up as a champion of minorities everywhere. If it wishes to maintain this stand, it may not find it so easy to reject a major recommendation of the Minorities Commission aimed at safeguarding minorities everywhere.

9. You will gather from what I have said that, while giving full weight to the views of Gardner-Brown and the Regional Governors, we are not convinced that our own scheme is yet ruled out of court, and we believe that it would be worth while for it to be given detailed examination. Our point of departure was that a unified force would need to be maintained if the unity of Nigeria is to be assured but that, subject to this overriding consideration, we must go so far as we can to meet the desire of the Regions to have a hand in the running of that force. Our scheme therefore tries to give the Regions a responsibility of their own in the creation and maintenance of the force and in paying for it, while ensuring, as (*pace* the Prime Minister) the last Conference recognized, that ultimate responsibility must rest with the Federal Government. Unless therefore you can devise a fresh scheme, or a variation of our own scheme, that rests on these premises, our present feeling is that the Secretary of State should be advised to put a scheme on the lines of our own before the forthcoming Conference. It may be that the scheme would not be acceptable to all the Nigerian parties, but this is a criticism that so far has applied to every proposal advanced. Putting the very lowest valuation on our scheme, it would have the tactical advantage of showing that the Secretary of State had gone as far as he could consistent with the needs of Nigerian unity, to meet the demand for regionalization.

10. I hope that in saying all this I have not succeeded in blurring the picture still further. Gardner-Brown promised in his letter comments later on at greater length, and it may be that you now have this in hand. But it seemed to us that there would be advantage in reaffirming what we think must be the basic considerations that must weigh with the Secretary of State.

11. Of course, if our scheme or anything like it was adopted, it would mean less expenditure by the Federal Government and more by the Regions and so some adjustment of the Fiscal Commission's recommendations would have to be made. We are advised that this should be possible by varying the percentages of the divisible pool without altering any of the main features of the scheme. This variation could be made (perhaps by Raisman himself) without much difficulty when it had been decided how the police expenditure was to be split up between the Federation and the Regions.

C. G. EASTWOOD.

WAF. 68/352/02 [No. 16] No. 62.

GOVERNOR-GENERAL

to

SECRETARY OF STATE

Personal 44 Saving. Secret and Personal. 5th April, 1957. Repeated to Governor, Eastern Region, Enugu (424/61); Governor, Western Region, Ibadan (424/61). Your Secret and Personal Savingram No. 11 of 16th January*. Treaties between the Crown and the Rivers Chiefs. On the question whether the Treaties between the Crown and the Rivers Chiefs may be relied on to dispute the validity of the present constitution and to demand the establishment of a separate Rivers State, I am advised as follows.

2. An Order-in-Council by Her Majesty cannot be challenged in the courts on the ground that its provisions are inconsistent with a Protection Treaty (Solhuza *v.* Miller, 1926 A.C., page 518) and an international court will not take cognizance of a dispute relating to a Protection Treaty as this is a matter concerning the domestic jurisdiction of a State. Nevertheless it is the practice to honour the protected status recognized in such treaties so long as the protected people so desire but this does not, for the reason stated in this minute, mean that any change in the protected status must be negotiated with the descendants of the individual tribal representatives of the persons who signed the treaties.

3. In my view the protected status under the early treaties has been merged in, or superseded by, the wider protected status of the Protectorate of Nigeria and the continuance of that status should depend upon the wishes of the people of the Protectorate and not on negotiations with the descendants of the individual tribal representatives who signed the treaties on behalf of the people many years ago.

4. This change has taken place in accordance with the policy set out in the second paper forwarded by the Secretary of State and the change has not only been acquiesced in by the people living in the Protectorate but has been openly accepted by them by the exercise of the franchise and active participation in the political and administrative life of the country. Changes of this kind are consistent with principles of international law and have been recognized in other Protectorates, for example, the preamble to the Constitution of the Federation of Rhodesia and Nyasaland recognizes that the continuance of the protected status shall depend upon the desires of the people living in the Protectorates of Northern Rhodesia and Nyasaland and not upon negotiations with the descendants of any tribal representatives who may have entered into treaties. There is a possible exception in the case of Barotseland whose special status is recognized in the Constitution and by a special Order-in-Council creating it a " Protectorate within a Protectorate ".

5. In expressing this view I have not been unmindful of the points made in the third paper submitted by the Secretary of State but I do not think that the fact that the treaties were expressly referred to in the early constitutions and in the Royal Instructions of 1946 has prevented the change from taking place. The reason for placing the duty of respecting the treaties on the Government or Governor of Nigeria was presumably because there was not at that time any legislative body which was truly representative of the protected people or of the persons on whose behalf the original treaties were made. This position was altered in 1951 when a system of government fully representative of the views of the protected people was established and an express reference to the treaties was quite properly omitted from the Constitutional Instruments at that time.

6. In my view the replies to the points raised in paragraph 4 of the Secretary of State's savingram are :

(*a*) the treaties could not be relied upon for disputing the validity of the present constitution which, in any event, has preserved the protected status ;

(*b*) there is no constitutional reason why a separate Rivers State should be established though equally there is no reason why such a state should not be established if Her Majesty's Government consider that such a course is desirable ;

(*c*) the grant of self-government to regions, which consist almost entirely of protected territory, would involve a modification of the protected status as originally envisaged but it would not abrogate that status. The fact that the protected status owes its origin to certain early treaties would not, for reasons previously stated, be a bar to a modification which was in accordance with the wishes of the protected people of the regions ;

(*d*) the grant of self-government to Nigeria would abrogate the protected status but there is no reason why this status should not be abrogated if such is the wish of the protected people of Nigeria.

GOVERNOR-GENERAL'S DEPUTY

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* Not printed.

WAF. 68/352/02 [No. 34] No. 63.

SIR REGINALD MANNINGHAM-BULLER

to

SIR KENNETH ROBERTS-WRAY

MY DEAR ROBERTS-WRAY, Royal Courts of Justice, London, 30th May, 1957.

I am writing to confirm the answers I gave you orally yesterday to your letter of 28th May* about the Nigerian Rivers Chiefs.

I understand that when the treaties were made with these Chiefs between 1884 and 1888 they were not international persons and it seems to me to follow that the agreements were not treaties in any relevant sense. This view of them is confirmed by the explanation given to the Chiefs at the time, which clearly indicates that there was no intention by the Crown to create anything in the nature of a legal obligation.

I do not think the position would have been any different if the Chiefs had been international persons when they entered into the treaties since it seems to me that a treaty of protection must necessarily deprive the ruler of the protected state of any *locus standi* in either the international court or our own courts. It does not, therefore, seem to me that the proposal to incorporate their territories in the Eastern Region of Nigeria involves any legal problems.

I appreciate that it may be said that the incorporation would be a breach of faith, but that does not seem to me to be a question of law on which it would be for me to advise the Colonial Secretary. It can, in any event, scarcely be supposed that by making these so-called treaties the Crown intended to place itself under an obligation which, notwithstanding the most radical change in circumstances, could not be terminated without the consent of the Rivers Chiefs.

I agree with the form of the statement proposed, subject to the omission of the last paragraph and the substitution of the word " impede " for the word " affect " in the penultimate line of the fourth paragraph.

Yours, &c.,

R. MANNINGHAM-BULLER.

WAF. 68/352/02 [No. 42] No. 64.

UNDER-SECRETARY OF STATE

to

GRAHAM PAGE & Co.

[*Answered by No. 65.*]

GENTLEMEN, 17th July, 1957.

I am directed by Mr. Secretary Lennox-Boyd to acknowledge your letter of 22nd May† about the treaties between the Crown and the Rivers Chiefs of Nigeria.

2. I am to say that Mr. Lennox-Boyd has given careful consideration to the memorandum on behalf of the Rivers Chiefs which accompanied your letter of 18th April,‡ the arguments used on behalf of the Rivers Chiefs at the two meetings held with officials in the Colonial Office, and the representations made by Mr. Biriye in the course of the recent Nigeria Constitutional Conference.

3. Mr. Lennox-Boyd fully understands that the people of the Rivers area may consider that, because of the special conditions of their area, special arrangements for it should be made. He presumes that the case for any such arrangements will be developed by their spokesmen before the Minorities Commission, which the recent Conference agreed should be set up, and he has no doubt that the Commission will give due weight to any representations made to it. Mr. Lennox-Boyd cannot, however, accept that the treaties themselves can be used as an argument for special treatment, or that in law they present any impediment to the grant of self-government either to the Eastern or Western Regions or to Nigeria itself.

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* Not printed.

† WAF. 68/352/02 [No. 31]: not printed. ‡ WAF. 68/352/02 [No. 20]: not printed.

4. I am to point out that Nigeria is moving towards the time when, by the general wish of its people, it will achieve full self-government within the Commonwealth. This will be the culmination of a process of constitutional development which has been continuing for some time. In that process the people of the Rivers area have played and are continuing to play their part, as Mr. Biriye did at the recent Conference. It is, and has been, the declared policy of Her Majesty's Government in the United Kingdom to encourage and foster this constitutional development. It is not therefore to be expected that Her Majesty's Government should regard it as consistent with that policy to allow treaties made in very different circumstances to impede the march of Nigeria to full self-government.

5. I am to say that it is the view of Her Majesty's Government in the United Kingdom that the people of the Rivers area should accept this situation willingly and continue, as they have done, to play their part in the development of Nigeria to full self-government within the Commonwealth.

6. As this matter was raised at the Constitutional Conference Mr. Lennox-Boyd proposes to send copies of this letter to the Governor-General of the Federation of Nigeria and to the Governors of the Regions for the information of their Ministers and of others concerned.

I am, &c.,

J. S. MACPHERSON

WAF. 68/352/02 [No. 59] No. 65.

GRAHAM PAGE & Co.

to

UNDER SECRETARY OF STATE

DEAR SIR, Whitehall House, 41, Whitehall, London, S.W.1, 9th August, 1957.

Rivers Chiefs of Eastern Nigeria

We thank you for your letter of 17th July* which, in reply to our letter of 22nd May† on the treaty rights of the Rivers Chiefs, sets out the views of Mr. Secretary Lennox-Boyd on the subject. We have communicated its contents to our Clients who will almost certainly give to the matter their most careful consideration. The result of their deliberations will be communicated to Mr. Lennox-Boyd in due course.

Meanwhile we are instructed to convey to Mr. Lennox-Boyd the deep disappointment with which his views have been received by Mr. Biriye, the duly authorized delegate of the Rivers Chiefs and People at the recent Nigerian Conference, and by us. These views would not appear to be quite consistent with those expressed by the representatives of the Colonial Office Officials who conferred with Mr. Biriye and his legal advisers at the Colonial Office on the ..... At that meeting it was made clear by the Colonial Office representatives that, in their view, the treaties in question were still in full force and effect. The reconciliation of this view (which was also that of the Rivers Chiefs and Peoples) with Mr. Lennox-Boyd's opinion as expressed in the letter under reply—that the treaties cannot in law present any impediment to the grant of self-government either to the Eastern or Western Regions or to Nigeria itself—is not easy. Enlightenment may perhaps come when the matter comes up for consideration by the Minorities Commission and we trust that it will be of such a nature as to dispel the doubts and fears which our Clients are bound to feel when they become acquainted with Mr. Lennox-Boyd's views and realize to the full their grave implications.

We would stress again that the Rivers Chiefs place—as their fathers did before them—the utmost reliance upon the treaties which are, as they have always been, the basis of their relationship with the British Crown. They feel—as they have always felt—that the sacrosanct nature of their treaty relationship with the Crown was such as to make any unilateral breach of the contractual undertakings contained therein quite impossible to conceive. As at present advised they are of the view that the inclusion (in any scheme for Nigerian Self-government) of the territories covered by the treaties, without the consent of the Rivers Chiefs concerned, would, on any reasonable interpretation of the treaties in question and understanding of the rights and liabilities of a Protecting Power in treaty relationship with the protected peoples, amount to a unilateral breach of the treaties and an abandonment of its obligations by the British Government. If the present plans for self-government are carried through without the consent, and against the will, of the Chiefs and Peoples it might well amount to an invasion of their pre-treaty sovereign rights which cannot possibly have been within the contemplation of either side when first they entered into relations with each other. It will be apparent from this expression of their views that the Rivers Chiefs do not subscribe to the doctrine that treaties can, if necessary, be interpreted in the light of changing circumstances.

* No. 64. † WAF. 68/352/02 [No. 31]: not printed.

Finally, lest their intentions and motives be misunderstood, may we say that our Clients have no desire to maintain an obstructive attitude to the constitutional progress of Nigeria—whether in the Regions or as a whole? Their strenuous efforts towards the creation of a new Rivers State are inspired not only by the benefits that would thereby accrue to their own peoples in the Rivers area but also by their firm belief that the new State would make a substantial contribution to the welfare of the whole of the country.

We should be grateful if you would transmit copies of this letter to those to whom you sent copies of your letter of 17th July and confirm to us that that has been done.

Yours, &c.,

GRAHAM PAGE & Co.

WAF. 68/352/02 [No. 70] No. 66.

NOTE ON THE TREATIES BETWEEN THE CROWN AND THE RIVERS CHIEFS BY SIR KENNETH ROBERTS-WRAY

1. It seems that, strictly, this matter involves no legal problem, in the sense that any rights which the treaties conferred would not appear to be enforceable in any Court. Nevertheless, it might be said that disregard of obligations created by the treaties, correctly construed, would be a breach of faith.

2. The treaties provide for protection by Her Majesty—not by the United Kingdom. She can exercise her functions as Protectress through any of her Governments, including the Government of an independent Nigeria or Region. If, however, she did so, then the protected area would be in an inferior position, i.e. that of a dependency of the Nigeria or the Region. Presumably the Rivers Chiefs would object to that and after self-government they will wish their areas to enjoy the same status as the rest of the country. If that is so, the questions which would be raised if and when Nigeria subsequently became a Republic are academic.

3. The treaties were made 70 years ago or so, in circumstances very different from the present. Principles of international law would justify repudiation of the treaties on notice given, and a decision to grant self-government could include or, indeed, itself constitute such notice. Moreover it can scarcely be supposed that by making these so-called treaties the Crown intended to place itself under an obligation which, notwithstanding the most radical change in circumstances, could not be terminated without the consent of the Rivers Chiefs.

4. It has been suggested that, as the people of these areas have taken part, through their representatives, in the constitutional developments during the past 10 years, they have waived any rights under the treaties with which Regional self-government might conflict. This, however, may be doubtful, since it is only on the grant of self-government that United Kingdom control will be withdrawn.

5. (*a*) Quite apart, however, from the arguments in paragraphs 2 and 3 above, the claim by the Rivers Chiefs that the United Kingdom is under an obligation, by virtue of the treaties, seems to be based on an incorrect appreciation of the nature of a treaty of protection.

(*b*) A treaty of protectorate is an agreement whereby one State grants to another State the right to conduct (either entirely or substantially) its external relations. The result is that from the point of view of other States, the protected State is regarded as forming part of the territory of the protecting State, and citizens of the protected State are in international law treated in much the same way as if they were nationals of the protecting State. These principles appear to apply not only to a treaty of protectorate between international persons, but equally to the case where a country that is not an international person places itself under the protection of an international person (Subhuza II *v.* Miller [1926] A.C. 522-3).

(*c*) A treaty providing for protection may contain other provisions whereby jurisdiction over internal matters is ceded to the protecting State. Jurisdiction may be acquired by the protecting State by other means (e.g. by usage, sufferance or other lawful means—see the preamble to the Foreign Jurisdiction Act, 1890). But so far as an agreement for protection itself is concerned, it gives no right to interfere in internal matters and involves no duty to protect against internal force or pressure, except by virtue of some express provision.

(*d*) Further, since a protective treaty is essentially one of external relations, it appears that the obligation of the protecting Power is only to protect the country under protection against third parties, and that it does not involve any obligation to protect that country against territories for whose international relations the protecting State is responsible or against persons who are nationals of the protecting State.

(*e*) The simple form of treaty here is one of more protection and international relations. The longer form contains additional provisions, but, though they reserve certain rights of jurisdiction to the Queen, they appear to impose upon Her no obligations. The suggestion that the obligation to protect embraces a duty, in framing a modern constitution, to preserve the Rivers people (British protected persons) against domination by other British protected persons who are their political opponents, appears to be far from the purpose of the protectorate treaties.

(*f*) Nearly the whole of Nigeria is now one protectorate. Have not the obligations under these individual treaties become merged in the greater obligations to Nigeria ?

WAF. 68/352/02 [No. 72] No. 67.

SECRETARY OF STATE

to

GOVERNOR, EASTERN REGION

No. 50. Eastern Region of Nigeria.

Colonial Office, The Church House, Great Smith Street, London, S.W.1.

SIR, 6th February, 1958.

I have the honour to acknowledge your despatch No. 246 of 17th December, 1957* forwarding a petition from the Rivers Chiefs and Peoples Conference about the treaties between the British Crown and Rivers Chiefs addressed to the Permanent Under-Secretary of State, and to ask you to inform the Rivers Chiefs and Peoples Conference that their petition has been received and carefully considered.

2. I should be grateful if you would further inform the Rivers Chiefs and Peoples Conference that

(i) after examining with care the arguments contained in the petition, I can see no reason to modify the views set out in Sir John Macpherson's letter of 17th July, 1957†, to Messrs. Graham Page & Co. ;

(ii) the Rivers Chiefs and Peoples Conference have no doubt presented their case before the Minorities Commission and will not expect me to seek to influence the Commission's considerations of that case ; and that

(iii) a copy of this Despatch, together with a copy of your Despatch and a copy of the Petition, has been sent to the Governor-General of the Federation of Nigeria and to the Governors of the Northern and Western Regions, as requested in paragraph 18 of the petition.

I have, &c.,

ALAN LENNOX-BOYD.

WAF. 68/352/02 [No. 95] No. 68.

THE RT. HON. ALAN LENNOX-BOYD

to

THE RT. HON. VISCOUNT KILMUIR

[*Answered by No. 69.*]

Secret.

8th October, 1958.

I should be most grateful for your advice on the best way to handle an urgent problem with which we are confronted at the Nigerian Constitutional Conference.

Stated briefly, the position is that between 1884 and 1888 a number of treaties were made with the " Rivers Chiefs ", whose areas are in the Eastern Region of Nigeria, extending to them The Queen's protection. The present Chiefs are claiming that it would be a breach of the treaties if Her Majesty's Government granted independence to Nigeria without making arrangements, acceptable to them, for themselves and their people, and they ask that a new Region should be created.

* WAF. 68/352/02 [No. 71] : not printed. † No. 64.

The matter was raised at the Constitutional Conference held in May and June 1957, when the question of granting self-government to the Western and Eastern Regions was being considered, and Roberts-Wray wrote about it to Reggie Manningham-Buller. In Reggie's view, when the treaties were made with the Rivers Chiefs between 1884 and 1888 these Chiefs were not international persons and therefore it followed that the instruments in question were not " treaties " properly so-called. That being so, they did not create any legal obligations resting upon the Crown, and no legal problems were involved in the proposal to incorporate the Rivers area in the Eastern Region which was being given self-government. Reggie recognized that it might be said that the incorporation was a breach of faith, but the question did not seem to him to be a question of law on which it would be for him to advise.

Whatever their status is as a matter of law, the Rivers Treaties are very highly valued by the Chiefs and people of the area, and they certainly do not consider that Her Majesty's Government is free from legal obligation or that the treaties can be ignored or revoked unilaterally. I do not feel that, in view of the fact that they have raised both the position of The Queen and the question of moral (as well as legal) obligation, it would be right for me to meet the arguments advanced by their representatives at the present Conference simply by reiterating that in the view of Her Majesty's Government the Treaties are of no legal effect and will therefore be ignored. It would create a bad political effect to imply that the original Treaties themselves and Her Majesty's Government's word were of no real importance, whereas to them they are of great importance.

I naturally accept Reggie's advice, but for the purposes of the Conference and of dealing satisfactorily with the Chiefs and people concerned I feel it is essential to answer the representations made on behalf of the Rivers Chiefs on the same footing as that on which they have been made, namely by regarding the Treaties as legal documents and giving our view of the extent to which they are still in force and what is the proper interpretation to place upon them, avoiding any suggestion that they are mere " scraps of paper ".

I enclose copies of the following :—

(*a*) Roberts-Wray's letter of 28th May, 1957* to Reggie, together with the more important enclosures, namely enclosures (1) (the legal arguments are in para. 2), (3), (4), (5), (6) and (9) ;

(*b*) Reggie's reply ;

(*c*) the following Conference documents :—

(i) N.C. (58) 89 ;

(ii) Record of the 11th Plenary Session (Item 5 pp. 8 *et seq.*) ;

(*d*) despatch to the Gold Coast of 13th April, 1956 ;

(*e*) note by Roberts-Wray of 7th October.

With regard to enclosure (*d*), as you will see from paragraphs 3 and 4 of Roberts-Wray's letter, a similar problem arose over Ghana, and the Governor was asked to see the Chiefs and explain Her Majesty's Government's view, which was, in brief, that Her Majesty's Government could not let the Treaties stand in the way of the Gold Coast's constitutional advancement. It was with considerable reluctance that the Chiefs acquiesced. It seems too late now for the Governor of the Eastern Region of Nigeria to adopt such a course, and, while I have been wondering whether at the Conference I should state Her Majesty's Government's views in much the same terms as were used in the Gold Coast, it seems from the enclosures to this letter that we can give a more satisfactory reply if you agree with the views expressed in the document enclosed with Roberts-Wray's letter to Reggie headed " Note of Legal Arguments ". Enclosure (*e*) to this letter is a note hastily prepared by Roberts-Wray containing a tentative suggestion as to what I should say.

Could you very kindly let me know as soon as you conveniently can whether you agree that this would be a reasonable line to take or whether you have any other course to suggest ?

I would greatly value your help. The Conference will go on for another ten days but I'd like to dispose of this matter a good deal earlier than that if possible.

Yours, &c.,

ALAN LENNOX-BOYD.

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* WAF. 68/352/02 [No. 33] : not printed.

WAF. 68/352/02 [No. 97]

No. 69.

THE RT. HON. VISCOUNT KILMUIR

to

THE RT. HON. ALAN LENNOX-BOYD

Secret.

MY DEAR ALAN, House of Lords, S.W.1., 13th October, 1958.

Here is my view as to the position of the " Rivers Chiefs " in Nigeria and the treaties with them.

Both the shorter and the fuller versions of the Treaties of Protection are in essentially the same form. They provide that Her Majesty, at the request of the Kings, Chiefs and peoples concerned, undertakes to extend Her gracious favour and protection to them and to the territory under their authority and jurisdiction. In return for this, the Chiefs promise to refrain from entering into any correspondence, agreement or treaty with any foreign nation or power except with the knowledge and sanction of Her Majesty's Government. The fuller version of the Treaty reserves exclusive jurisdiction to Her Majesty over British subjects and property in the territory as well as over foreign subjects enjoying British protection, and provides that all disputes between the Chiefs and British and foreign traders or between the Chiefs and neighbouring tribes are, if not settled amicably, to be submitted to the British consul or other officers having jurisdiction in the territories. The Chiefs further agree to act upon the advice of the British consular and other officers in matters relating to the administration of justice, the development of the resources of the country, the interests of commerce, or in any other matter in relation to peace, order and good government, and the general progress of civilization.

It is settled law that an agreement of this kind confers no rights enforceable at law on the native peoples concerned and a protectorate of this kind possesses no international status. The Privy Council decided in Sobhuza II v. Miller [1926] A.C. 518, that acts done by the Crown in regard to the inhabitants of any territory covered by such an agreement are acts of state which cannot be questioned in the courts. No doubt seems really to have been cast on this proposition by Mr. Dingle Foot at his meetings with Colonial Office officials on 21st March and 21st May, 1957, and the suggestion in the document circulated on 6th October, 1958, by Dr. Udoma and Mr. Biriye that the proper interpretation of the Treaties should if necessary be referred to the International Court is plainly untenable. Thus I do not differ from the Attorney-General in his view of the law.

I do believe that there is a moral obligation on Her Majesty's Government to secure justice and fair dealing in the widest sense in relation to the subjects mentioned in the Treaties.

But even allowing that the Treaties impose moral obligations on Her Majesty's Government to which full regard ought still to be had, it seems to me that they can quite properly be interpreted on the lines for which the Colonial Office have contended. In extending Her protection to the Chiefs and peoples concerned, Her Majesty cannot reasonably be regarded as having agreed to freeze conditions in the territory as they existed in 1884: this, indeed, is brought out specifically in the reference in the longer version of the Treaty to " the general progress of civilization ". It is also emphasized by all the steps which have been taken towards self-government in Nigeria in the past ten years or more, even though I should agree with the suggestion in paragraph 3 of the Note of Legal Arguments that the Chiefs should not be regarded as being estopped by their participation in these constitutional developments. In assuming an obligation to extend Her protection to these territories, Her Majesty has surely become entitled to modify their relationship to the rest of Nigeria as part of an orderly process of development towards self-government. This is inconsistent with the contention that the Chiefs should in the last resort be entitled to have their sovereignty restored if the powers of the Crown are ultimately yielded up to a fully self-governing Nigeria (as argued by Mr. Biriye at page 9 of the minutes of the meeting on 7th October) for this would tend towards anarchy and to the negation of the orderly progress of the territories which was assumed when the Treaties were made.

I should myself prefer to rely on an argument of this kind rather than stress too strongly the fact that the Treaties were intended to protect the Chiefs only against outside interference, as mentioned in Roberts-Wray's note of 7th October. The same difficulty arises on the argument in paragraph 4(*d*) of the Note of Legal Arguments, where it is said that the protecting state is under no obligation to give protection against its own nationals: as a matter of law, this may be perfectly true, but Article IV of the Full Protection Treaty suggests the contrary. Indeed the whole of the argument in paragraph 4 of the Note is based on the strict legal effect of the Treaty of Protection which I had thought that you were not anxious to stress.

There remains the argument that in international law a Treaty can be denounced by either party if the circumstances in which it was concluded had radically changed—the so-called *rebus sic stantibus* doctrine, which is mentioned in paragraph 2 of the Note of Legal Arguments and in the further note beneath it. I think it would be unwise to lay much stress on this. For one thing, there is not much point in appealing to a rule of international law if, as here, the agreement in question has no international validity. For another, the rule is not very well regarded by some international lawyers, whether or not there is any foundation for the argument that before a party can denounce a Treaty in these circumstances, it must be ready to submit the dispute for judicial determination. In any case I see no reason to invoke this argument if the matter is dealt with on the lines suggested above.

Yours, &c.,

DAVID.

WAF. 16/3/053 [No. 4]

No. 70.

SIR JOHN MACPHERSON

to

SIR RALPH GREY

Secret and Personal.

The Church House, Great Smith Street, London, S.W.1, 4th June, 1958.

The Governor-General has told us that he has had a letter from Abubakar in which he speaks of his wish to discuss with the Secretary of State arrangements for independence so that it would be possible for Her Majesty's Government to grant it by 2nd April, 1960. He has also asked him to try and find for him a " Celebrations Officer ". Robertson has told Abubakar that he has mentioned these two points to the Colonial Office.

As regards the Celebrations Officer, we will see what we can do and write separately. Ghana found a retired Naval Captain who was employed for quite a while before independence actually came.

As regards the Prime Minister's wish to discuss with the Secretary of State arrangements for independence, I suppose he has it in mind that the discussion should take place when he comes here for the Conference, as we do not believe that it is his present intention to come over before that. If it *were* his intention to come within the next couple of months, the Secretary of State would of course be very glad indeed to see him. If he does not come until he comes for the Conference, then the Secretary of State will certainly wish to discuss the question with him then, preferably, we suggest, a few days before the Conference starts.

This request came to us while we were still considering your letter G.618 of 8th May to Eastwood in which you told us how Abubakar had spoken in the Council of Ministers as if 2nd April, 1960, must be the date for independence. Robertson tells us that he has talked to him more than once in this sense. Robertson of course pointed out the very real practical, or logistical, difficulties but Abubakar contended that these could be overcome if we (and particularly the lawyers) " really tried ".

All this worries us a good deal because the more we think about it the more obvious it seems to us that 2nd April, 1960, is not a realistic date. I enclose a note in which the Department have tried to set out our reasons for this.

We quite realize of course that Abubakar is in an awkward position because he has no " Federal " party and cannot seem to lag too far behind the Regional Premiers. I wonder, however, whether the other Premiers really believe in the magic of this date. David Williams, for instance, who has just come back from West Africa tells me that he is pretty sure that neither the Sardauna nor Awolowo does, whatever they may say in public. We feel that it would be the greatest pity if Abubakar nailed his colours too firmly to this particular mast, as if he does so it could only increase his difficulties later on.

Presumably Abubakar will now be expecting to hear something from the Secretary of State in response to his approach to Robertson. Will you please tell him that the Secretary of State would be very glad indeed to discuss the question with him either during June or July if there is any question of his coming to England then, or when he comes to England for the Conference and preferably some days at least before it starts? Will you please remind him that at the Conference last year the Secretary of State said that if some time about January, 1960, a new Nigerian Parliament passed a resolution asking Her Majesty's Government to agree to full self-government within the Commonwealth by a date in 1960 Her Majesty's Government would consider it with sympathy and be prepared to fix a date when they would accede to the request, though he could not give an undertaking that it would be the same date as asked for in the resolution. Nothing that has happened in the last year has led the Secretary of State to believe that he will at any time before the beginning of 1960 be in a better position to name a date than he was last June. He will not therefore at the resumed Conference be able to improve on the statement he made at the 1957 Conference. He has no desire whatsoever to " drag his feet " on this but everything that has happened since last June, both in current affairs and in his own thinking on the many issues yet to be solved, leads him pretty firmly to the conclusion that, even if things go as well as possible, independence cannot be achieved quite as early as 2nd April, 1960. He has reached this view both because of the number of matters of substance still outstanding and also because of the sheer mechanics of the various steps which have got to be completed. You could elaborate on this on the lines of the memorandum. There is no dispute whatsoever between the United Kingdom and Nigeria that the objective is the independence of the country within the Commonwealth, in unity and with economic and political stability. The job of everyone of us is to bring Nigeria as speedily as possible, but also (and even more important) as surely and satisfactorily as possible, through the remaining stages of preparation for independence. No particular date arbitrarily chosen must be allowed to obscure or prevent the attaining of this major objective. It is far too important for that.

If you thought it expedient the Secretary of State would not object to your letting Abubakar see the memorandum enclosed with this letter for his very private and personal information. But we leave it entirely to your discretion whether you think it expedient to do this or not, or whether it would be better simply to speak to him on these lines.

I am sending copies of this letter and its enclosure to Robertson and also to Rankine, Bell and Gunning.

[*Enclosure in No. 70.*]

WAF. 16/3/053 [No. 4] : Enclosure.

MEMORANDUM

1. For reasons both of substance and of sheer mechanics it becomes increasingly obvious that the earliest date on which Nigerian independence is actually attained will have to be some months later than 2nd April, 1960.

2. To deal first with matters of substance, clearly one of the most important is the recommendations of the Minorities Commission. Until that Commission has reported and its report has been considered and disposed of, it will not be known whether any new States are to be created. If there are to be new States, the reorganization of government involved will be such a major operation that it cannot possibly be satisfactorily completed and the new units be firmly established by April, 1960, or even later in 1960. Yet the Action Group have recently reaffirmed that they will not compromise at the resumed Conference in their demand for the creation of new States.

3. If the Minorities Commission do not recommend new States but satisfactory agreement is reached at the resumed Conference on what they do recommend, on the report of the Fiscal Commission and on the other outstanding questions—and at present this looks like a large assumption—the agreements reached after hard bargaining in Conference must then be translated into action and prove themselves in practice. In particular Regional self-government in the North (more than half Nigeria) is likely to bring greater problems than in the East and West if only because the Regional Government is more dependent than the other major governments of Nigeria on the services of overseas officers. The organization of the Provincial Authorities has yet to be worked out and put into practice and this too will be made more difficult since it is likely to coincide with the departure with lump sum compensation of some at least of the overseas officers who cannot yet be replaced by Northerners.

4. The solutions to the minorities problems may involve radical changes in government, including changes in the relations between the Federal and Regional Governments. It would be bound to take some time to put these into practice and to test whether they are both workable and acceptable to the bulk of the population.

5. It will again take some time to work into the structure and policy of the Nigerian Governments the adjustments which the report of the Fiscal Commission will presumably require.

6. But on the present time-table the whole of 1959 will not be available for the assimilation of these important changes. The latter months of the year will no doubt be occupied by all political parties with campaigning for the new Federal elections. The three major parties are represented in the present Council of Ministers. But it is by no means clear that all members of the Council will have been able to sink their Regional and party differences to reach agreed Federal policies. On the contrary it seems pretty certain that the Council will split up and all three parties will oppose each other hotly at the Federal elections.

7. There will still remain the difficult problem of the relationship between the Federal and Regional Governments after independence, i.e. in effect the extent to which the power at present vested in the Governor-General to intervene in Regional affairs should devolve on an independent Federal Government. It would not be wise to try and settle this at the resumed Conference this year. Many Ministers in the present Federal Government are still essentially Regional in outlook, and they would be all too ready to see the Federal powers whittled away. But Her Majesty's Government must ensure that the Federal Government after independence has the powers necessary to maintain the unity of Nigeria and indeed will be strong enough to use them. It is to be hoped that from an election with the Merthyr constituencies a Federal Government will emerge strong enough and single-minded enough to move forward to independence as the government of one of the greatest countries in Africa. That Government will then be face to face with the need to have powers to maintain its authority after independence. Only by discussions with that Government and of course the three Regional Governments will Her Majesty's Government be able to work out a really satisfactory settlement to this difficult problem. In other words there will have to be another Conference though a much smaller one (being only with representatives of the four Governments) after the next Federal election.

8. In view of all this it seems clear that the United Kingdom Government will not be able before the beginning of 1960 at the earliest to fix a date for independence. Indeed even then it may well find it difficult to form a final judgment on whether there is sufficient prospect of an independent Nigeria maintaining its unity and stability and making ordered progress to justify independence. If the date is not fixed until early 1960, then it seems impracticable for the date when independence is actually achieved to be as early as the 2nd April.

9. Considerations of mechanics lead to the same conclusion. A Federal general election cannot be held until, following on the publication of the Merthyr Report, the Governor-General has proclaimed the constituencies and until the electoral rolls for those constituencies have been drawn up. It seems that 17 months will be required for this process, though possibly some sort of electoral roll could be produced a month or two earlier. But, even so, it is going to be difficult to have a general election before the latter part of next year. Thereafter the new Government has got to be formed and get into its stride. Then a resolution has to be passed in the House asking the Secretary of State to fix a date. The Secretary of State had it in mind at the time of the London Conference that this would probably be about January, 1960, but conceivably it might be two or three months earlier. But then, as stated above, there will probably have to be another conference, not with political parties but with

the representatives of the Federal Government and of the three Regional Governments. Although it would be a less elaborate operation than the 1957 or 1958 Conferences, it is bound to take another month or more. After that the lawyers will have to draft the final constitution. Much of it will no doubt have been settled at the resumed Conference but inevitably a good deal will still remain over. It is immensely important that the constitution with which Nigeria enters on independence and which will last for many years (for it will not be easily alterable in material particulars thereafter) should be as good as it can be made and the lawyers must have enough time to do a really good job. Finally, when the Order in Council is made, a bill has to be got through the United Kingdom Parliament. All experience shows that these processes cannot possibly be completed properly in a matter of weeks.

10. In short, both because of the substance of the questions remaining over and of the mechanics of all the stages to be completed, it seems virtually impossible for independence to be attained by 2nd April, 1960.

11. Reference has not been made in these paragraphs to the British Cameroons, since it is not to be expected that the independence of the whole country should be held up for a tidy solution of the future of the small strips of Trust Territory. But in fact there are many steps to be taken in the Cameroons and the United Nations to lead to the termination of the present Trusteeship Agreement and it is hardly likely to be possible to complete them before the second half of 1960.

12. There is no dispute whatsoever between the United Kingdom and Nigeria that the objective is the independence of the country within the Commonwealth, in unity and with economic and political stability. The job of everyone of us is to bring Nigeria as speedily as possible, but also (and even more important) as surely and satisfactorily as possible, through the remaining stages of preparation for independence. No particular date arbitrarily chosen must be allowed to obscure or prevent the attaining of this major objective. It is far too important for that.

WAF. 16/3/053 [No. 13]

No. 71.

SIR RALPH GREY

to

MR. C. G. EASTWOOD

Secret and Personal.

MY DEAR CHRISTOPHER, Government House, Lagos, Nigeria, 9th July, 1958.

In my letter of 24th June* to Macpherson, in answer to his of 4th June,† about the date of independence, I said that Abubakar wished to discuss again with me, when I had returned from the North, the Colonial Office memorandum that I showed him and that I would write again when he had done so. He came to see me yesterday and I send with this a note of the conversation.

We shall certainly soft-pedal " 2nd April, 1960 " and try to avoid the mention of it ; and, as stated in paragraph 5 of my letter of 24th June, Abubakar appreciates that if we were all to go on talking about it there would be great unhappiness if it proved impossible of fulfilment. I think that we may be able to get him to refrain from frequent mention of the date. But I am not sure that it is right (see top of second page of Macpherson's letter of 4th June) that " it could only increase (Abubakar's) difficulties later on if (he) nailed his colours too firmly to this particular mast ". It would increase *our* difficulties ; but would he have anything to lose if he were seen to be pressing for that date and we were thought to be less assiduous in pressing on than we might be ? I do not think that Abubakar is the man to play politics of that kind ; but I am sure that if we try any more to persuade him that, for other than " mechanical " reasons, the date is impossible of achievement, we shall merely lose his confidence, than which we have no more precious asset. He is not to be deterred by prospects of unrest if independence comes too speedily. He said candidly to me that we are very fortunate, much more fortunate than other countries that have newly come to independence, to have had so little " trouble " so far. He expects that there will be trouble in the years immediately ahead and I think that now that his own personal die is cast and he is Prime Minister of a national Government seeking independence in 1960, he feels that the sooner he is able to tackle things in his own way the better. I need not say that he is not, like Ribadu, vainglorious and over-confident and ignorant of all the problems ; I do not think that he realizes what all the problems are or how tough some of them will be, but he is humble, very much conscious of his personal responsibilities and resolutely determined to face the troubles he thinks will come.

I am sending copies of this and of its enclosure to the Regional Governors. I send an extra copy for Robertson.

Yours, &c.,

RALPH GREY.

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* WAF. 16/3/053 [No. 11] : not printed.

† No. 70.

[*Enclosure in No. 71.*]

The Prime Minister called on me today to discuss further the Colonial Office memorandum (which I had shown him personally and privately) about the unreality of 2nd April, 1960, as the date for Nigerian independence.

2. Again he started by agreeing that if any new State is created, 2nd April, 1960 is out of the question. He said that it would be twelve months or more before we got the new State functioning. But he clearly thought that the chances of any such new State being recommended by the Minorities Commission were small and he dismissed the Action Group assertions of "no-compromise" at the Conference as mere political manoeuvring that would not survive a firm rejection of their claims.

3. I took him through the "matters of substance" but he was unmoved by any of them save the need for talks between the United Kingdom Government and the newly-elected Government of the Federation in late 1959 or early 1960 on the devolution to the independent Federal Government of the Governor-General's powers to intervene in Regional affairs. At first he said that he thought it most unfortunate that there should have to be another Conference and said that similar problems had been settled in Malaya. I said that Malaya had had to have a "conference" on the eve of independence; but he said that we had been having a series of conferences for years past and we ought to be able to get most of the answers worked out in advance. Eventually he agreed that there would inevitably have to be a meeting of Governments—and we agreed that "Conference" (with its connotation of delegates and advisers and all the other paraphernalia) might be a misleading word.

4. He was prepared to be convinced that the mere mechanics might delay matters. (He has told Stallard that it will be quite all right if the Independence Celebrations are held in August 1960, so long as "the thing dates from 2nd April".) And he has asked for my help in getting out the list of all the things that will have to be done, the list that he wishes to discuss with the Secretary of State. But he was insistent that we here and the authorities in the United Kingdom ought to do everything we could to see that as much as possible was ready by 2nd April, 1960.

5. I then returned to the matters of substance. He said, "Quite frankly I know that we are going to have trouble after independence. Personally, in my own heart, I know that this country is not ready for it. But we will have to be ready to deal with the trouble. And it is no use Britain saying that we can not have independence because we shall not be 100 per cent efficient and 100 per cent free from trouble. Malaya was fighting against Communists inside her own country—but Britain gave her independence. There is great goodwill towards Britain here now but it will be lost if there is any holding back now." There are times when Abubakar's emotions are clearly mastering his intellectual processes, but this was not one of them. He was quiet and even cheerful but he said, "I am committed to it now and I must work for it and you must help us." He talked at length and what he said just amounted to, "We are going to be given independence and the sooner we get on with it the better. We shall be no nearer ready for it by the end of 1960 than we are at the beginning—we may be farther away. We shall have trouble with all these reports and the changes and so forth, but we shall just have to get on with it."

6. Trying a different approach, I asked him why he personally wanted independence. Did he want it on "philosophical" grounds? "Better the ragged shirt and trousers of independence than the warm blanket of colonialism"? He laughed heartily at this and said he believed none of it. Indeed, for himself, he knew that this country was years away from being ready for independence; but he was a politician, he had accepted the office of Prime Minister charged with the task of securing independence by 2nd April, 1960, and he must do all that he could to achieve that or he would consider that he had personally failed those who trusted him. I asked him why he had changed his mind about independence in March last year. I reminded him how the previous Secretary of State had been principally concerned in 1953 and 1954 to make the North understand that he would not "sell them down the river", how British officers had felt that they owed a duty not to have the North hustled along too quickly and then he (not without equivocation) and Ribadu (wholeheartedly) had suddenly come out for self-government in 1959 in the famous debate of last year's Budget Meeting He said, "I did not change my mind. I committed myself wrongly." His story was that he had come upon "some of his colleagues" in his own, Minister of Transport's, office, working out some resolution on self-government; the Sardauna had been in Lagos the day before and Abubakar was assured that the Sardauna had seen the resolution and had agreed with it; he had been much surprised at this but had accepted it as the truth and had taken part in the arrangements for the revised resolution; only after he had publicly committed himself fully did he learn that the Sardauna had had no knowledge of what was being done. I asked if Ribadu had deceived him and he did not deny. I asked him what Ribadu was working for. He said, "He is a very interesting man—he loves—" (and here there was a twisting gesture of the hands). I have not checked back on this story, to see what dates we first considered the self-government resolution in Council and when the Sardauna was here and so forth; that is pointless now. The important point is that Abubakar considers himself, as Prime Minister, committed to self-government as early in 1960 as possible and is unlikely to be moved from that goal by anything but the hard pressure of unchangeable facts—certainly not by debatable questions about the extent of progress between now and then.

7. I asked him why there was general Northern support for Federal self-government when the matter was debated last year. Did the Emirs think that it was a means of preserving their power from democratic inroads? He said that the majority of the Emirs were clamouring for Nigerian independence before the House of Representatives debate. He had had to tell them what self-government meant. It meant that the Government in Kaduna, made up of politicians and headed by a Governor who might himself be a politician, "son of nobody", would rule. The politicians would make and unmake Emirs. The politicians could depose an Emir. They could even deport him. But the Emirs did not believe what he said. I asked whether there might not be good ground

for their belief that they could reassert their power. He said, "No. For generations our people have been accustomed to obedience to authority—but authority that has the power and that the people can see has the power. The Emir of Kano is a great man but he will never rebuild his wall. If the Government in Kaduna sent a few policemen to surround the Emir's palace he would be finished. He could be deposed and there would be no trouble. The people would see where the power was. He who controls the Police and the Army has the power."

Yours, &c.,

RALPH GREY.

WAF. 16/3/053 [No. 22] No. 72.

SIR JAMES ROBERTSON

to

MR. C. G. EASTWOOD

Secret and Personal.

MY DEAR EASTWOOD, Government House, Lagos, Nigeria, 6th August, 1958.

I am sending you with this a copy of our Hansard for 5th August as there are one or two discussions in this Private Members day which will be of interest to you.

The debate on the motion about self-government was generally speaking much less emotional than we might have expected. When the Council of Ministers discussed the reply to be given to the motion at a meeting last week, the Prime Minister said he would tell the House he was going to London for the Conference a little early so as to discuss the various questions affecting the date with the Secretary of State. In accordance with your advice in a letter to Grey I warned him against doing this, as it would be difficult for the Secretary of State to say anything different from what he said last year; and the Prime Minister might have to tell his friends that he had got no change from the Secretary of State. This would be a blow to his prestige.

So I suggested he enumerated some of the difficulties and said he was discussing them with me to see if we can find means of circumventing them; which is natural enough and doesn't commit the Secretary of State. You will see that he followed this advice.

The other matter is Mr. Jaja Wachuku's speech during the discussion of the motion about the Commonwealth Relations Office. I have sent you a telegram about this this afternoon. I don't think anyone had much sympathy for Mr. Wachuku, but there have been a few criticisms of the Federal Government's action in the Press. There was a letter in *West Africa* and something here. However I don't think it is more than a stick with which to beat the Government here.

Yours, &c.,

J. W. ROBERTSON.

WAF. 16/3/053 [No. 32] No. 73.

SIR JAMES ROBERTSON

to

THE RT. HON. ALAN LENNOX-BOYD

Secret and Personal.

DEAR SECRETARY OF STATE, Government House, Lagos, Nigeria, 27th August, 1958.

When we last met—at Chequers two days before I returned here—we discussed Nigerian affairs at some length, and I think came to the conclusion that regarding independence in 1960 there was very little more to be said than you had said at the Conference in June, 1957; that we must await elections at the end of 1959, the election of a new House of Representatives, and the formation of a new Government. Thereafter, if the newly elected legislature and Government asked for Independence Her Majesty's Government would consider it sympathetically, subject to certain considerations.

Since we discussed this matter, one or two new factors have emerged and after a great deal of anxious thought I now believe that we must reconsider our previous conclusions.

The date—2nd April, 1960, proposed by the party leaders in London—has been reaffirmed by the House of Representatives in a Resolution giving their representatives at the Conference a mandate to press for it. Now I don't think the date matters very much within a few months. 2nd April obviously doesn't leave enough time to complete the necessary legal and constitutional steps; it is in itself meaningless, i.e. it has no sentimental or historical significance. Both Abubakar and Awolowo have told me they set little store by it. It is too near the end of Ramadan to let preparations for celebrations

be properly carried out, and Moslems from the North would be unlikely to come to Lagos for celebrations which fell just after the end of Ramadan, a time which they like to spend with their families. I therefore see no likelihood of disagreement if Her Majesty's Government were to give their agreement to a date later in the year.

3. The new situation in French territories in West Africa seems to me important: General de Gaulle has now, as I understand it, offered these territories the choice of :—

(*a*) maintenance of their present semi-autonomous status; or

(*b*) membership of the French Community, which seems to mean total internal self-government, with Defence, External Affairs and Economic Assistance left to France; or

(*c*) immediate secession.

If France can offer her territories in West Africa, some of which are far behind Nigeria in most respects, independence, i.e. secession, I feel sure Nigerian politicians will be hard to persuade that Nigeria is not far more ready for it.

4. There is also the situation here in Nigeria. At present there is a strong spirit of cooperation and friendship; the unhappinesses that led to the 1953 Constitutional Conference are forgotten and on the whole excellent relations exist between Her Majesty's Government and her representatives here on the one hand, and Nigerians on the other. This seems to me an essential ingredient in a successful transfer of power and we ought not to allow it to be lost in acrimonious discussions about a date—after all, a few months make little difference in the history of a nation, as Mr. Profumo himself said in the House of Commons. It is my firm belief that for the future of Anglo-Nigerian relations after independence the transfer of power should be made voluntarily on our part, so that bitterness is avoided, and our trading position here, which is an important long term requirement, should not be jeopardized by political estrangement.

5. There is furthermore a consideration affecting Nigeria herself. The chief obstacle to a successful future lies in the rivalries and jealousies of Regional Governments, which represent the old and deep-seated tribal differences. So long as the Central, i.e. Federal Government is still controlled by Her Majesty's Government and the Governor-General has reserved powers, I do not believe that the Centre can grow in real authority and stature in respect of the Regions. The Minorities Commission made this point (Chapter 1, paragraph 18). If we are to fulfil our policy of building up Nigeria as one country with a capable and influential central Government it seems to me that we must give the Federal Government full responsibility as soon as possible, so that its leaders can become world figures and take their proper places both abroad and in Nigeria. At present the prestige and the limelight pertain more to the Regional leaders than to those in the Federation: and I think this will inevitably continue until the Centre is self-governing.

6. I consider, therefore, for all these reasons, that at the forthcoming Conference Her Majesty's Government should give Nigeria a firm date for self government in 1960. I know that this course has difficulties in respect of other territories, but these considerations affect Her Majesty's Government and not Nigeria; and it will be difficult to persuade Nigerian politicians of their validity as far as they are concerned. What the date should be is largely immaterial: the Nigerian, I think, will accept any date in 1960 and I would suggest one in October or November. This would allow another six months for finalizing the constitutional instruments and getting legal sanction from the British Parliament.

7. You will have seen Stapledon's letter of 15th August* to Macpherson, which, after discussing the police question goes on to consider the matters I have dealt with above. I think he and I are in entire agreement, and I believe Rankine holds similar views. My own advisers, Grey and Gardner-Brown, are also in agreement. What I am concerned about is that Her Majesty's Government should retain the initiative, that self-government when it comes should be a voluntary act by Her Majesty's Government, and not something wrested from Her Majesty's Government by political agitation, and that the world should see this to be the case. I believe that Zik and possibly Awolowo would be delighted to find a really good anti-colonial and anti-imperialist platform on which to go to the country in 1959, Zik to repair his fallen political fortunes, Awolowo to increase his following in the new House.

8. My recommendation is therefore that we should abandon arguments about waiting to see how the Regions take the strain of regional self government: waiting to see how the Minorities problems are solved and so forth, and that we should throw the responsibility directly on to the Nigerians themselves, by saying forthrightly that if the Legislature asks for independence after the next elections, independence will be granted without further ado and will take effect as soon as the constitutional formalities can be completed; that this certainly cannot be by 2nd April, 1960, but may be in August or November, whichever month is most convenient climatically for suitable celebrations. Locally everything is to be gained by such a decision; and I would submit that the problem of Her Majesty's Government *vis-à-vis* other territories (which are, and can be shown to be, problems in an entirely different context and requiring different solutions) should not be allowed to endanger Nigeria's future.

I am sending copies of this to Stapledon, Bell and Mooring.

Yours, &c.,

J. W. ROBERTSON.

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* WAF. 16/3/053 [No. 31]: not printed.

WAF. 16/3/053 [No. 33] No. 74.

SIR HENRY LINTOTT

to

SIR JOHN MACPHERSON

Secret.

DEAR MACPHERSON, Commonwealth Relations Office, Downing Street, S.W.1, 29th August, 1958.

Before my Secretary of State left for Scotland, he considered Mr. Lennox-Boyd's Cabinet Paper C.(58)171 of 31st July, about the resumed Nigerian Conference. He has now asked me to put the following general points to you. Either Laithwaite or I would be happy to discuss them further with you should you think this useful.

On the general question of the date of Independence, Lord Home fully agrees with Mr. Lennox-Boyd's intention to reaffirm last year's undertaking but not to go beyond it. It seems to him, in the light of the Nigerian political situation sketched in Mr. Lennox-Boyd's paper, that there is every reason for postponing Nigerian independence as long as we can, preferably to the end of 1960. He fully agrees that it is essential that the United Kingdom Government should be able to assure itself of the standing and prospects of the new Federal Government before taking the final decision about Independence.

On the question of the Minorities Commission's Report, Lord Home hopes that it will be possible to resist moves to create new States.

My Secretary of State supports Mr. Lennox-Boyd's intention to resist renewed pressure for the regionalization of the Nigerian Police. He recognizes that it may be difficult to do this if the Nigerian representatives at the Conference unanimously press for regionalization; but if in Mr. Lennox-Boyd's opinion the particular circumstances make Federal control of the Police as well as of the Army an essential feature of the organization of an independent Nigeria, he is content.

Lord Home recognizes that regional self-government must be granted to the Northern Region from 15th March, 1959, and concurs in Mr. Lennox-Boyd's intention to retain certain powers for the Governor and to obtain certain assurances from the Northern Regions.

The foregoing covers, I think, all the points raised in the Colonial Secretary's Cabinet Paper. In addition, a number of points have cropped up in the course of liaison between our two Departments, and our views on them are being conveyed at the appropriate level. Perhaps I might here say very briefly what we think on two of them, since my Secretary of State has considered them as well.

The first is the question of writing The Queen into the Western Region Constitution and thus, in the interests of uniformity, into all the Nigerian Constitutions. Lord Home hopes that it will be possible to avoid writing The Queen into any Nigerian Constitution until the Independence Orders in Council are promulgated. It seems undesirable that what has been requested by only one Government should be written into five Constitutions, and it would seem to be quite possible to say to the Western Region Government that until there were some more requests from other Nigerian Governments the matter must rest in abeyance.

The second point is the question of the drawing up of Nigerian Constitutions generally. My Secretary of State recognizes that there is a need for consolidating legislation, drawing together the multifarious Constitutional Orders in Council about Nigeria, and for special legislation for the Northern Region; but he is not convinced that the drafting and promulgating by Order in Council of a highly sophisticated and ready-made Constitution—as was done in the case of Ghana—is necessarily the best way to start Nigeria on her independent career. He also doubts, in the light of experience with other Commonwealth countries, whether it is worth while trying to entrench so much of the Constitution as is at present proposed.

I have not set out our views on these last two points in any detail. But, as I have said above, we should be very ready to discuss the whole question with you at your convenience.

Yours, &c.,

H. J. B. LINTOTT.

WAF. 16/3/053 [No. 37]

No. 75.

MR. C. G. EASTWOOD

to

SIR JAMES ROBERTSON

The Church House, Great Smith Street, London, S.W.1, 12th September, 1958.

Secret and Personal.

I think you will probably want to know before Abubakar leaves something of what has been happening as a result of your letter of 27th August* to the Secretary of State on the question of independence, but the Secretary of State is not available at the moment and I have not yet been able to discover exactly the result of his discussions with his colleagues.

I think as a result of your letter, which was supported by Mooring and Stapledon, the Secretary of State is thinking that he might early in the Conference say something to the effect that this is a Conference to prepare the way for independence, that he fully understands the desire, recently reaffirmed in the House of Representatives, for a clear undertaking about independence in 1960, that he cannot at that stage give any commitment on behalf of the United Kingdom Government but that if the Conference is able to reach satisfactory agreement on the many difficult issues before it (the recommendations of the Minorities Commission, the future of Police, etc., etc.) he hopes to be able to make some more positive statement before the Conference ends. Then, if the Conference went satisfactorily, he might be able to say that assuming that the agreements reached were put into effect and that between now and 1960 there was no breakdown or serious threat of a breakdown of administration, then if the newly elected Parliament in 1960 so asked the United Kingdom Government would be prepared to grant independence on a date *in 1960*—not of course mentioning 2nd April, 1960, and expecting in fact that independence would not be practicable before the autumn.

We have suggested to the Secretary of State (and I think he agrees) that when he sees Abubakar before the Conference he should put to him quite frankly his fear about the ability of a Nigeria which became independent as early as 1960 to maintain its unity and cohesion and tell him the line he was going to take on independence at the Conference.

We also think (and I believe the Secretary of State agrees though I am not sure) that it would be useful if he talked frankly to Abubakar about the defence question, telling him of the suggestion of an enclave and saying (which I believe to be the fact) that the minimum that will meet the demands of Her Majesty's Government is a fairly tight agreement giving us facilities in war or peace at Kano Airport, and certain rights to use Lagos and Port Harcourt in war-time and the right to send supplies by rail or road to Kano. Such an Agreement would also, we hope, give Nigeria herself certain advantages such as rights to get officers trained in the United Kingdom and ships and supplies for their Navy. Possibly it might also cover the tedious question of seconded officers.

As this is only rather a provisional letter I am not sending copies to anyone else. I write in haste to catch the mail.

Yours, &c.,

C. G. EASTWOOD

WAF. 16/3/053 [No. 44]

No. 76.

GOVERNOR-GENERAL

to

SECRETARY OF STATE

Personal No. 149. Secret and Personal. Immediate. Telegram. 16th September, 1958. From Robertson to Eastwood.

Your letter WAF. 16/3/053 of 12th September† is very disappointing and I should very much appreciate opportunity of discussing question of date for independence with Secretary of State before he speaks to Abubakar. I must emphasize my view that proposed statement does not go nearly far enough and is bound to lead to severe disappointment, probably general intransigence, at the conference and may be to disorders here later on. In my opinion we have reached a stage where a definite date must be given for all the reasons given in my letter.

2. Reference penultimate paragraph, I have not discussed these matters with Abubakar. Nigerian Ministers are much more likely to agree to suitable defence agreement if they have the firm date that I advise.

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* No. 73. † No. 75.

WAF. 16/906/01 [Nos. 4 & 5]

No. 77.

SECRETARY OF STATE

to

1. GOVERNOR, EASTERN REGION

2. OFFICER ADMINISTERING GOVERNMENT OF WESTERN REGION

(1) No. 144. (2) No. 162. Immediate. Telegram. 8th August, 1957. Addressed to Governor, Eastern Region, Nigeria; O.A.G., Western Region, Nigeria. Repeated to Governor-General, Federation of Nigeria, No. 673.

Today the Eastern and Western Regions of Nigeria assume the responsibilities of Regional self-government, and I send my congratulations to the Governments and peoples of both Regions. Together, at the recent conference in London, we laid the foundations for good government as well as self-government in the Regions, and it is now for the leaders and peoples of the Regions to build well and wisely on those foundations, and to respond to their new responsibilities with energy and determination. May every good fortune follow you in this great and historic task. My very best wishes go with you.

WAF. 16/906/01 [No. 49]

No. 78.

SIR JOHN MACPHERSON

to

SIR EDWARD FORD

The Church House, Great Smith Street, London, S.W.1, 10th September, 1957.

Please refer to my letter to Adeane of 23rd August* and your reply of 26th August† about the proposal that Her Royal Highness the Princess Royal should be invited to take part in the celebrations which the Government of the Western Region of Nigeria intend to hold in November to mark the attainment of Regional self-government.

You will recall that I mentioned in the fourth paragraph of my letter of 23rd August that (as we then understood) the Government of the Eastern Region of Nigeria did not propose to hold similar celebrations to those in the West, and that there might therefore be party political exchanges in Nigeria on the contrast in attitude between the two Governments as a result of the Princess Royal's participation in the Western celebrations. Mr. Lennox-Boyd considered that, despite this risk, it was desirable that Her Royal Highness the Princess Royal should take part in the celebrations in the Western Region and, in particular, attend a meeting of the Legislature to deliver a message from Her Majesty The Queen. This has now all been agreed.

No doubt as a result (at least in part) of these arrangements, a request has now been received from the Government of the Eastern Region that the Princess Royal should similarly visit the Eastern House of Assembly during her tour to deliver a message from Her Majesty The Queen to mark the attainment of self-government by the Eastern Region. While there are clearly political motives behind this request, we consider that it is most fortunate that it should have been made since this will obviate any risk of party political controversy. In addition, we consider it desirable on general grounds that a member of the Royal Family should be invited to take part in such a ceremony in the Eastern Region.

I should accordingly be most grateful if you could let me know as soon as you have had an opportunity to consult The Queen on this fresh proposal. I should mention that it is not thought that this further engagement will involve more than the addition of one day at most to the length of the tour, making two extra days in all.

It would be very helpful if, as on the previous occasion, you could telephone to me as soon as Her Majesty's pleasure is known. We will then immediately consult Her Royal Highness unless Her Majesty might wish this to be done by you.

Yours &c.,

J. S. MACPHERSON.

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* WAF. 16/906/01 [No. 32]: not printed. † WAF. 16/906/01 [No. 34]: not printed.

WAF. 16/906/01 [No. 68] No. 79.

MAJOR J. G. LOCKHART

to

MR. C. G. EASTWOOD

DEAR EASTWOOD, Westminster Hall, Houses of Parliament, S.W.1. 23rd September, 1957.

I am enclosing copies of a letter from Enahoro and a formal invitation for us to send an all-party delegation (two Members) for the self-government celebrations at Ibadan in the middle of November.

As you know there are just two points that worry me a little. One is the handing over of a mace which is not the gift of the House of Commons or the Government. The point, I think, could be got over by a tactful wording of the speech which would be made by the delegate. The other point is whether Eastern Nigeria would want the Delegation to go on there afterwards for a similar celebration, and if so whether they would agree to share expenses with Western Nigeria. I gather you are looking into this point.

I am enclosing a copy of the letter of acknowledgement I have written to Enahoro. I have not said anything about Eastern Nigeria, but will have to raise the point at once as soon as you have had an answer from the people there. We particularly do not want to hurt anyone's feelings.

Yours, &c.,

J. G. LOCKHART.

Enclosure 1 in No. 79.

Office of the Commissioner, Western Region of Nigeria, 26, Grosvenor Gardens, London, S.W.1.,
20th September, 1957.

DEAR MAJOR LOCKHART,

I send herewith the letter which we agreed should be written to you.

2. Could I trouble you to press for an urgent decision, as I am due to return to Nigeria on Friday 27th? It would be a great help in arranging passages, accommodation, etc. if I could know before my departure what the answer is likely to be.

3. Thank you for the package which I received a few days ago. I hope you will be free to discuss one or two aspects of the material with me next week.

4. Please reply to the above address.

Yours, &c.,

ANTHONY ENAHORO,
Minister of Home Affairs.

Enclosure 2 in No. 79.

The Secretary,
Commonwealth Parliamentary Association,
Westminster Hall, Houses of Parliament, S.W.1.

DEAR SIR, Ministry of Home Affairs, Western Region, Ibadan, Nigeria, 20th September, 1957.

I am authorized by the Government of Western Nigeria to approach the Commonwealth Parliamentary Association with a request for an all-party delegation from the House of Commons to attend the self-government celebrations at Ibadan in mid-November.

2. We would be grateful if the delegation formally presented a mace to our House of Assembly at a ceremony in the Legislature. The mace was made several months ago, but has not been in use because we hoped that it would be possible to arrange the formal presentation which I now request.

3. I am authorized to offer, on behalf of the Government of Western Nigeria, to bear the expenses of the delegation, including passages to and from Ibadan, accommodation, etc. The delegation will be invited to all other ceremonies during the celebrations, and it is estimated that they will be away from the United Kingdom for a maximum of eight days.

4. I need hardly add that it would be a great service in the cause of inter-parliamentary union and co-operation if the Association could accept this invitation.

5. I would be grateful for an early reply.

Yours, &c.,

ANTHONY ENAHORO.
Minister of Home Affairs and Leader of the House,
Western Nigeria.

Enclosure 3 in No. 79.

DEAR CHIEF ENAHORO, 23rd September, 1957.

Many thanks for your letter of 20th September with the very kind invitation from the Government of Western Nigeria for an all-party delegation from the House of Commons to attend the self-government celebrations at Ibadan in mid-November.

As our Committee will not be meeting until the end of October, when the House of Commons is back at Westminster, I will have to get the decision of our Deputy Chairman. I will let you know the answer as soon as I have it.

Yours, &c.,

J. G. LOCKHART.

Enclosure 4 in No. 79.

COMMONWEALTH PARLIAMENTARY ASSOCIATION: INVITATION FROM WESTERN NIGERIA

The Government of the Western Region of Nigeria have invited the Commonwealth Parliamentary Association to send a delegation to attend the celebrations of the attainment of Regional Self-Government, which are to be held at Ibadan in mid-November.

The invitation has been accepted and the delegation will consist of Major Tufton Beamish, M.C., M.P., and Mr. Hector Hughes, Q.C., M.P.

It is proposed that they should arrive in Ibadan on 17th November and remain there for the ceremonies, which are understood to end on 23rd November. Thereafter it is proposed that they should visit other parts of the Western Region and pay informal visits to Lagos and to the other two Regions in Nigeria. They plan to leave for Ghana on 8th December. A full programme is being arranged locally.

The Western Region Government is meeting passage costs to and from Nigeria and all expenses connected with the visit to the Western Region. It is understood that the costs of the visits which the delegation are to pay to the other parts of Nigeria will be met by the other Governments concerned.

WAF. 16/906/01 [No. 144] No. 80.

SIR MICHAEL ADEANE

to

SIR JOHN MACPHERSON

MY DEAR MACPHERSON, Buckingham Palace, 7th November, 1957.

Many thanks for your letter of 6th November* and for the two draft messages from The Queen for The Princess Royal to take to Nigeria.

Her Majesty has made one or two minor alterations to these and I send you copies of the final versions for record. The messages themselves will be collected by Geoffrey Eastwood.

Yours, &c.,

MICHAEL ADEANE.

Enclosure 1 in No. 80.

MESSAGE FOR WESTERN REGION

The memories of the visit which my husband and I paid to Nigeria nearly two years ago and the warmth of the welcome we received are still fresh in our minds. At that time a further step in the constitutional development of Nigeria was in sight. Since then the undertaking given in 1953 by my Government in the United Kingdom has been fulfilled, and the Western Region of Nigeria has attained Self-Government within the Federation. That this has been achieved with co-operation and goodwill on all sides gives me deep pleasure.

* WAF. 16/906/01 [No. 134]: not printed.

The last few years have seen great political and social advances in your country, and I pray for the success of my people in Western Nigeria and their Government in meeting the challenge of the new and greater responsibilities which these advances must bring. I am confident that you will have in your endeavours in the future, as in the past, the encouragement and assistance of my Government in the United Kingdom. I look forward to the day when Nigeria will take her place as a sovereign member of the Commonwealth. My thoughts and good wishes are with you. May God bless you and guide you in the tasks that lie ahead.

Enclosure 2 in No. 80.

MESSAGE FOR EASTERN REGION

The memories of the visit which my husband and I paid to Nigeria nearly two years ago and the warmth of the welcome we received are still fresh in our minds. Particularly do I remember the occasion on which I was present in your House with a Loyal Address. When replying to that Address, I referred to the impressive progress which can be achieved by co-operation between my people in Nigeria and their friends in Britain. I am deeply satisfied that the progress of which I then spoke has now been crowned by the attainment of Regional self-government. In charging this Legislature with responsibility for the good government of my peoples in the Eastern Region, I pray for your success in carrying out that responsibility. Such success is fundamental, both to the well-being of this Region, and to the further constitutional progress of Nigeria. I have been particularly happy that my peoples of the Eastern Region share with my peoples in the other parts of the Federation the aspiration that Nigeria shall, as a free and sovereign Federation, take its place among the nations of the Commonwealth. It is my earnest hope that this common ambition, because of its power to advance the well-being of all my peoples in Nigeria, will call forth the resolution and tolerant goodwill which are necessary to ensure that its worth shall endure. I pray that the blessing of Almighty God may rest upon your deliberations.

WAF. 931/404/01 [No. 8] No. 81.

MR. M. G. SMITH

to

MR. A. G. R. MOORING

The Church House, Great Smith Street, London, S.W.1, 13th December, 1957.

Would you kindly refer to your Secret and Personal letter 68/4/35 of 18th November* about the procedure for initiating proceedings against the Crown?

Two circulars on this subject have gone out in recent years from this Office, advocating legislation in the Colonies on the lines of the United Kingdom Crown Proceedings Act, 1947. These were Mr. Griffiths' circular despatch No. 7179/50 and attached Memorandum of 3rd July, 1950, and circular savingram No. 569/52 of 7th June, 1952. I enclose for convenience a copy of each of these, together with a copy of the United Kingdom Law to which they refer.

We should prefer a solution on the lines of these circulars (i.e. abolition of the need to obtain a fiat to initiate proceedings against the Crown) rather than a transfer of the power to give or withhold such a fiat from the Governor to the Government or a Minister, such as was provided for in the Gold Coast Petitions of Right Ordnance, Cap. 18 (Revised Edition 1954) as amended by the Petitions of Right (Amendment) Ordinance No. 22 of 1954. Under this Ordinance, as amended, the power of fiat is exercised by the Minister for the Interior on the advice of the Attorney-General.

Legislation on the lines of the United Kingdom Crown Proceedings Act (as proposed in the circulars) would not, according to our advice, require any amendment of the Royal Instructions, since the relevant clauses (to Governor-General, 8 (2) (*c*) (i), and the Governors, 7 (2) (*c*) (i)) are general in application rather than expressly directed at any specific Ordinance. Legislation on the United Kingdom model has been enacted in several Colonies, e.g. Kenya.

I am sending a copy of this letter with copies of the two circulars (but without copies of the United Kingdom Crown Proceedings Act, 1947) to Gardner-Brown, Maddocks and Gunning. We should be interested to learn in due course whether the Nigerian Governments are likely to proceed with legislation on the lines proposed in the circulars. We note from Maddocks' Secret and Personal letter 141/3 of 6th December† that he considers that the North should so proceed.

Yours &c.,

M. G. SMITH.

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* WAF. 931/404/01 [No. 1]: not printed. † WAF. 931/404/01 [No. 7]: not printed.

WAF. 931/404/01 [No. 17] No. 82.

SECRETARY OF STATE

to

GOVERNOR-GENERAL

No. 321. Federation of Nigeria.

SIR, 5th February, 1958.

Crown Proceedings Act, 1947

I have the honour to refer to my predecessor's savingram No. 237 of 22nd January, 1952,* to Mr. Griffiths' Circular Despatch No. 7179/50 and attached Memorandum and to my predecessor's Circular Savingram No. 569/52 of 7th June, 1952, about the introduction of legislation in the Colonies similar to the United Kingdom Crown Proceedings Act, 1947. That Act was passed to make the Crown's position in respect of civil rights and liabilities and in particular in respect of liability for tort, more closely similar to that of private persons.

2. I should be grateful if you would draw the attention of your Ministers to this Circular Despatch and Circular Savingram and if you would invite them to consider the introduction of a Crown Proceedings Ordinance for the Federation of Nigeria. I enclose, for ease of reference, copies of the Despatch and Savingram referred to, with a copy of the Crown Proceedings Act, 1947.

3. For the sake of uniformity, which is obviously desirable in a matter of this kind, the Governments of the three Regions may wish to consider introducing similar legislation. I am accordingly sending copies of this despatch, with its enclosures, to the Governors of the Northern, Western, and Eastern Regions; and should be grateful if they too would invite their Governments to consider the introduction of Crown Proceedings Laws.

4. If the four Governments agree in principle to the introduction of legislation on the model of the Crown Proceedings Act, 1947, it will be necessary to consider whether it will be possible to submit uniform laws to the Legislative Services concerned. Such uniformity would in my view be desirable, and I should therefore recommend (subject to your agreement) that your Government should invite the Regional Governments to consult with it both on the principle and policy involved and subsequently, if agreement in principle is reached, on the details of drafting. The enclosures to Circular Despatch No. 7179/50 and Circular Savingram No. 569/52 provide help in adapting the model of the Crown Proceedings Act, 1947. Law Officers may find it helpful to refer to J. R. Bickford Smith's Annotated Edition of ("The Crown Proceedings Act, 1947" published by Butterworth & Co., (Publishers) Ltd., in 1948) and to Dr. Glanville Williams' "Crown Proceedings", published by Stevens & Sons Limited in 1948.

5. I shall be grateful to learn in due course the views of your Government and the Governments of the Regions on the proposals set out in this Despatch.

I have, &c.,

ALAN LENNOX-BOYD.

WAF. 931/404/01 [No. 28] No. 83.

MR. A. EMANUEL

to

SIR JOHN RANKINE

Secret and Personal.

The Church House, Great Smith Street, London, S.W.1. 24th June, 1958.

Would you please refer to your secret and personal letter No. S.40/40/2 of 26th May† to Maurice Smith.

We are sorry to hear that it is not intended to introduce a Crown Proceedings Law on the lines of the Crown Proceedings Act, 1947, which, we are advised, was passed to make the Crown's position in respect of civil rights and liabilities, and in particular in respect of liability for tort, more closely similar to that of private persons.

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* LEG. 7179/A/50: not printed. † WAF. 931/404/01 [No. 26]: not printed.

Under the Petitions of Right Ordinance (cap. 167) the position is similar to the law as it was in England under the Petitions of Right Act, 1860. We are advised that the legal position in Nigeria is as follows. Under the Petitions of Right Ordinance (as amended by L.N. 131 of 1954, L.N. 47 of 1955 and L.N. 120 of 1957) the Governor-General of the Federation, or the Governor of a Region, in giving or withholding his consent required by Section 3, is exercising " a power pertaining to the administration of justice " within the meaning of the Royal Instructions. His discretion is therefore a judicial discretion, which must be exercised in accordance with the relevant principles of law. These principles are set out in the enclosed memorandum, which was prepared for the guidance of Cyprus in 1939. The application of Section 3 necessarily raises technical questions of law (for example, whether claims are such as might have been preferred against the Crown in England by petition, manifestation or plea of right). It is therefore necessary that the Governor-General, or the Governor of a Region, should be advised by his Attorney-General, whose responsibility would, of course, be to advise as a lawyer (not as a politician) in accordance with the principles set out in the memorandum.

Since you say that Ministers consider that legislation on the lines of the Crown Proceedings Act, 1947, " would encourage a spate of frivolous actions against the Government ", the following extract from a note prepared in the Colonial Office in 1952 should be of interest :—

> " As regards the second ground on which postponement is suggested, i.e., that it is desirable to wait until the effect can be judged of subjecting Colonial Governments to the local jurisdiction, it must be remembered that the Colonial Office already has long experience of this matter.
>
> (*Footnote.*—In the large majority of Colonies the Petition of Right procedure has always been available. Ordinarily liability in tort is excluded, but in some Colonies the procedure is applicable to torts also. In some Colonies (Malta and Mauritius) the Crown enjoys no special privilege in the matter of litigation and in others there is special provision for proceedings against United Kingdom Departments. In all Colonies, it has always been possible to sue servants of the Government in tort, and so impose a moral obligation on the Government to pay in cases where the servant was acting in the course of his employment.)
>
> This experience does not confirm, but rather refutes, the suggestion (put forward in the inter-departmental correspondence referred to in paragraph 4 and sometimes made by Colonial Governments) that to relax restrictions or limitations on the right of the subject to sue the Government is to invite a spate of false actions. For example the Government has been liable for over seventy years to be sued both in contract and in tort in the territories formerly known as the Straits Settlements. The procedure is by Petition of Right but the fiat is virtually automatic. The people of those territories include both Chinese and Indians—races generally regarded as exceptionally litigious, yet in all the history of this Governmental liability there has never been anything to justify the fear above mentioned. The position is that Colonial courts have already shown themselves well qualified to deal with proceedings against the Government and against Government Departments and that false actions cost money to bring, involve the danger of having to pay costs and are unlikely to succeed. Moreover, even if the danger of false actions should materialize, it would not be a ground for denying a remedy altogether. To deny a remedy to those who have just claims merely because others make false claims would not be in the tradition of British justice, and the hands of the judges in dealing with those who make false claims can, if necessary, be strengthened, e.g., by legislation on the lines of Section 51 of the Supreme Court of Judicature (Consolidation) Act, 1925, which enables restrictions on the right to bring actions to be imposed on persons shown to be in the habit of bringing false ones."

Perhaps we shall have an opportunity of making these points non-personally if we get a proper reply to our Despatch No. 321 of 5th February,* i.e., a reply which explains why it is not proposed to proceed as suggested.

I am sending copies of this letter to Grey, Bell and Gunning.

Yours, &c.,

A. EMANUEL.

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* No. 82.

WAF. 931/404/01 [No. 44] No. 84.

SECRETARY OF STATE

to

OFFICER ADMINISTERING GOVERNMENT OF FEDERATION

Saving.

No. 2215 Saving. Repeated to the Officers Administering the Governments of the Northern Region of Nigeria, Kaduna, No. 431, Saving ; the Eastern Region of Nigeria, Enugu, No. 343, Saving ; the Western Region of Nigeria, Ibadan, No. 388, Saving. Dated 26th August, 1958. Your savingram No. 1450 of 9th August, 1958*.

Crown Proceedings Act, 1947

I am advised that the Crown Proceedings Act, 1947, was passed to make the Crown's position in respect of civil rights and liabilities, and in particular in respect of liability for tort, more closely similar to that of private persons. The following territories have enacted legislation on the lines of the Act since Mr. James Griffiths' circular despatch No. (2) of 3rd July, 1950, a copy of which was enclosed with my despatch No. 321 of 5th February, 1958† :—

Antigua	Mauritius
Barbados	Montserrat
British Honduras	North Borneo
Fiji	North Rhodesia
Gambia	St. Christopher-Nevis-Anguilla
Gibraltar	St. Vincent
Grenada	Sarawak
Kenya	Virgin Islands

2. I have no evidence before me to suggest that the enacting of such legislation has led to the bringing of frivolous actions. The following extract from a note prepared in the Colonial Office in 1952 is relevant to this matter and should be of interest :—

> " As regards the second ground on which postponement is suggested, i.e. that it is desirable to wait until the effect can be judged of subjecting Colonial Governments to the local jurisdiction, it must be remembered that the Colonial Office already has long experience of this matter.
>
> [*Footnote.*—In the large majority of Colonies the Petition of Right procedure has always been available. Ordinarily, liability in tort is excluded but in some Colonies the procedure is applicable to torts also. In some Colonies (Malta and Mauritius) the Crown enjoys no special privilege in the matter of litigation. In all Colonies, it has always been possible to sue servants of the Governments in tort, and so impose a moral obligation on the Government to pay in cases where the servant was acting in the course of his employment.]
>
> This experience does not confirm, but rather refutes, the suggestion sometimes made by Colonial Governments that to relax restrictions or limitations on the right of the subject to sue the Government is to invite a spate of false actions. For example the Government has been liable for over 70 years to be sued both in contract and in tort in the territories formerly known as the Straits Settlements. The procedure is by Petition of Right but the fiat is virtually automatic. The people of those territories include both Chinese and Indians, who are generally regarded as exceptionally litigious, yet in all the history of this Governmental liability there has never been anything to justify the fear above mentioned. The position is that Colonial courts have already shown themselves well qualified to deal with proceedings against the Government and against Government Departments and that false actions cost money to bring, involve the danger of having to pay costs and are unlikely to succeed. Moreover, even if the danger of false actions should materialize, it would not be a ground for denying a remedy altogether. To deny a remedy to those who have just claims merely because others make false claims would not be in the tradition of British justice, and the hands of the judges in dealing with those who make false claims can, if necessary, be strengthened, e.g., by legislation on the lines of section 51 of the Supreme Court of Judicature (Consolidation) Act, 1925, which enables restrictions on the right to bring actions to be imposed on persons shown to be in the habit of bringing false ones ".

SECER.

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* WAF. 931/404/01 [No. 43] : not printed.

† No. 82.

WAF. 16/3/044 [No. 23]

No. 85.

THE RIGHT HON. ALAN LENNOX-BOYD

to

THE RT. HON. SIR HENRY WILLINK

Confidential.

31st July, 1957.

You will no doubt have read reports in the Press about the recent constitutional conference on Nigeria—far and away our largest Colonial territory—and I am writing to enquire whether you could possibly help us with one of the most difficult and contentious questions which came up at that conference, namely the position of the country's many minorities. The background, briefly, is this.

For many years Nigeria has been administered under a Governor or Governor-General within the framework of three large groups of provinces now known as the Northern, Eastern and Western Regions. Most of the Northern Region is a natural administrative unit (though an unwieldy one) in that it broadly represents the territory ruled by the Muslim Fulani before the British came. But roughly a third of the population is non-Muslim and is now displaying considerable anxiety about the possible attitude of the Muslim ruling class when, within the next few years the Region becomes self-governing and Nigeria—in all probability—attains independence.

The Eastern and Western Regions are creations mainly of administrative convenience although, even before British rule, the Yoruba Confederacy dominated most of the West, and there is a large Ibo majority in the East. In both these Regions there are considerable minority problems, i.e. fears on the part of the smaller tribes of the dominant Yorubas in the West and—particularly perhaps—of the dominant and pushful Ibos in the East, though these are mainly racial and political rather than, as in the North, racial and religious. These fears of the minority groups have been more or less quiescent during the period of British rule but they have come to the surface again and in the freer political atmosphere of today are being expressed with vigour, now that that rule is drawing towards its close.

I enclose a copy of the Report of the Nigeria Conference (Cmnd. 207). You will see from paragraph 24 that agreement was finally reached (after many moments of apparent deadlock) to the setting up of a Commission of Enquiry into minority problems. I also enclose a copy of the actual terms of reference of this Commission as endorsed by the Conference. This Commission of Enquiry must be held and suitable action must be taken on its recommendations before Nigerian affairs can become sufficiently settled for the question of a date for the independence of the country to be considered further. But you will also see from paragraph 24 (*d*) and (*e*) of the Report that I felt bound to warn the Conference that there could be no easy solution of minority problems through the liberal creation of new Regions or States.

Because of the difficulty of the Commission's task and the supreme importance to Nigeria and to our future relations with Nigeria that the task should be done well, I am most anxious that the composition of the Commission should be of the highest quality. It is here that I very much hope you can help us, namely by agreeing to act as the Commission's Chairman, and I should be deeply grateful if you felt able to accept.

I think that after reading the Conference Report you will feel, as I do, that the Commission's task, although delicate and exacting, will also be a fascinating one. It will be necessary for the Commission to spend some time—perhaps three months or so, though it is impossible to be at all definite at this stage—travelling around Nigeria to receive on the ground evidence and representations from the many interested parties. The Commission's Report, if this were more convenient to you, could no doubt be written in this country.

It is important that the Commission should make an early start but I did not commit myself to the Conference about any particular date, and I have no doubt that the period to be spent in Nigeria could be adjusted to fit your other commitments.

You would want, I think, at least two other good members to help you as well as a secretary who might, perhaps, be drawn from one of the Nigerian public services. I have some names in mind as possible members of the Commission but I should like these to be discussed first with you before anyone is approached.

Will you be kind enough to let me know whether you feel free to undertake this formidable assignment? I very much hope that you can.

ALAN LENNOX-BOYD.

WAF. 16/3/044 [No. 85]

No. 86.

COLONIAL OFFICE

to

THE RT. HON. SIR HENRY WILLINK

DEAR SIR,

17th September, 1957.

With reference to the previous exchanges between yourself and this Office, I am now directed to invite you to undertake the chairmanship of the Minorities Commission for Nigeria which is to be appointed in accordance with the decisions recorded in paragraph 24 of the Report of the Nigeria Constitutional Conference held in London in May and June of this year (Cmnd. 207). The terms of reference of the Commission, as endorsed by the Nigeria Constitutional Conference in 1957, are set out in the enclosure to this letter.

2. The emoluments of the appointment, which will be met from the funds of the Government of the Federation of Nigeria, consist of an honorarium at the rate of £250 per month which will be payable to you in respect of those periods during which you are engaged on the work of the Commission whether in this country or in Nigeria. You will also receive during the period spent in Nigeria a subsistence allowance at the rate of four guineas a day and an entertainment allowance at the rate of £50 a month and you will be entitled to an outfit allowance of up to £100 if desired. In addition the Government of the Federation of Nigeria will pay the cost of your travel to and from Nigeria and will provide free board and accommodation and transport in Nigeria.

3. The Government of the Federation of Nigeria will also pay the cost of Lady Willink's return passage to Nigeria in respect of one visit and will provide free board and accommodation and transport for her in Nigeria.

4. Your appointment would take effect from the date of your departure from this country, or the date on which you commenced work in this country as Chairman of the Commission, whichever is the earlier; and the appointment would continue until such time as you had completed your work as Chairman of the Commission.

5. I am to ask you to be good enough to confirm your acceptance of this offer on the terms indicated.

I am, &c.,

C. G. EASTWOOD.

Enclosure in No. 86.

WAF. 16/3/044 [No. 85]: Enclosure

TERMS OF REFERENCE

In the light of the conclusions of the Nigeria Constitutional Conference as recorded in paragraph 24 of the Conference Report (Cmnd. 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 both 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.

WAF. 16/3/044 [Nos. 300–303] No. 87.

SECRETARY OF STATE

to

(1) GOVERNOR-GENERAL

(2) GOVERNOR, WESTERN REGION

(3) GOVERNOR, NORTHERN REGION

(4) GOVERNOR, EASTERN REGION

(1) Personal No. 292, (2) Personal No. 146, (3) Personal No. 146, (4) Personal No. 173. Immediate. Secret and Personal. Telegram 5th December, 1957.

Minorities Commission. I received Foot and his Junior, MacKenna and Baker this afternoon. Foot made strong representations about Commission's procedure on behalf primarily of N.C.N.C. Opposition in the West. He received support but in very moderate terms from MacKenna and Baker. Key question, in minds of them all was conferment of privilege on witnesses. There was otherwise no pressure to oppose Commission's own view that it should not be constituted as judicial tribunal under Commissions of Inquiry Ordinance.

2. Following arguments were generally supported by all counsel :—

(*a*) Commission's terms of reference placed heavy burden of proof on any witness who wished to give evidence in favour of establishing a new State. It was thus essential that witnesses should not be prevented from trying to discharge this burden of proof by the fact that their evidence had only qualified privilege.

(*b*) Protection of qualified privilege meant very little in Nigeria. Leading Nigerians of all parties were prone to resort to litigation and Leader of Opposition in West had been subject within last year or so to three prosecutions with political colour in all of which he was acquitted. An undertaking by Western Region Government or any other Nigerian Government that proceedings would not result from genuine criticism offered before Commission had therefore little value and at best could relate only to actions of Government itself and not to proceedings that individuals might choose to bring. In practice therefore qualified privilege must be regarded as flimsiest of protections against possibility of vexatious and expensive proceedings.

(*c*) Cases of all Nigerian minorities were based on specific happenings in the past. If these cases were to be established they could only be established by referring with sufficient detail to prove their truth to these specific happenings. A general statement of fears for the future unrelated to the established facts of the past would carry little weight. In making such cases statements likely to be defamatory would probably be made.

(*d*) Commission's terms of reference contemplated that they should hear even ill-founded fears, i.e. fears which were genuine but which might prove to be insufficiently based on fact so that no defence of qualified privilege could apply.

(*e*) MacKenna and Baker specially made the point that quite apart from question of whether political minorities should be entitled to make general political case it was fact that fears of many genuine ethnic minorities could be demonstrated only with reference to political actions of a majority partly in power. These small minority groups must be assured that Commission would be able to hear their case but they could not face prospect of proceedings as result of presenting it.

3. It was clear from discussion that these counsel who in general took very reasonable attitude were genuinely concerned that unless witnesses were given absolute protection it would not be possible to present case of minorities whom they represent with weight that occasion demands. It was suggested that it would be sufficient if protection were given to proceedings of Tribunal but that no other judicial powers should attach to Tribunal. I undertook to consider this point.

4. Although I fully recognize and made it clear to counsel that absolute privilege might make it difficult for Commission to prevent gross abuse of proceedings I nevertheless feel that there is some substance in representations made and would like to go some way to meet them if Commission agree and if agreement of Nigerian Governments can be secured. I am advised that if witnesses were to be given absolute privilege it would also be necessary to provide that Commission could hear evidence on oath as otherwise witnesses would not even be liable for perjury. It would be possible to submit at short notice to Her Majesty Order in Council giving Commission power to hear evidence on oath and giving protection from proceedings for defamation to all those taking part in Commission's proceedings including Commission itself and counsel and witnesses before it.

5. Please urgently ascertain views of Commission on whether such an Order in Council would be acceptable to them and the effect it might have on their work. Please ask Commission whether despite considerations advanced to me by counsel they remain satisfied on basis of experience to date that they could without special protection of witnesses satisfactorily discharge their task of ascertaining facts about fears of minorities. I would naturally not propose to Nigerian Governments any change in powers of Commission unless they concurred.

6. If on further consideration you and Commission consider that Order in Council as described above is desirable I would then suggest this to Nigerian Governments. Grateful for advice from Governor-General and all Governors on how their Governments might react to such a suggestion. I realize that it would involve a considerable change of attitude by Western Government but I would do my best to persuade them. I could not however say that Conference contemplated that Commission should have judicial powers so that unless all Governments agreed to making of Order in Council I should not feel justified in proceeding. Question would then arise whether there would be any point in Commission proceedings with its work appointed as it is at present and with strong likelihood either that some considerable minority groups might boycott it or would otherwise feel free to reject its ultimate findings. Commission could I suppose defer further hearings until *ad hoc* meeting in Lagos when further attempt could be made to reach general agreement on its powers but I very much fear that with their other preoccupations this might mean break-up of Commission as at present constituted and we should find it hard to get another one together.

7. Pending your reply I shall not answer Western Region communications.

WAF. 16/3/044 [Nos. 330 & 331] No. 88.

SECRETARY OF STATE

to

(1) GOVERNOR-GENERAL

(2) GOVERNOR, WESTERN REGION

(1) Personal No. 297, (2) Personal No. 150. Emergency (to addressees only). Secret and Personal. Telegram 11th December, 1957. Addressed to Governor-General, Federation of Nigeria; Governor, Western Region, Nigeria; Repeated to Governor, Northern Region, Nigeria, Personal No. 150; Governor, Eastern Region, Nigeria, Personal No. 177. Governor-General's Telegram Personal No. 214*.

Minorities Commission. In circumstances I am transmitting decision on privilege forthwith (see my immediately following telegram) making no reference to possible assurances concerning action outside Commission against witnesses.

2. I shall not reply to Western Region memorandum until you have had further opportunity to consider position. If Western Region Government persist in their withdrawal from Commission's proceedings ultimate effect might be to vitiate much, if not all, of Commission's work. Justification for establishing Commission was that all parties agreed to its appointment and by implication undertook to participate in its work. Withdrawal of one of major Nigerian parties means that there can be no assurance that, even if Commission completes rest of its programme in Nigeria without incident, its report will be likely to command general acceptance. If Action Group felt free to reject report because of non-participation of Western Region Government in proceedings other Nigerian parties might find this convenient excuse to adopt same attitude. Commission's work is much of " unfinished business " which I told Conference would have to be completed before date for independence could be considered. If Commission's report does not dispose of this business no progress in this respect towards independence can be made.

3. I think it most important that if any ultimate failure of Commission to produce acceptable report leads to delay in independence it should be clear that responsibility does not rest with Her Majesty's Government. Subject to your advice I would therefore propose to make attempt to persuade Government of Western Region, who will then be aware of favourable decision on privilege question, to resume participation in Commission's work. I would propose to urge on them importance for Nigerian unity and for steady progress of country towards independence that Commission should enjoy co-operation of all Governments and parties so that its report might have best possible chance of commanding general support. If Western Region attitude stems from Rotimi's personal pique it is possible that appeal from me might offer Awolowo opportunity he might welcome to reverse decision. If it would help I would gladly send personal communication to Awolowo.

4. Grateful earliest advice.

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* WAF. 16/3/044 [No. 329]: not printed.

WAF. 16/3/044 [Nos. 335–338] No. 89.

SECRETARY OF STATE

to

(1) GOVERNOR-GENERAL

(2) GOVERNOR, NORTHERN REGION

(3) GOVERNOR, EASTERN REGION

(4) GOVERNOR, WESTERN REGION

(1) No. 1109, (2) No. 383, (3) No. 228, (4) No. 238. Immediate. Secret. Telegram 11th December, 1957.

Minorities Commission. You will be aware that at opening sitting of Commission at Ibadan on 29th November Mr. Dingle Foot appearing on behalf of Parliamentary opposition Western Region and Yoruba Central State Movement informed Commission he could not present case for his clients unless witnesses before Commission and documents submitted were given absolute privilege.

2. Mr. Foot returned London and at his request I have discussed question of privilege with him and other counsel holding briefs for minority groups. I have also consulted Commission on views advanced by Counsel.

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

4. I accordingly appointed Commission by administrative action so that they might not be bound by legal forms but might be free to carry out terms of reference by means which seemed to them best. Before leaving London Commission considered *inter alia* whether they should nevertheless ask for judicial powers and decided that they could perform their task more effectively without such powers.

5. Representations by Counsel have been fully considered both by me and by Commission but we have found no reason to alter our original conclusions. Commission have informed me that they have already received helpful oral submissions from certain minority groups and that these submissions were offered without sign of fear of consequences. Commission continue to believe that they can best fulfil terms of reference without resort to judicial process and that although they will in any case do all they can to control witnesses grant of absolute privilege might encourage a recklessness of accusation that might open further very wounds Commission is appointed to heal.

6. I have no hesitation in accepting views of Commission for whose collective wisdom and experience I have high regard, and I do not propose to alter method of appointing Commission or to seek special means of conferring absolute privilege on witnesses.

7. I am informing Counsel whom I saw and who are still in London of my decision. I should be grateful if Governor-General would on my behalf inform Baker, and if he would arrange for Commission public announcement of decision within two days of receipt of this telegram.

8. Grateful also if Governor-General would copy to Commissioner for Cameroons.

WAF. 16/3/044 [No. 398] No. 90.

NOTE FOR THE MINORITIES COMMISSION ON NIGERIAN CONSTITUTIONAL DEVELOPMENT UP TO THE 1953 CONFERENCE

Secret.

A. The Principal Events 1950–1953

(1) *January* 1950.—After prolonged meetings and discussions throughout Nigeria beginning at Provincial level or below, a General Conference at Ibadan [the membership of which (53 in number) was entirely unofficial—except for the Chairman who was the Attorney-General—and entirely African, except for three nominated (or "Special") Members of the then Legislative Council who were Europeans] reached agreement on the outlines of a new constitution to give Regional Assemblies legislative powers and increased financial autonomy and to establish a limited Ministerial system at the Centre and in the Regions. The Conference's decision that Lagos should become Federal territory detached from the Western Region was challenged by representatives from the Western Provinces.

September 1950.—The Legislative Council's select committee settled two main problems outstanding from the Ibadan Conference by recommending :—

(i) that Lagos should remain part of the Western Region for administrative purposes ; and

(ii) that the Northern Provinces claim for 50 per cent of the seats in the Central House should be granted.

June 1951.—The new Constitution Order in Council was made. This constitution provided that the Regional Legislative Houses, whose functions under the 1947 constitution were only advisory, should be given specific legislative and financial powers. The Regional Executive Councils were to consist of the Lieutenant-Governor, certain *ex-officio* and Official Members, and such Ministers as the Lieutenant-Governor should in his discretion appoint from among the members of the Regional House of Assembly.

The 136 Representative Members of the 148 members in the Central House of Representatives were to be chosen by election by the members of the Regional legislatures from their own number, 50 per cent from the North and 25 per cent each from the West and from the East, which then included the Southern Cameroons. Central Bills, other than Appropriation Bills, were to be laid first before the Legislative Houses of the Regions concerned. On the dissolution of the House of Representatives all Regional Legislative Houses were deemed dissolved. The Regional Houses could not be dissolved separately.

The Central Council of Ministers was to consist of the Governor, the Chief Secretary, the Attorney-General and the Financial Secretary, the three Regional Lieutenant-Governors and four Ministers from among the Representative Members from each Region. The Ministers were to be appointed by the Governor in his discretion after considering the advice, given in his discretion, of the Regional Lieutenant-Governor concerned ; the Governors' appointments were to be approved by the Regional Legislative Houses concerned. The Governor, acting in his discretion, could charge Ministers with responsibility for particular subjects. Ministerial responsibility did not extend to the administration of Departments, but was limited to dealing with the subjects with which they were charged in the Council of Ministers and the Legislature, and to ensuring in association with the appropriate public officers that the Council's decisions were carried out.

August 1951.—The N.C.N.C. decided at its Kano Convention to press for Nigerian independence in 1956.

December 1951.—Regional elections were completed. Dr. Azikiwe and Mr. Awolowo were both elected to the Western House of Assembly.

January 1952.—The new constitution came into operation. The Regional Legislative Houses of Assembly elected the Representative Members of the Central House. Mr. Awolowo became a member of House of Representatives but remained a Regional Minister. Dr. Azikiwe failed to secure election to the Central House (owing to the Action Group majority in the Western House of Assembly).

June 1952.—Mr. Awolowo staged a constitutional crisis. At an interview with the Governor and in a memorandum to the Regional Governments the Action Group demanded :—

(i) Abolition of Governors' and Lieutenant-Governors' discretionary powers under their Royal Instructions in respect of legislation enacted before the new constitution ;

(ii) Extension of Ministerial responsibility to control over Departments ;

(iii) Creation of posts of Parliamentary Under-Secretaries ;

(iv) Introduction of a "Political Party system" ; this meant principally the appointment of Regional Prime Ministers or Chief Ministers with the right to recommend other Ministerial appointments.

The Northern Executive Council rejected the memorandum virtually *in toto*, and the East was cool, commenting adversely on the Action Group's method of proposing constitutional reforms without prior inter-Regional consultation.

4th July 1952.—The Governor agreed to consider forming "Ministries" (Secretariats for Ministers) and to increase the contacts between Heads of Departments and the Ministers responsible for their subjects. The Action Group appeared chastened at the reception accorded to its memorandum in the other Regions.

July–August 1952.—The N.C.N.C. revived the issue of making Lagos Federal territory and put down a motion in the House of Representatives on it.

Awolowo declared for independence within five years of 1951.

December 1952.—At a special N.C.N.C. Convention at Jos, Dr. Azikiwe secured a majority in favour of refusing to work the constitution, thus splitting the N.C.N.C. Three Central Ministers were expelled from the N.C.N.C. N.C.N.C. called for :—

(i) Direct elections. (All Regional elections under the 1951 Constitution were indirect through electoral colleges).

(ii) Universal adult franchise. (Women in the North had, and have, no votes and in all three Regions only tax payers could vote).

(iii) Excision of Lagos from the West.

(iv) Nigerianization of the entire public service.

(v) Abrogation of the 1951 Constitution as soon as possible.

(vi) Defeat of advocates of "Regional autonomy".

The Action Group announced a policy of "non-fraternization" with the Governor and the Lieutenant-Governor, West, ostensibly as a result of differences over the promotions of overseas officers and of a dispute over the assent to a Regional Bill. The N.C.N.C. at once followed suit. The Northern Peoples Congress denounced the policy as "childish".

January 1953.—Dr. Azikiwe (although himself not a member of the Regional House) called for, and got, the resignation of all nine Eastern Regional Ministers with a view to a reshuffle. Six of the nine, led by Professor Eyo Ita, withdrew their resignations before they had reached the Lieutenent-Governor and refused to leave office, saying that their resignations had been obtained under threat from Azikiwe.

February 1953.—The Eastern House passed a vote of "No Confidence" in the Executive Council, but not by the two-thirds majority in secret ballot required by the Constitution if Ministers were to be obliged to resign. The Ministers formed the National Independence Party, and were joined by the three ex-N.C.N.C. Central Ministers. The N.C.N.C. blocked Government business with a majority in open voting (secured by intimidation), but dared not risk a secret ballot for fear of an N.I.P. majority. Deadlock resulted. The Lieutenant-Governor was compelled to use his reserved powers to pass the Appropriation Bill.

26th February, 1953.—The Central Ministers unanimously asked the Governor for executive authority over Departments, claiming support from all Regional Ministers, and citing similar developments in the Gold Coast. The Governor strongly advised accepting although this involved making an amendment to the Constitutional Order in Council and the Secretary of State agreed.

3rd March 1953.—Governor announced plans for "far-reaching changes" in Ministers' functions and powers. This was the first public announcement of a proposed amendment to the 1951 Constitution.

18th March 1953.—The Action Group tabled a motion in the House of Representatives calling for independence in 1956. The Northern Region members tabled an amendment to substitute "as soon as practicable" for "in 1956". The Council of Ministers considered the line to be taken by Ministers in the debate on the motion and amendment and by a large majority decided that, in order to maintain collective responsibility and to avoid any danger of speaking with different voices in the Legislature, Ministers would listen to the debate but not take part. Some of the Action Group Ministers said that they would refuse to be bound by this decision and would insist on speaking.

31st March.—One Western Region Minister, the Oni of Ife, resigned an hour before the House of Representatives' debate, rather than flout the Council of Ministers' decision by obeying Action Group orders. The motion was moved and the amendment proposed by the Sardauna of Sokoto. The Oni of Ife made a personal statement and a Northern member then moved a dilatory motion. Mr. Awolowo made a violent speech attacking Northerners and the British and accusing them of conspiring to hold back Nigerian independence. Dr. Mbadiwe spoke similarly for the N.C.N.C. All Action Group and N.C.N.C. members then walked out of the House. The N.I.P. members attacked the timing of the substantive motion while accepting its substance. The dilatory motion was then carried.

That afternoon the remaining Action Group Central Ministers resigned and made statements in breach of their oath of secrecy as Ministers. The Northern Ministers returned to Kaduna bitterly disillusioned and talking openly of secession from the South.

April 1953.—The Minister of State, Mr. Henry Hopkinson, visited Nigeria and talked to political leaders. From his talks the following attitudes emerged :—

The Northern Peoples Congress called for virtual secession and Regional autonomy with no central government at Lagos other than "commissions" or "agencies" to deal with technical inter-Regional subjects. Mallan Abubakar and others complained bitterly of the humiliating treatment they had received at the hands of Lagos mobs and jeering politicians. They claimed that they had agreed in 1950/51 to constitutional advance against their better judgment and in response to pressure from the South and the Governor.

N.E.P.U. was still in favour of Nigerian unity but called for increased Regional autonomy.

The Action Group wanted full Regional autonomy and residual legislative powers for the Regions. They called for the end to the right of Regional Lieutenant-Governors to sit in the Council of Ministers. They gave notice that the four vacant seats on the Council of Ministers could be refilled acceptably only by the four Ministers who had resigned. The Northern Ministers intimated that they would resign if the same four Action Group Ministers returned.

The N.I.P. Ministers wanted a federal constitution with greater powers for the Regions ; Nigerianization of official posts on Executive Councils and Council of Ministers ; and Nigerian unity.

The N.C.N.C. did not meet the Minister of State but re-emphasized their theme of "One Nigeria" and called for greater powers at the centre and the federalization of the territory of Lagos.

5th May 1953.—The Eastern House of Assembly reassembled. An amending Order in Council enabling Lieutenant-Governors to dissolve Regional Houses separately on the advice of their Executive Councils had come into operation on 2nd May. This was in accordance with a House of Representatives resolution of 24th March.

6th May 1953.—N.I.P. Government motion declaring a united front with other Regions for self-government by 1956 was not voted upon after a successful dilatory motion by the N.C.N.C. who said that they did not need N.I.P. to help in the struggle for independence. The Executive Council advised the Lieutenant-Governor to dissolve. The Dissolution was welcomed by N.C.N.C. Dr. Azikiwe decided to resign from the Western House of Assembly and to stand for election to the Eastern House when elections took place. The Cameroons bloc (who had supported the N.C.N.C. in exchange for Zik's promise of a regional legislature for the Cameroons in 1956) declared they would not fight Eastern Regional elections.

May-June 1953.—There was continued deadlock over the replacement of the Western Ministers at the centre. The Northern and Eastern Ministers threatened resignation unless the replacements were made. The Action Group in the Western House of Assembly refused to approve names other than those of the Ministers who had resigned.

The N.C.N.C. supported the Northern Peoples Congress in demanding the federalization of Lagos.

21st May 1953.—The Secretary of State announced in the Commons his decision to revise the constitution after a conference with Nigerian leaders in London, and the conference duly took place, though it was not without difficulty that the various leaders (particularly Dr. Azikiwe) were persuaded to take part.

An N.C.N.C.-A.C. alliance for the conference was formed. The N.C.N.C. yielded to the A.C. in abandoning demands for :—

(i) A unitary form of government for the whole of Nigeria ;

(ii) residual powers for the centre ;

(iii) direct elections to the House of Representatives.

These concessions were thought to be a result of Action Group threats of libel actions against the Zik press unless the N.C.N.C. gave way.

July and August 1953.—London Conference. The Action Group and the N.C.N.C. combined to press for self-government for Nigeria by 1956 ; the Northern Peoples Congress adhered to the formula of self-government as soon as practicable. No decision was taken about self-government for Nigeria. The Secretary of State said that no one would suggest that Her Majesty's Government should force self-government on any Region that doesn't want it—especially a Region (the North) containing more than half the population. He further suggested that it did not make sense to talk of sovereignty for a unit of a Federation. But he said that in 1956, Her Majesty's Government would grant Regional self-government to any Region that wanted it provided that this did not break the Federation or make the smooth working impossible. The Secretary of State was asked by all parties to make an award on Lagos which all would accept as binding, and he decided that Lagos should become Federal territory. This decision was warmly welcomed by the Northern Peoples Congress and N.C.N.C. but was vigorously contested by the Action Group. All parties agreed to allow the same four Western Ministers to return to the centre. The Regions were to be given residual powers ; the Federal and Regional Houses were to be elected separately ; the Regions were to have Premiers and full Ministerial systems ; the *ex officio* members were to leave the Eastern and Western Regional Executive Councils ; both Federal and Regional Ministers were to have departmental responsibilities.

December 1953.—At the Eastern Regional elections the N.C.N.C. won a clear majority with 72 seats. The N.I.P. gained nine seats and the U.N.P. three. Dr. Azikiwe was now for the first time a member of the Eastern House of Assembly.

After a resumed conference in Lagos in January, 1954, to deal mainly with financial questions, new constitutional instruments were made and came into force on 1st October, 1954.

B. Main Causes of the Breakdown of the 1951 Constitution

Throughout the life of the 1951 constitution certain controversial issues kept reappearing, sometimes in acute form, and eventually in such a way that deadlock resulted and only constitutional change could resolve it :—

(i) *The Question of Independence.*—The Action Group and the N.C.N.C. competed to appear as the foremost champions of Nigerian independence. The North was determined not to be hustled (especially by crude Ibo politicians) because they were aware of their extreme backwardness in "Western" education and feared that when British Officers left their places would be taken by degree-holding Southerners. They also feared interference with their Northern (Muslim) customs and way of life. The South, on the other hand, was driven, both by nationalism and by fear of domination by the emerging and numerically overwhelming North, to press for independence while it could still be obtained on Southern terms.

On the other hand, the Northerners could not risk being held up to ridicule in Lagos as backward people who were holding back Nigerian progress in close league with the British ; such a position was, to the Muslim Emirs and their party, intolerable both politically and temperamentally.

The Action Group's motion in the House of Representatives simply brought to a head a conflict which already existed.

(ii) *Ministerial Powers.*—The intention of the 1951 Constitution was that Ministers should be allocated subjects upon which they would answer in the Legislative House and on which they would specialize in the making of policy in Executive Council or the Council of Ministers, without usurping the executive powers of Heads of Departments (most of them expatriates). It was an inevitable corollary of this transitional measure that the substance of authority should eventually be added to the shadow. In the event the demand for executive power was hastened by the pace of development in the Gold Coast. Once it was conceded that the constitution would require amendment, the door was open to more radical proposals, and the fears of the North were thereby accentuated though it should be noted that the Northern Central Ministers joined with their colleagues in demanding the change. In fact, there was little or no disposition on the part either of the Secretary of State or the Governor to resist the proposals for increased Ministerial power, although there was a proper reluctance to depart from the 1951 Constitution while it remained in force.

(iii) *The relationship of the Regions with the Centre.*—This became crucial with the deadlock in the Eastern Region between the N.C.N.C. and the N.I.P. which could not at first be resolved by separate Regional elections. Politically, the Action Group was always the protagonist of strong and autonomous Regions ; their target was the Yoruba State. The N.C.N.C., partly because of pressure of population on poor land the desire of the thrustful Ibos to have opportunities in all parts of Nigeria, was the party of " One Nigeria ", a strong central government and small and weak Regions. This major difference between the Southern parties encouraged the process of party bid and counter-bid, with successive crises and mounting tension. The 1951 Constitution had attempted to compromise between these two views by giving residual powers and executive authority to the Centre, including considerable authority over Regional revenue allocation, while giving the Regions great power in the system of selection of the Central legislature and Council of Ministers. The provision whereby Regional Houses could be dissolved only when the House of Representatives was dissolved was also part of the attempt to strengthen through interdependence the Centre and the links binding the Regions to the Centre. The result of this interdependence was that a dispute at the Centre or in any Region became the business of the whole structure and so seldom capable of straightforward solution. Political differences ran too deep for all-party government to be possible.

(iv) *The system of appointment of Central Ministers.*—This was a corollary of (iii). The Action Group Ministers at the Centre were effectively the creature of the Western Regional Government and the same was true to a lesser extent in the other Regions. The division of accountability in three directions—to party, to central legislature and to Region—made the Council of Ministers a permanent political battleground, and the centre was the weaker in consequence. This anomaly was accentuated by the absence from the Centre of any of the main party leaders.

(v) *The Governor's and Lieutenant-Governors' retention of all discretionary powers given them by legislation in force before* 1951.—This was a largely artificial issue raised by Awolowo in his sham crisis in June 1952. Discretionary powers are inevitably obnoxious in the later stages of political development, and since there was doubt whether the constitution departed in this respect from the agreement of the General Conference at Ibadan the issue could be raised as an accusation of bad faith. It was resolved by a promise pending amendment of legislation conferring discretionary powers to consult informally where appropriate in exercising such powers under pre-1951 legislation as would have been non-discretionary under the new constitution.

(vi) *The position of Lagos.*—The difference of opinion on the future of Lagos began at Ibadan in 1950 and was never really resolved. The Secretary of State's award at the 1953 Conference was strongly challenged by the Action Group for some time afterwards, although like other parties they were pledged in advance to accept it. The West was naturally reluctant to lose Lagos, especially in view of their " Yoruba State " philosophy. The North's desire for a federal capital out of Southern politicians' hands was accentuated by the treatment they received at the hands of hostile and jeering crowds in the crisis of March, 1953. The N.C.N.C. saw in the Lagos question an opportunity to score off the Action Group and their centralism naturally suggested an independent capital. In the event, the Action Group lost much of the fruits of their undoubted success at London in 1953 by their vocal protests at the Lagos decision.

(vii) The constitution was drawn up on the assumption that it would be some time before clearly defined and organized political parties developed to the point where the system could be based on them. In practice a fully fledged party system emerged almost immediately after the 1951/52 elections, despite the fact that large numbers of the candidates stood under no party labels and acquired party affiliations only after the elections. The constitutional procedure for appointing and removing Ministers, for governmental Resignations and dissolutions of Legislatures was thus outmoded almost before it had begun to work.

(viii) Constitutional provisions which applied to the whole of Nigeria uniformly and the concept of further advance at the same uniform pace, deepened the rift between North and South, heightened the obstacles to unity on the Council of Ministers, and encouraged the Northern and Western governing parties to look to secession as a solution. The North's disillusionment and desire to withdraw were the principal factors calling urgently for remedy in 1953 ; the solution—Regional self-government, not necessarily granted to all Regions simultaneously—emerged gradually in Colonial Office thinking during 1952 and was applied at the Conference in 1953.

(ix) The complexities and temporary features of the constitution might still have survived the intended period before a further review, but for the personalities involved. *Mr. Awolowo* was a much more volatile and less mature character than his present performance would suggest. The crisis of June 1952, was unnecessary and artificial ; it hinged on what was then Awolowo's hatred of the Colonial system, his then passionate dislike of individual expatriates and his determination to use the power he had as a Minister and party leader to capitalize politically on this advantage over Dr. Azikiwe. Some of Mr. Awolowo's lieutenants were disreputable. The hysteria and extremism of *Mr. Bode Thomas*, leader of the Western central Ministers, made impossible a solution of the crisis of March 1953, in the Council of Ministers ; and Mr. Awolowo, from outside the Council, would concede nothing in the cause of unity at the centre. In addition Mr. Bode Thomas and other Western Central Ministers not only broke the secrecy of Council of Minister's proceedings but undoubtedly distorted them in reporting to Mr. Awolowo.

(x) Dr. Azikiwe's tactical error in entering the Western and not the Eastern House of Assembly proved an expensive one. His manoeuvres to get into the Central House failed, despite extensive bribery ; consequently he found himself President and adulated leader of the party in power in the East, while himself only an Opposition backbencher in the West. Meanwhile, his principal political rival in Nigeria, Mr. Awolowo, was effectively (though not nominally) Premier of the Western Region. Thus the only means whereby Dr. Azikiwe could keep up with, and outbid, Mr. Awolowo, in the competition for the political initiative, were extra-constitutional means. He found himself excluded from office yet able because of his unique and long-standing personal " mystique " to exercise power and act as King-maker. Hence the split in the N.C.N.C. in December 1952, on the issue of whether or not to continue to work the constitution ; hence also the attempt to reshuffle the Executive Council of the East in the following month, resulting in the breakaway by the six Ministers whom Dr. Azikiwe did not intend to see reappointed ; the formation of the N.I.P., and the minority Government in the Eastern Region, unable to act but irremovable. Dr. Azikiwe felt that if he were to achieve office, and power, he must keep himself in the limelight by continuous extremism.

The Constitution was thus subjected to constant pressure from a series of different factors :—

(i) Awolowo's hatreds and ultimate aims ;

(ii) Azikiwe's ambitions and his exclusion from power ;

(iii) Machinations in the Council of Ministers, particularly by Bode Thomas and the other Action Group Ministers ;

(iv) the fears of the North ;

(v) Action Group readiness to force an issue with the North ;

(vi) fissiparous tendencies, Northern and Western ;

(vii) the development of a party system for which the Constitution did not sufficiently allow ;

(viii) lack of real Regional autonomy and resentment at dependence on the Centre, combined with power at Regional level to paralyse the Centre ;

(ix) a nationalist political climate in which moderation meant political suicide ; and

(x) a genuine desire for more real power and furtherance of the cause of independence, leading to inevitable impatience with the presence of official members of the Executive Councils, discretionary powers of Governor and Lieutenant Governors, tenure of senior posts by expatriates, and all the appurtenances of colonial rule.

WAF. 16/3/044 [No. 469] No. 91.

SIR ROBERT STAPLEDON

to

MR. C. G. EASTWOOD

Secret and Personal.

MY DEAR CHRISTOPHER, Government House, Enugu, Nigeria. 19th July, 1958.

After giving two days of careful, and increasingly anxious, study and thought to the recommendation of the Minorities Commission on the future of the Nigeria Police Force, I have come to the point at which I must set down my conclusions and send them to you without delay.

2. I am at one with the Commission in believing that in the removal of the fears of minorities and in the safeguarding of their rights the ark of the covenant is the existence of an independent *Nigeria* Police Force with the Federal Government as heir to Her Majesty's Government's overall responsibility now exercised by the Governor-General. I think the Commission's general argument, as when they emphasize the sheer necessity for that political compromise at the centre which is so notably lacking in the Regions, presents the case with great wisdom and vision.

3. But when it comes to the practical recommendations for the Police Force I find myself increasingly apprehensive, and finally certain, of extreme danger.

4. Briefly, the Commission seek (understandably enough) to meet the difficult political situation by a compromise which makes the best of both worlds. What they describe would, without any shadow of doubt, produce the worst of each. By that I mean the minimum of Federal control and the maximum of Regional licence. I can see in it little or no safeguard for the minorities. Rather, I am afraid, the reverse. Allowing that the proposals are in fact workable, which I do not think they are, they would lead rapidly to the disintegration of the Force into a collection of poorly officered and manned Regional Forces mutually hostile to one another. We would do much better to stick firmly to a solidly Federal-controlled, paid, officered and manned-Force while allowing, and indeed facilitating the development of N.A. and L.G. Police as Local Constabularies with the admitted aim that they would in time come to perform all the normal duties of a County or Borough Force at home. Whether in fact that end would be reached generally in the foreseeable future I rather doubt.

5. I believe it is Rankine who has expressed the opinion that if a Federal Force can be handed over at Independence it is then not so likely to be regionalized. I am of the same opinion.

6. Having said so much I must add that I fully appreciate that the issue is likely to be regarded as one of substance rather than presentation, and that it is not to be expected that the Commission will be disposed to make wholesale alterations at this stage. I have very much in mind, however, that the ultimate responsibility is that of the Secretary of State and that we were recently enjoined to ensure that nothing should be said or done that might in any way tie his hands. The following comments on particular points are made in the hope that they may be of some help in preserving the Secretary of State's freedom so far as that may now be possible.

7. With the general sense of what is said in paragraph 12–21 of Chapter 14, I have no quarrel. Indeed I think much of it is admirable. It is when we come to paragraph 22 that my fears begin to take shape.

8. I would prefer the omission of paragraph 22 with its implication that a Region has an inalienable right to a force " of its own ". This seemed to me gravely to prejudice the Secretary of State's position.

9. It seems to me that, in sub-paragraphs (5), (10) and (11) of paragraph 23, that duality of *responsibility* for law and order between the Federal and Regional Governments, the existence of which cannot be denied, has been extended much too far in the direction of dual *control* over the Federal Force. It is all very well to say in (5) that the Regional Government's authority to move and control Police Forces anywhere in the Region should be subject to the over-riding powers of the Federal Government. But imagine what would, in fact, be taking place either through inaction or through improper action whilst the argument between the Regional and Federal Governments was going on. Such a system of command would surely prove unworkable in practice. The power should remain solely with the Federal Government. The same applies to sub-paragraph (10) on which I must also enter the caveat that so far as this Region is concerned it is to be confidently expected that the Minister charged with responsibility for the Police would issue an endless stream of orders, a great many of which would unquestionably be inconsistent with the professional standards of the Commissioner, so long as that office retained any worthy of the name. As regards (11), I agree that a Region should have the right to be heard as to the strength of the Federal Force in its Region, but I do not think it wise to say that they should also be allowed as far as possible to determine that strength. That, I think, is to invite extremes of controversy very dangerous to the Federation.

10. I also have doubts, at any rate so far as this Region is concerned, about (12) of paragraph 23 where it is urged that the local Police Force within a Region should be unified. I think it would be much better, particularly in relation to minorities, if local forces were to develop on a provincial basis so that, for example, we might in this Region have a Calabar, a Rivers, an Owerri, an Onitsha and an Ogoja " county " constabulary, none of which could operate in each other's areas and which would be most unlikely to combine in any action harmful to the Federation.

11. Paragraph 24 begins with the following sentence :—

> " We wish to emphasize 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."

With that sentiment I entirely agree though, as I have indicated, I should prefer the omission of the words " not subject to purely regional control ". But even allowing the inclusion of those words, I think the proposals, in paragraph 25, which the Commission themselves concede are not an essential part of the narrative, seriously depart from the principle which the Commission themselves have enunciated.

12. Paragraph 25(*a*), where it is suggested that there should be one officer cadre sub-divided into regional detachments, begins to open the way towards disunity, decline of esprit de corps and loss of central control. This is furthered by (*b*) which provides for three, that is Federal, Regional and Local, recruiting authorities. It is finally and irrevocably confirmed in the alarming proposal in (*c*) that the Region should have the right to refuse to accept any officer whom " they did not think suitable ". If, as is universally believed here, most of our best officers, both African and European, were under such conditions to leave the Force, it would not be long before the Force would be officered by those corporals whose present loyalty would be the most easily undermined. A further almost inevitable consequence of these proposals would be that each Regional Detachment would be officered as well as manned by the majority tribal group.

13. In sub-paragraph (*f*) it is very rightly pointed out that it would be at the level of the regional Commissioner that the dual responsibility would be most sharply felt. When the Commission write " an occasion might arise when he would be conscious of a clash between the duties imposed upon him by the Regional Government and the Federal Government ", I feel bound to observe that this " might " be read by a Commissioner of Police as a rather notable understatement.

14. As regards the proposal in (*c*) that the object would be gradually to absorb all local Police Forces into the regional detachment, I have already expressed my views in paragraph 10 above.

15. As the Commission have themselves volunteered that paragraph 25 is not an essential part of the Report, I would, with no disrespect to them, earnestly suggest that it would be better to leave it out in toto. It could still be, as it were, brought out of the Secretary of State's hat if it should turn out, when we have all had more time to think about this and to see how circumstances out here developed, that the fears which I have revealed in this letter are unwarranted or that regionalization pure and simple is inevitable. My appreciation of the effect if the Commission's detailed proposals is, in brief, that they amount to a particularly unfortunate form of Regionalization in all but name and that they would involve a loss of Police efficiency even greater than that which would result from outright Regionalization. At the same time they do less than nothing to secure the rights of minorities and might well aggravate their fears.

16. I hope to write by the next bag giving my comments on details of presentation in the remainder of the report.

17. Copies of this letter go to Robertson, Rankine and Bell.

Yours, &c.,

ROBERT STEPHENSON.

WAF. 16/3/044 [No. 468] No. 92.

SIR JAMES ROBERTSON

to

MR. C. G. EASTWOOD

Secret and Personal.

MY DEAR EASTWOOD, Government House, Lagos, Nigeria, 21st July, 1958.

I was grateful—as I have no doubt Governors were also—for an opportunity of seeing the Report of the Minorities Commission in page proof.

2. I am sorry that in taking advantage of your suggestion that I should let you know if, apart from questions of phrasing in the Report, there are matters of substance on which I should like the Commission to know my views before the Report is completed, I have to tell you that I am most unhappy about the recommendations in respect of " Police Forces ". Rankine has been with me in Lagos over the week-end and I have had a chance to discuss these recommendations with him in

detail. Bovell was in Enugu when Stapledon received his copy of the Report and they had a thorough discussion of the recommendations affecting the Police and were equally unhappy about them. I have spoken to Stapledon on the telephone and he tells me he has already written to you on lines very similar to this letter. I have not yet been able to discuss with Bell but will let you know if anything he has to say leads me to change my mind.

3. I send with this two copies of a note of the views formed here as a result of these discussions. I appreciate that the Commission may be reluctant at this late hour to reconsider one of their principal recommendations; but it is just because it is their main recommendation that I feel I should ask you to inform them of the strength of our views here that the recommendation will not serve their avowed purpose. I very much hope that you will be able to prevail on the Commission to amend their conclusions in this respect.

4. If the Commission feel that they must keep to the substance of what they have said about the Police, may I ask for some rephrasing of paragraphs 23 and 25. We have found some inconsistencies between the wording of these two paragraphs and as they are summarized in paragraphs 1, 2 and 3 of Chapter 15 in another form, there is much room for argument about the Commission's precise intention in matters of detail. It will be difficult enough to get a calm and sensible reception for the Commission's Report whatever it says and I should like to limit, as much as we can, the opportunity for argument about what it is that the Commission has recommended. Furthermore, it reads oddly to us that the Commission should say (paragraph 24 of Chapter 14) that it is not "proper" for them to make detailed recommendations as to Police organization but should go on to say that "if challenged" they "would tentatively put forward in outline a scheme . . . which may serve as an example of a kind of arrangement we have in mind and may provide a basis for discussion". I trust that the sort of rephrasing and clarification of intentions that we would hope for is sufficiently apparent from the note of our criticism of the main recommendation.

5. Next, I regret that both Rankine and I feel we should record our regret that the Commission have come to no definite conclusion about the Ilorin and Kabba problems. The first ten paragraphs of Chapter 13 seem to dispose of the case for any boundary revision; paragraphs 11 to 13 lead to the conclusion that no clear guidance is to be obtained from election results; paragraphs 14 to 18 are very much a matter of argument to and fro; and paragraph 20 says that if a plebiscite is to be held it should be held as soon as possible but gives reasons why it is impossible to have it soon; and the conclusion is that there should be a plebiscite "if the Conference agrees that it should be held and that it should be binding". (See paragraph 27 (ii).) I am disappointed that a definite recommendation one way or the other has not been made by the Commission set up *inter alia* for that purpose, and that this highly contentious question should have been remitted to a Conference of politicians meeting for many other purposes (including some of much greater importance) and with a proved tendency for emotional argument instead of practical reasoning. But Rankine has further pointed out that the form in which the matter is left to the Conference is unfortunate. The plebiscite is to be held "if the Conference agrees that it should be held and that it should be binding". The West may well contend that the Conference has "agreed" if a majority of the delegations present vote in favour of a plebiscite; the North will certainly contend that there is no agreement unless all delegations have "agreed". The Northern Peoples Congress delegation would not agree and would, in Rankine's words, have a "Molotov veto". I hope that this possibility of dispute at least, will be removed.

6. There is only one matter of phrasing that I would like to ask to be altered lest it give unnecessary offence. That is in paragraph 22 of chapter 12, on page 80. "On the other hand, we heard stories of Action Group parties in the familiar Land Rovers coming from the Western Region before an election and using violence to intimidate electors. . . ." This is not a finding of fact—it is a statement of a complaint made to the Commission. Even as such it may be fit for inclusion; but it would be better to avoid giving the impression, by the use of the word "familiar" and the general tone of the passage, that the Commission accept the story. The three matters covered in the paragraph might, perhaps, be introduced by some such phrase as :—

> "On the other hand, the following indications of feeling against the transfer were given us."

It could then go on—

> "There were complaints of intimidation of electors by parties coming from the Western Region before an election; the Ilorin Progress Union, which appears to include many members whose homes are in Ilorin but who earn their living outside Nigeria, have consistently opposed the transfer of the Division to the West; and the main opposition party in the Northern Region, N.E.P.U. allied with N.C.N.C., has expressed opposition to the transfer."

7. There are some minor inaccuracies or instances of assertion that might not be supported by proof that I have noted and these are set out in an attachment to this letter.

8. I have sent copies of this letter to the Governors.

Yours, &c.,

J. W. ROBERTSON.

Enclosure 1 in No. 92.

NOTE ON RECOMMENDATIONS OF MINORITIES COMMISSION ABOUT POLICE

The arrival in Enugu of a copy of the Minorities Commission Report while the Inspector-General of Police was conferring with the Governor there gave them an opportunity of considering the recommendations about the Police. This note takes account of their views and also of those expressed at a meeting between the Governor-General and the Governor of the Western Region, at which the Inspector-General was present on his return from Enugu.

2. The Inspector-General is impressed (as are the Governor-General and the Governors of the Eastern and Western Regions) with paragraphs 12 to 22 in Chapter 14 "Conclusions and Recommendations", and, indeed, with the first eleven paragraphs of that Chapter, that lead naturally and convincingly to the passage about "Police Forces". In particular he endorses the statement in paragraph 20 that :—

> "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; . . ."

But he regrets, and the Governor-General and Governors share his view, that these paragraphs lead to recommendations that will certainly be unworkable in practice. The main conclusions reached about police forces are :—

(*a*) 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 (paragraph 18).

(*b*) A Regional Government must wish to have a force of its own, on which it can call in order to deal with any danger that may arise in a particular area. It also requires a force to whom it can give instructions of its own right in matters such as the provision of guards and ceremonial escorts (paragraph 22).

Since these two principles or conclusions are incompatible, the Commission proposes a compromise—a force which is neither exclusively Federal nor exclusively Regional but is a bit of both. The Inspector-General of Police fears that it would in fact be neither and would fail in the underlying purpose that the earlier paragraphs of Chapter 14 seem to declare as vital to the health of the Federation, namely, the maintenance of an efficient Police Force, as independent of political control as is feasible, that is not only the first line of defence against physical force as a threat to democracy but is essential to the operation of the two other lines of defence, the Magistrates and the Judiciary (paragraph 12).

3. The Commission says (paragraph 24) that it would not be "proper for us to make detailed recommendations as to the organization of the police in Nigeria" but goes on to say that if challenged to make suggestions for carrying out the principles it has enunciated, the scheme in paragraph 25 might be effective. This is a scheme for one officer cadre, officering Regional Detachments (including one for Lagos) that would be "variously recruited", and specialized units for training, C.I.D., intelligence and other purposes, the "other ranks" of which would also be "variously recruited" by Federal, Regional or local authorities but would be seconded for Federal purposes although borne on the strength of Regional detachments. Although paragraph 25 (*h*) says that, "Questions of appointment and discipline would be dealt with by the Police Service Commission as contemplated in the report by the Constitutional Conference", this clearly is intended to refer to the officer cadre only. Paragraph 46 (*d*) of the Conference Report confined the Police Service Commission's advisory duties to matters concerning "officers of the rank of Sub-Inspector or above" and the other recommendations of the Commission make it clear that the appointment of "other ranks" is to be within Regional control and is to be based on "various" recruitment; the Commission is silent about discipline but no doubt Regional authorities would expect to be able to discipline their own forces or "Regional Detachments" as the Commission calls them. The Commission likens the Regional Detachments to Regiments in an Army and perhaps it would be possible to evolve a not entirely unsatisfactory system in which the private soldiers of the regiments were variously recruited (although it would obviously be difficult to do so if differing educational standards were accepted) but were brought to a common standard of efficiency by unified training systems operated by officers of a national cadre. But the Inspector-General of Police is worried about the following defects in the system :—

(*a*) There would be, for the reasons set out below, no certainty of command.

(*b*) The proposal (paragraph 25 (*e*)) that a Regional Government would have the right to refuse any officer not considered suitable would make it impossible in practice to recruit and post officers, if there were any degree of wilfulness or caprice on the part of one or more Regional Governments.

(*c*) The "dual responsibility" to which the Commission refers would in fact make the system impossible to work if there arose the very conditions of Regional-Federal distrust that it is the Commission's avowed aim to provide against.

4. The Commission proposes that the Regional Detachment should "normally operate without Ministerial directions" (paragraph 23 (10)); this is a very proper expression of hope. But the Commission recognizes that "it should be open to the Regional Minister responsible for law and order to give directions to the senior police officer in the Region"; this again is very proper. Thereafter, however, the Commission's proposals do not seem to be practicable. The Commission says that the

senior police officer in the Region should obey the Minister's directions " unless they are inconsistent with his professional standards or with Federal instructions or legislation ". This must lead to uncertainty of command. There would always be the possibility that the probable course of Police conduct would be varied not only by intervention from a superior officer at Federal Headquarters but also by a Regional Minister or even by both, acting in contrary senses. Nor can there be certainty of command if there are different standards of discipline for " other ranks " within what purports to be one Force. This will not be remedied by having an officer " always on the strength of the Regional Detachment " to which he is first appointed " even though he might in fact for long periods be seconded to purely Federal duty ". Unless the officer cadre is to be divided into watertight Regional compartments for promotion purposes, there must be some interchange and it is asking too much to expect an officer to work three or four different disciplinary systems. Furthermore there will be " Federal purpose " units and " Regional purpose " units stationed side by side and these may have differing disciplinary procedures and standards.

5. These uncertainties might be cleared up by improving on the Commission's recommendations, particularly in the disciplinary field ; but is it really to be expected that any senior police officer who had once declined to carry out the instructions of a Regional Minister on the ground that they were " inconsistent with his professional standards " would ever again be acceptable in that Region ? And would not the resolving of any such conflict be a source of illwill not only between the Federal Government and the Regional Government but between the Regional Government and the Police generally ? There is the additional practical argument that " reference back " in cases of disputed instructions might have a serious effect in an emergency where the first essential is crispness in dealing with a situation before it gets out of control.

6. The recommendation (paragraph 23 (12)) that " it should be the policy of the Regional Government to unify gradually the local police forces within the Region " is contrary to the policy hitherto followed by Her Majesty's Government. It is what we sought to guard against when the Western Region was enacting its Local Government Police Law. " Provincial Forces " may be well enough ; but the unification of Local Government Police might merely result in the setting up of a rival force to the " Regional Detachment "—again just the evil that the Commission purports to be avoiding. It is true that the Commission says in paragraph 25 (*c*) that " it would be the object gradually to absorb all local police forces into the Regional Detachment " but the process might well stop short of that, particularly if there had been friction about the operation of the Regional Detachment. There would then be rival forces, neither of them particularly efficient, one with divided loyalty and the other with undivided loyalty to the Regional Government that had created it.

7. Another minor and perhaps curable defect is that in paragraph 23 (11) that " A Regional Government should have the right to be heard as to, and as far as possible allowed to determine, the strength and composition of the police forces within the Region ". Experience between 1951 and 1954 showed the futility of attempting a division of control in this field. So long as the Federal Government has the ultimate responsibility surely it must have the ultimate say in determining the strength and composition of the means of maintaining law and order ? Doubtless this is what is meant by " as far as possible " but this will open up another fruitful field for discord.

8. The conclusion is regretfully reached in Lagos that the Commission's proposals would give Nigeria the worst of both worlds. Proponents of full regionalization would not be satisfied ; the " consciousness of . . . unity . . . and . . . responsibility " that is (as the Commission says in paragraph 20 of Chapter 14) so valuable an asset of the Nigeria Police Force would be destroyed ; and there would be added the disadvantages not only of dual responsibility of professional officers but of divided control of the Force, and of a very substantial addition to the possible causes of friction between the Governments within the Federation that it has been our sustained labour hitherto to reduce to a minimum.

9. Beyond these objections to the Commission's proposals is the alarming prospect that with their publication it will become impossible for the Secretary of State to take what is still thought by the Governor-General and his principal advisers to be probably the best course, namely, to say that Her Majesty's Government will not and cannot, while still responsible for Nigeria, agree to the regionalization of the Police. All those who press for regionalization and (most of them as has been seen here, without clear knowledge of what it would mean) will say, " But your own Commission, the one that you appointed, has clearly shown that, ' There should be no exclusively Federal force ' ". The Commission will have put it out of the power of the Secretary of State to get Nigerian acceptance for such a course if he is impelled to the conclusion that it is the wisest course. Although the Inspector-General is very much opposed to the creation of Regional Forces in addition to a Federal force, he would prefer this to the Commission's proposals. Better, he says, to have three Regional Forces and one Federal Force, soundly planned and manned as well as may be (though the difficulties are very considerable) than a divided Force, owing varied loyalties, with divided control. He is deeply pessimistic about the chances of retaining the services of expatriate officers if they were required to put their professional standards and their notion of Federal instructions in issue with Regional Ministers having the initial power to give orders though those orders would be subject to countermanding at the Federal level. There is hope that " regionalization " would be acceptable at the Conference despite the Commission's recommendation that there should be no exclusively Regional Force ; but there seems little hope of maintaining an exclusively Federal Force in the face of opposition by two Regional Governments and the published opinion of a Commission set up by the Secretary of State that there should be no such Force.

Enclosure 2 in No. 92.

Secret and Personal.

SUGGESTIONS FOR MINOR AMENDMENTS TO DRAFT REPORT OF MINORITIES COMMISSION

The Commission may wish to reconsider the phrasing of the draft in the following respects :—

Page 13, paragraph 4—the Mace presented to the Western House of Assembly was not " presented by the House of Commons ".

Page 16, paragraph 15—it is not only the Action Group that has employed " thugs " and it would be wise to make this plain.

Page 17, paragraph 18—surely it is an exaggeration to say that " The Government has planned a number of large State-owned rubber plantations " ?

Page 17, paragraph 19—the Cocoa Marketing Board was not " set up in the time of rule by the Governor " nor was the reason that which the Commission states was " obvious "—it was the accumulation of large sums resulting from overseas sales at prices higher than the deliberately low price paid to cocoa producers during the War. There are strong arguments (of economics) against a Rubber Marketing Board and it is a pity for the Commission to give its authority to a recommendation for establishing one when the Commission did not hear evidence on both sides.

Page 19, paragraph 26—is there justification for the statement that the Ijaws " have undoubtedly been neglected by previous administrations " ? No proof is cited.

Page 30, paragraph 9—this follows some argument about what should be the area of the Mid-West State but speaks of " this area " without clearly indicating the area referred to ? It is illogical to talk of " neglect, not only by the present Government but by its Colonial predecessor " and then to say a few lines below that " the nature of the country makes development expensive and in some cases impossible ".

Page 31, paragraph 15—the existence of an " Ika tribe " has been strenuously denied in the House of Representatives recently by representatives of persons so described.

Page 36, paragraph 9—UNIP is not only a " Calabar party of Efiks and Ibibios "—it numbers supporters in Ogoja and the most capable man in the party, Mr. Okoi Arikpo, is from that Province.

Page 41, paragraph 17—" inexhaustible " is an odd word to apply to a " leak " !

Page 51, paragraph 16—it is not " a broad arm of the sea which runs up to Port Harcourt " but the Bonny River.

Page 53, paragraph 8—the Fulani-Hausa-Kanuri-Nupe group does not support one party only ; what of N.E.P.U. and the Bornu Yough Movement ?

Page 62, paragraph 18—it may be criticized as loose reasoning to say that " the Northern Peoples Congress can hardly control the Federal Government without the support of their own minorities "—if they can return their own candidates even in minority areas (which is what the minorities fear) they will control the Government despite the minorities.

Page 65, paragraph 30—it is a pity that the Regional Board of the N.B.C. is not mentioned.

Page 69, paragraph 12—I understand it to be incorrect that an Alkali " has little prospect of transfer or promotion " from one N.A. to another. Some have served in a number of N.A.s.

Page 73, paragraph 9—the statement (towards the foot of the page) that " arguments to the contrary are arguments against independence " begs the question—many minority groups are afraid of what will happen when independence comes.

Page 79, paragraph 21—it is incorrect that " there is no similar restriction on the sale and leave of native land in the Western Region and substantial areas . . . have been conveyed absolutely to commercial firms ". There is the Native Lands Acquisition Ordinance, which prevents " the expropriation of natives and their exploitation by foreign interests ". Nor can freehold titles be acquired outside the Colony.

Page 85, paragraph 19—it would be better not to use the phrase " the date proposed for independence "—this may be taken to be a date proposed by Her Majesty's Government and there is no such date.

Page 89, paragraph 8—is it not going too far to talk of " the comparatively minor part in the Nigerian scene " played by the Federation ?

Page 97, paragraph 31—it will not inspire confidence in the Commission that it should say that, " 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. . . . " ! Is it appropriate to say of a Council that has not met that there would be " *greater* confidence " in it if it were modified ?

Page 102, recommendation (11)—does the word " marriageable " have a precise meaning in the Convention on Human Rights ? It would have to be defined if it were to be incorporated in our Constitution—and perhaps differently defined for different areas.

Page 105, paragraph 9—speaks of " any Special Area " but in fact only one has been proposed.

Page 107, paragraph 26—states that it would be " unwise " to introduce restrictions on the sale of land to persons not native to an area ; but it would seem to be contrary to the Commission's own recommendation of what should be a Fundamental Right.

Page 109, sixth paragraph of Appendix I—the Council of Ministers consists now of " a Prime Minister and twelve Ministers " but this is not necessarily so—it must contain not less than eleven Ministers including the Prime Minister.

Page 111—the footnote seems incorrect—the changes in the House of Chiefs took effect on 1st April, 1958.

WAF. 16/3/044 [No. 491] No. 93.

THE RIGHT HON. SIR HENRY WILLINK

to

SECRETARY OF STATE

6, Duke of York Street, London, S.W.1. 30th July, 1958.

MY DEAR SECRETARY OF STATE,

Thank you for your personal letter of 16th July.* I am sorry to bother you again, but as you know, we have had some comments on our draft report which go very much further than either you or we had in mind when we agreed that we would put the report in your hands before we signed it.

There are two points of substance, regarding Ilorin and Kabba and regarding the police. Regarding Ilorin and Kabba, I have already written to you ; we remain of the opinion that for you to impose the decision to hold a plebiscite would not produce a lasting effect. Further, we think that to put on you the necessity of imposing a decision either way would create more embarrassment for you in the Conference than the recommendations we have made. It is interesting to note that Sir Gawain Bell thinks the North would accept our proposal ; even if they do not, we think they ought to be in a position to refuse if they see fit. You will recall that in my letter of 15th July† I explained that we had contemplated the possibility that the North, without voting affirmatively, might agree to acquiesce in your view.

On the other hand, we have now gone far to meet the Governor-General's suggestions regarding the police. When we were in Nigeria, we discussed the question of the police with the Governor-General, with all three Governors and with the Inspector-General of Police, as well as with the Commissioner for the Northern Region. We are left with the strong impression that it was everywhere regarded as inevitable that the police should be regionalized. Indeed, it is implied in the conclusions of the 1957 Conference that this is likely to occur ; they speak of strengthening contingents of the Nigeria Police stationed in the Regions so that they could become the nucleus of Regional forces.

Our own opinion was that as much as possible should be saved from regionalization. But it was our impression that the prospect of regionalization was so widely taken for granted that to propose that the police should remain entirely Federal would be flatly rejected as contrary to the conclusions of the Conference, not to mention the wishes of two Regional Governments. It would besides be unfair to the Regional Governments, which have a concurrent responsibility. We therefore proposed an arrangement which would recognize the dual responsibility of the Federal and Regional Governments.

We now learn—for the first time—that it " is still thought by the Governor-General and his principal advisers to be probably the best course . . . to say that Her Majesty's Government will not and cannot . . . agree to the regionalization of the police." This accords so much more closely than anything we heard in Nigeria with the view that we ourselves formed that we have considerably modified our proposals, though we still think there would be little prospect of agreement at the Conference if we went so far as the Governor-General appears to contemplate. We laid down, in our original proposals, certain principles which we suggested should be borne in mind ; these we have rearranged with a different emphasis, and in one important respect have made a change. In a Federation in which both the Federation and the Regions have responsibilities for law and order, nothing can save the Regional Commissioner from an embarrassing dual responsibility. We have always been clear that in the last resort it is the Federal Government to whom he is responsible ; we have now shifted the burden, so that in the event of disagreement it is for the Regional Government, not the Commissioner, to appeal to the Federal Government ; we think this is an improvement.

We had originally gone on from general principles to put forward as a basis for discussion a skeleton scheme ; we see nothing inconsistent in this procedure, but in deference to the wishes expressed from Nigeria are content to leave it to others to carry our principles a stage further.

* WAF. 16/3/044 [No. 464] : not printed. † WAF. 16/3/044 [No. 463] : not printed.

We have been carefully through the minor amendments and suggestions and are grateful for the comments of the Governors. I do not propose to discuss these in detail ; some of them were clearly prepared in haste. For example, it is stated in the comments sent to us :—" it is a pity for the Commission to give its authority to a recommendation for establishing (a Rubber Marketing Board) when the Commission did not hear evidence on both sides." What we said in our suggestions was (page 107) " the creation of a Rubber Marketing Board should be thoroughly explored ".

I must also say something about Sir John Rankine's comment that we should not refer to the " report " regarding Ilorin and Kabba. The document to which we refer was published as the appendix to Sir John Macpherson's Government Notice No. 1161, Nigeria Gazette, 3rd September, 1952. I hope we have now made this clear in the text.

These are minor points and I should not have written to you if it had not been for Ilorin and the police. It will not be easy on either of these questions to get agreement that is likely to last, and yet the future of Nigeria may well depend on them. We are therefore glad that the Governor-General has let us have his views, particularly as they enable us to make a change in a direction we think desirable. We feel, however, that we should place on record the fact that our first recommendations were framed in ignorance of the Governor-General's views and that we were under the impression that they went as far in the direction of strengthening Federal control as was likely to be acceptable.

To meet these points we have made very considerable alterations in page proofs. If the date of publication is not to be postponed, we think very special efforts will have to be made by the printing staff.

Although I have marked this letter personal and confidential, it might, we think, be helpful if the Governor-General and the Governors were aware of our thoughts.

Yours, &c.,

HENRY WILLINK.

Enclosure in No. 93.

MINORITIES COMMISSION

CORRIGENDA TO THE PROOF OF THE REPORT.

Attention is invited to the following corrections of substance which have been made to the proof copies of the Report of the Minorities Commission.

1. *Page* 16. *Chapter* 3, *paragraph* 14. Second sentence of the paragraph to read :—

" 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 organized and controlled by the Federal authorities, work side by side with Local Government police forces serving local authorities."

2. *Page* 38. *Chapter* 5, *paragraph* 15. After the words " 54 seats " add the words " for the Ibo area ".

3. *Page* 38. *Chapter* 6, *paragraph* 1. The penultimate sentence of the paragraph to read :—

" 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."

4. *Page* 41. *Chapter* 6, *paragraph* 17. The last sentence of the paragraph to read :—

" For all these reasons they are for minorities in the Eastern Region an alarming element in the general situation."

(i.e., last line of the page transposed.)

5. *Page* 42. *Chapter* 6, *paragraph* 18. Delete the second sentence from the top of the page and insert :—

" 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."

6. *Page* 64. *Chapter* 9, *paragraph* 26. Delete the first part of the second sentence and replace with :—

" 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, etc."

WAF. 16/57/044 [No. 1] No. 94.

MR. A. EMANUEL

to

SIR JAMES ROBERTSON

[*Answered by No. 98.*]

Secret and Personal.

The Church House, Great Smith Street, London, S.W.1, 8th August, 1958.

Would you kindly refer to Eastwood's secret and personal letter of 23rd July*, and my secret and personal letter of 1st August† about the amendments to the Minorities Commission Report ?

2. I now enclose a copy of the letter from Sir Henry Willink to the Secretary of State to which my letter refers. I also enclose a note of the amendments of substance which the Commission have made. As you will see, most of them have been made in consequence of suggestions made by you or the Regional Governors.

3. The next step is for us to co-ordinate your and the Regional Governors' views on the parts of the Report most likely to cause controversy or require decision at the resumed Conference. When we have your comments on these points we will put in hand the drafting of a brief for the Secretary of State on the Report, which we will then circulate to you for final comments.

4. The main points in the Report seem to us to be :—

(i) *New States.*—Presumably the Secretary of State will support the Commission's recommendation that there should be no new States. I do not think he could contemplate accepting the Action Group proposal forecast by Mooring in his secret and personal letter of 31st July that this should be decided by the 1959 elections. Surely this could be fairly represented as going back on the agreement at the 1957 Conference, to which the Action Group subscribed, and which led to the setting up of the Minorities Commission ? We shall be glad of your comments on this. Might the Action Group not be persuaded to drop this proposal in return for Conference agreement on an Ilorin plebiscite ?

(ii) *Ijaw Special Areas.*—Our preliminary feelings are that the Commission's recommendations need strengthening if they are to have any effect. The idea of a special Ijaw Board to promote the development of the Rivers Area seems to us to have merit, but such a Board might need greater powers than those suggested for it in the Report and it might be desirable to put before the Conference a fairly detailed scheme for the establishment of a Board with clearly defined functions and statutory powers. Such a scheme could only be worked out locally. If you agree that this would be a profitable course of action, perhaps you would set in motion the enquiries and drafting which will have to precede the drawing up of a scheme.

(iii) *Minority Areas.*—We wonder whether the Commission's recommendations are really worth pursuing in their present form, and whether the establishment of areas in the manner they suggest might not lead to disagreements between the Nigerian Governments, without in practice helping the people of the areas concerned.

(iv) *Fundamental Rights.*—This is being discussed separately. But it may be that the adoption by the Minorities Commission of the bulk of our proposals will strengthen the hand of the Secretary of State at the Conference. He will be in a good position to base his proposals on the Commission's recommendations, as modified by those points in our own original proposals on which the Minorities Commission Report differs from them.

(v) *Ilorin and Kabba.*—We were heartened to see Bell's forecast that his Government would probably accept the proposal that there should be a plebiscite in order to settle this troublesome issue once and for all (the third paragraph of Bell's secret and personal letter No. 79/153 of 21st July‡). Taking this forecast into account, and considering the amendment which the Commission have made in the phrasing of their recommendation, you may feel that the Secretary of State should come down fairly strongly in favour of a plebiscite at the Conference.

If you and the Regional Governors advise that the Secretary of State should support a plebiscite in principle, it will be necessary to present to the Conference a detailed scheme for the holding of a plebiscite, and to fill in some of the blanks left by the terms of the Minorities Commission Report. We should need to agree on the wording of the question put in the plebiscite. Paragraph 23 (page 86) of the Report suggests that the question might be " Do you wish to be ruled from Kaduna or from Ibadan ? " What are your feelings on this ? There would doubtless be administrative problems to be considered. Perhaps there would be advantage in appointing a Commissioner from outside Nigeria who could be suitably and unarguably impartial ? The Commissioner's staff would presumably have to be recruited from the Federal Public Service, to avoid the participation of officers with Western or Northern Regional labels. Could your Public Service in fact face this considerable claim on its limited resources ?

* WAF. 16/3/044 [No. 484] : not printed. † WAF. 16/3/044 [No. 493] : not printed.
‡ WAF. 16/3/044 [No. 471] : not printed.

Another troublesome factor would be the definition and minimum size of an " area " deemed transferable, if 60 per cent of those voting within it voted for a transfer. Presumably it would be necessary for any such area to be adjacent to the border. Would the same criteria apply to both Ilorin and Kabba ?

It would be difficult to come to any firm decision about the question of who would be eligible to vote in the plebiscite—this is briefly considered in paragraph 20 on page 85 of the Report—but it would be necessary to make a firm recommendation on this to the Conference. The decisive factor here would be the administrative possibilities of compiling new registers, and the availability of existing registers if a new one could not be compiled. This also involves the question of timing. Presumably neither you nor Bell would want too great a time lapse between the Conference and the holding of the plebiscite, if disorder is to be avoided. The campaign would no doubt be fierce. Finally, we should welcome your comments on paragraph 25 on page 86 of the Report. In view of this paragraph it would presumably be difficult to avoid opening the question of the 25 Igbirra villages in Afenmai as a *quid pro quo* for the Ilorin plebiscite. We wonder what prospects there are of a settlement by negotiation of the Afenmai dispute.

(vi) *Muslim Law.*—We agree very much with observations made by Bell in paragraph 6 of his letter. The Commission have gone some way to strengthen their recommendations by renaming their " suggestions " on page 70 of their Report as " proposals ". Paragraph 19 on page 70 now reads :—

" We believe that if the Government of the Northern Region decide to reform . . ." etc.

We shall be grateful for Bell's advice, as well as yours and that of Mooring and Stapledon, on how far the Secretary of State will be able to go in pressing for the (not very revolutionary) reforms recommended in the Report if, as seems probable, the Report of the Panel on Muslim Law which is due to assemble on 28th August is not available at the time of the Conference. Even if the Report of the Panel has been produced, the Northern Regional Government may not have had time to declare its policy on the Report ; and there may in consequence be a tendency to use the experience of the panel as an excuse to avoid positive commitments at the Conference in this explosive field. It would be worth quite a lot to get them to accept the Minorities Commission's proposals as a starting point, if only as a preliminary to more drastic reforms as a result of the Panel's recommendations. We hope, therefore, that the Secretary of State can support quite strongly the proposals of the Commission.

A. EMANUEL.

WAF. 16/57/044 [No. 6] No. 95.

SIR GAWAIN BELL

to

SIR JAMES ROBERTSON

Secret and Personal.

16th August, 1958.

Emanuel's Secret and Personal letter WAF. 16/3/044 of 8th August* addressed to you enclosed a letter from Sir Henry Willink and final points for consideration before preparing the Secretary of State's brief on the Minorities Report. These points were six in number, of which only four are relevant to the North. I do not count the problem of the future of the Police on which I wrote at length in my Secret and Personal letter No. 910/164 of 9th August.†

(i) *New States*

I confirm my opinion that no case exists for any separate state to be carved out of the North. There is little expectation of a Middle Belt State even among its advocates and the very suggestion of it is anathema to the Regional Government with its challenge of " One North, one people ". It has not been recommended by the Commission. No offer to accept the Ilorin plebiscite in return for the withdrawal of Action Group claims for a Middle Belt State is likely in this Region.

(ii) *Minority Areas*

No minority areas are scheduled for the Northern Region.

* No. 94. † WAF. 16/3/040 [No. 92] : not printed.

(iii) *Fundamental Rights*

My views on this were set out at length in my Secret and Personal letter No. 750/128 of 17th July* to Eastwood and the whole range of this subject for the Federation is covered in your Secret and Personal letter No. G.350/179 of 11th August† to Emanuel.

(iv) *Ilorin and Kabba*

My earlier forecast that the Regional Government might accept a plebiscite was, I fear, too optimistic. Their attitude has hardened as a result of a series of speeches in the House of Chiefs on August 12th in the Self-Government debate. Many grave warnings were conveyed to the delegates to give nothing away, of which the following are typical :—

Emir of Lapai

" We must not give away our territory against the wishes of our people."

Ohinoyi of Igbirra

" Every true Northerner will do all in his or her power to see that the North stands as a single block and that no inch of land is sliced from it."

Emir of Zaria

" Before the British came we had our own boundaries and nothing of this kind happened . . . I have got one example. I have got a boundary with Kano Province and there is a town called Paki about half a mile from that boundary. There is no native of Zaria in that town : they are all Kano people. Does the Emir of Kano demand that the town be merged in Kano Province ? " (Applause.)

Emir of Misau

" We do not agree that our representatives should agree to cut off an inch of our Region to be transferred to anywhere else."

Emir of Pategi

" We do not want the people of this Region to be divided nor Ilorin and Kabba to be merged in the West."

Emir of Gumel

" Our delegates should be strict and not let such things happen. Not an inch of the Northern Region should be cut off . . . ."

Chief of Wamba

" We do not support that an inch of this Region should go to any other Region of Nigeria."

Emir of Jema'are

" We cannot support the proposal that part of Ilorin should go the the West."

Atta of Igala

" Retain the integrity of the North at all costs—not an inch of our soil is to be taken away from us."

Mai-Bedde

" Those who want to acquire our land by fighting with their lips—I want you to leave them until we have got our self-government and then we can ask them to come and acquire the land by force."

Such a formidable unanimity must have its effect on the Government and make those who thought that to part with Ilorin would be to shed a liability, think again. Sir Henry Willink says that the North ought to be " in a position to refuse if it thinks fit ". If such an option exists it is now clear that the North will refuse. No votes would be won by the Northern Peoples Congress by putting Ilorin to the danger of rioting during a plebiscite, whichever way the vote went, and many votes might be lost if riots ensued even though the North secured the majority. Very likely at the end of it neither side would secure the 60 per cent. vote required, and the whole trouble will only have been exacerbated and feelings whipped up by rival propaganda.

Boundary disputes based on irredentist ambitions have an unfortunate history in Europe—" Sudetenlands " are always final demands, but " l'appétit vient en mangeant " and the taste of one District is the sauce for another. There is, I believe, a case for the North to be allowed the power of veto. It is now certain that they will use it. In these circumstances I would not advise that the Secretary of State should support a plebiscite in principle. There is here among Ministers a recently conceived belief that in the United Kingdom, and perhaps even in the Colonial Office, there is a tendency to favour the West at the expense of the North. To press for the plebiscite would confirm this erroneous belief in their minds. If Sir Henry Willink is unwilling to press the plebiscite on the North he cannot think that there are strong arguments for it, and indeed the first 10 paragraphs of Chapter 13 of the Report all seem to favour the status quo. In so doubtful a case it would, I suggest, be a mistake to go beyond the recommendations of the Commission.

* No. 57. † WAF. 16/3/42 [No. 54] : not printed.

If a plebiscite were to be agreed on at the Conference I confirm :—

(*a*) that the question " Do you wish Ilorin to be ruled by the Northern Government or the Western Government ? " would be a fair way to put it, and the same in Kabba for Kabba ;

(*b*) an impartial Commissioner from outside Nigeria would be essential to conduct the plebiscite ;

(*c*) on the area transferable I believe that any attempt to draw straight lines across the map as a result of voting would, as said in paragraph 18 on page 85, cause much heartburning. The only possible method would be to make each existing administrative district a unit for purposes of transfer. Even then it would be possible that there would be pockets and enclaves which would not fit in with any continuous boundary. These would remain to become the claims of the future. The almost insuperable difficulties, the certainty of " turbulence and unrest " and the unlikelihood that any decision reached would be final are themselves strong arguments against undertaking such an exercise on the eve of self-government ;

(*d*) on who should vote, the North, even if they agreed to a plebiscite, would never agree to female suffrage and would undoubtedly refuse co-operation if this was suggested. Otherwise they would accept the same electoral qualifications as for other Federal elections in the North ; and

(*e*) if Kabba is to have a plebiscite the Northern Government will certainly raise the question of the Igbirras in Afenmai. There is in my opinion every advantage in avoiding claim and counter-claim here. There seems little hope of any settlement between North and West of any boundary by negotiation in the present frame of mind of the two Regions. It is conceivable the North might trade Offa Town for the 25 Afenmai villages just to get rid of Olawoyin, the member for Offa. It might be worth trying.

(v) *Muslim Law*

The proposals at paragraph 18 on page 70 are very modest reforms. I think :—

(i) " Non-moslems to have the option of being dealt with in non-moslem courts " would be readily accepted ;

(ii) " The regional service of Alkalai " has very much to commend it and again presents no infringement on Moslem Law though some on local tradition. It can be pressed without danger ;

(iii) " Prisoners' Friends " will be a new idea and paragraph 17 on page 70 says little of them save that they exist elsewhere and have some knowledge of the law. I have myself no knowledge of this system but it may well be regarded with suspicion as it might be as much open to abuse as representation by counsel.

I believe that the main recommendations of the Panel will, in fact, be available before the Conference. I should be surprised, however, if the Northern Region Government will have brought itself to declare its policy. The Panel is almost certain to recommend one criminal law for everyone and the abolition of the Moslem Law on homicide. The Chiefs will be solidly against this, so will the " mallam " class of Sokoto, Kano and Bornu. The intelligentsia, the Middle Belt and N.E.P.U. will all support the changes. It is a problem which cuts right across party loyalties. I believe Government might carry these reforms through the House of Assembly. The eleven new Chiefs from the Middle Belt who owe their appointment to this Government would, no doubt, vote solidly for it but even so the lead of the senior Chiefs against it would be decisive with many others. It would be the first trial of strength against the Chiefs ; it will not be lightly undertaken. The constant references to religion, customs and traditions during the recent session of the House of Chiefs are proof of this. Government, if it plans major reforms on the recommendations of the Panel, will wish to advance by stages making sure of popular support as it goes. It would be a mistake not to take into account the very difficult political situation which the Northern Premier faces, even if he has the best will in the world, to change the legal system of the North. The fault lies with us who allowed it to become entrenched. As we watch from the heights we must not expect him immediately to " do and die " storming the redoubt, or think him lacking in courage.

Recognizing the tactical problem, the Secretary of State will wish to support the recommendations of the Panel which are, I imagine, likely to be in line with development in other predominantly Moslem states. The great difficulty of getting reforms under way should, I suggest, be approached by a recommendation to establish courses early for selected Alkalai and others with qualifications in English, in the criminal law which will later be the law for the whole Region irrespective of creed. These courses might be an additional function of the Institute of Administration at Zaria, which, with the Premier's support, has done so much to modernize Local Government and has an excellent atmosphere. Once there are qualified persons to administer the law it becomes a practical proposition to make the change. Popular support for the Panel's recommendations may by then be stronger, and the Chiefs less united in opposition.

I am sending copies of this letter to Emanuel, Stapledon and Mooring.

Yours, &c.,

G. W. BELL.

WAF. 16/3/044 [No. 536]

No. 96.

SIR GAWAIN BELL

to

MR. C. G. EASTWOOD

Secret and Personal

Government House, Kaduna, Northern Region, Nigeria,
23rd August, 1958

DEAR EASTWOOD,

In your Secret and Personal letter WAF. 16/3/044 of 20th August* addressed to Grey you said that you would be seeing Sir Henry Willink in Cambridge early next month and would like to have a brief summary of reactions to the Minorities Commission Report.

We have sent out to Provinces asking for reactions throughout the Region but, owing to the great distances in the North, it is unlikely that we shall be able to send you anything based on their replies until the end of the first week in September. Meanwhile there have been reactions in the Press from Party leaders.

Abba Habib, Minister of Trade and Industry, who is the General Secretary of the Northern Peoples Congress, expressed the pleasure of the Government on the decision of the Minorities Commission about a Middle Belt State. The Commissioners found that there had been no neglect of the areas and that they had their full share of social services from Government. He compared this with the " Special Areas " in Eastern and Western Nigeria which had been described in the Report as " poor, backward and neglected ". On the Ilorin and Kabba problem, he said that his Party would oppose the plebiscite when it was discussed at the Constitutional Conference. The Report had made it clear that much of the pressure for incorporation in the West came from outside the Region altogether and the Action Group's protest against the findings on this point is confirmation of the existence of this outside influence. Prolonged uncertainty would further unsettle the people of the area and would have a bad effect on inter-Regional relations.

He made no reference to the problem of the police.

The Premier and other Ministers in private conversation have expressed pleasure that the Report has so little to which the North can take serious exception. They are united to oppose a plebiscite in Ilorin ; agree that non-Moslems should be able to insist on trial in a non-Moslem court ; are prepared to consider a modified form of Regionalisation of Native Courts ; and are opposed to Prisoners' Friends in Native Courts as likely to cause abuse. On the police, the Premier remained adamant that nothing except full Regionalisation would be acceptable. Makaman Bida, Minister of Finance, was prepared to keep an open mind on this problem and possibly to consider a compromise. No doubt before the Conference the Premier's view will have prevailed on this subject.

In Ilorin the I.T.P./A.G. supporters are reported to be downcast by the Report and to have taken it for granted that all hopes of transfer to the West are gone. Northern Peoples Congress supporters in Ilorin, who had greatly feared the recommendations of the Report, are jubilant and confident. There has been no disturbance of any sort.

Patrick Dokotri, M.H.R., General Secretary of the U.M.B.C./A.G. alliance, expressed disappointment at the Minorities Report and said it was unacceptable. He promised to pursue the subject at the Resumed Conference. I know, however, that Dokotri had in fact no expectations of a Middle Belt State and is merely waving the Party flag.

I will let you have full details of reactions from elsewhere later.

A copy of this letter is being sent to Robertson, Stapledon and Mooring.

Yours, &c.,

GAWAIN BELL.

* WAF. 16/3/044 [No. 521]: not printed.

WAF. 16/3/044 [No. 537]

No. 97.

SIR ROBERT STAPLEDON

to

MR. C. G. EASTWOOD

Secret and Personal.

MY DEAR CHRISTOPHER,

Government House, Enugu, Nigeria, 26th August, 1958.

Will you please refer to your letter No. WAF.16/3/044 of 20th August, 1958,* on the subject of the Minorities Commission Report?

2. As you will have gathered from Azikiwe's press release (which we sent to you some days ago) he is personally " satisfied " with the Report. From the conversation which I had with him shortly before he left Enugu on route for London I gather that the satisfaction to which he has given public expression is in fact but a pale reflection of the delight which he privately feels. The Minorities Commission, like the Fiscal Commission before it, has " vindicated the policy of the N.C.N.C." both as regards the Police and as regards separate States. By the same token they have " dished " the Action Group—hence the delight. The fact that the N.C.N.C's attitude to both these subjects has recently been, to say the least of it, ambiguous is conveniently forgotten in the pleasure of scoring political points : the sole fault which is found with the Report—the failure to recommend the creation of a Mid-West State—is, of course, no more than an extra twist to Awolowo's tail. (Zik has his tongue well in his cheek here. He has no interest in the creation of a Mid-West State.)

3. Politics apart, however, I think Azikiwe is genuinely pleased with the Report and may be expected to support its recommendations at the Conference. (I should perhaps enter the caveat that some of the Premier's colleagues are much less enthusiastic about the Commission's Police proposals).

4. The Opposition leaders have followed fairly closely the official Action Group line drawn by Awolowo though I get the impression that (for obvious reasons) they are by no means so keen on the Regionalisation of the Police as their master.

5. In the C.O.R. State area the Report was received very quietly. So far as the former Rivers and Ogoja Provinces were concerned this was to be expected ; but one might have anticipated a rather more vehement reaction in Calabar, particularly in view of the inflammatory nature of some of the Premier's remarks in the course of his recent tour of the area. We may, I think, congratulate ourselves on having so easily negotiated the first hurdle ; but it will be surprising if, both at the Conference and thereafter, the protagonists of the C.O.R. State do not launch a formidable offensive. We must hope that this offensive will be verbal rather than violent and my own present, and as yet very tentative, assessment is that this will in fact be so. I propose to pay a short visit to the former Calabar Province before I come to London and will, thereafter, be in a better position to give you a first-hand impression of strength of public feeling on the subject. In the meantime you may be interested in the following press account of the public meeting held in Uyo shortly after the publication of the Report which was attended and addressed by the leaders of the C.O.R. Movement :—

C.O.R. STATE MOVEMENT REJECTS PROPOSAL.

An emergency conference of the C.O.R. State Movement held at Uyo, Eastern Nigeria, yesterday rejected the recommendations of the Willink Commission on the fears of Minorities in Nigeria.

The conference empowered both the Action Group and the U.N.I.P. delegates to the constitutional conference in London to bring all constitutional pressure to bear on the conference to see to it that the C.O.R., Mid-West and Middle Belt States were created before Nigerian independence in 1960. The conference also called on all N.C.N.C. members from the C.O.R. areas to support the demand for a State by resigning their membership of the party forthwith in order to demonstrate positively their sincerity as lovers of their people.

The conference which was presided over by Mr. Alvan Ikoku, Chairman of the C.O.R. State Movement, and attended by a large number of people from the C.O.R. areas, also urged the people to be prepared to defend their rights and privileges.

Throughout the conference there were shouts of " No C.O.R. State, no independence "—" C.O.R. State is only answer to our fears as minorities."

In the opening prayer Chief Bob Manuel of Bonny claimed that the people of the C.O.R. area had been left in the middle of the sea and prayed to God to save them.

The conference recorded its appreciation of the stand of Chief Obafemi Awolowo, Premier of Western Nigeria and Federal President of the Action Group, as a defender of the rights of minorities in Nigeria and assured him of the determination of the movement to fight with him for the creation of the state.

The conference also called on the United Kingdom Government to set in motion the usual democratic processes in ascertaining the wishes of the ethnic minorities on the issue of the immediate creation of the C.O.R., Mid-West and Middle Belt States. It claimed that the Willink Commission found that " there is a body of genuine fears " and that the future was viewed with apprehension by the minorities.

The Chairman of the Movement, Mr. Ikoku declared : " This is our orchard and we shall fight in the pit and on the streets of the C.O.R. area. No people are worthy of freedom without a sound backbone ".

* WAF. 16/3/044 [No. 520]: not printed.

Dr. Udo Udoma, General Secretary of the Movement described the report as a " bad and intellectually dishonest report ".

He said that the Movement was not prepared to lose the Rivers and Ogoja Provinces in the proposed C.O.R. State and added that the recommendations contained in the report were wicked and designed to create eternal minority problems in Nigeria.

He continued : " We are Nigerians and want to participate in the administration of Nigeria. We do not want to be pitied by any other people. We want smaller units with a strong centre."

Mr. Okoi Arikpo accused the commission of suppressing evidence brought before it and for basing its report on " gossip ". He described the report as an insult to the intelligence of Nigerian political leaders and added that only an election could determine the support for a C.O.R. State in the non-Ibo speaking areas of Ogoja Province.

Mr. Sam Ikoku, Leader of the East Opposition said that the Movement would play " dog in the manger " politics if the question of States was not solved by the constitutional conference. He declared : " We are going to fight Dr. Azikiwe and all those who stand by him in this matter to a finish. We have our methods and we have the weapons.

He said that the people had a right to determine the constitution they wanted for their country and claimed that the fortunes of the people in the C.O.R. area would be much better at the resumed conference than what they were at the last conference. He ended : " We are coming back from the conference with a deadlock. The only solution is a plebiscite."

6. Notwithstanding the " fighting talk " the meeting, though well attended, was orderly and not unduly rowdy.

7. Copies of this letter go to Robertson, Bell and Mooring.

Yours, &c.,

ROBERT STAPLEDON.

WAF. 16/57/044 [No. 24]

No. 98.

SIR JAMES ROBERTSON

to

MR. C. G. EASTWOOD

Secret and Personal.

MY DEAR EASTWOOD, Government House, Lagos, Nigeria, 27th August, 1958.

In paragraph 4 (v) of his letter of 8th August,* Emanuel asked for advice on the attitude which the Secretary of State should take regarding the recommendations of the Minorities Commission for a plebiscite in Ilorin and Kabba. You will have had Mooring's letter No. S.40/1/895 of 15th August† and a copy of Bell's letter of 16th August‡ to me. From the letter you will have noted that Bell has had, in the light of the recent debates in the House of Chiefs, to reverse his previous more optimistic estimate that the Northern Peoples Congress might accept a plebiscite. This has more recently been borne out by statements in the Press by Abba Hahib, *inter alia*.

2. My view is that the Secretary of State must support a plebiscite. The Commission themselves set out the arguments, both of theory and of practice, against such a course (paragraphs 20–23 of chapter 13) but eventually recommended that there should be a plebiscite if there was general agreement at the Conference that it should be held and that it should be binding. The only valid reason that now remains, therefore, unless the Secretary of State is to fail to support the Commission that he himself appointed, is that the North do not want a plebiscite. As Bell says, if the Secretary of State presses for a plebiscite, the North may suspect him of favouring the West and they may rely on the Commission's vague phrase in paragraph 20 that they could not recommend a plebiscite " unless there was a considerable measure of agreement in Nigeria that this was the right course to follow ". The North may say that this agreement should obviously be that only of those directly concerned, i.e., the Northern and Western Regions, and that if the one opposes, while the other supports, there is no " considerable measure of agreement ". On the other hand, if the Secretary of State does not support the Commission he will be accused of favouring the North and it is relevant that to oppose a plebiscite is equivalent to insisting on the *status quo*. With a 60 per cent. majority required, the North would be on very poor ground if they dug their toes in. I conclude therefore that the Secretary of State must, despite the obvious disadvantages, support the recommendation for the plebiscite.

As to the mechanics of a plebiscite :—

(*a*) *Commissioner.*—I agree that it will have to be conducted by an independent Commissioner. I suggest that it might be appropriate for the Chairman of the Federal Electoral Commission to do this.

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* No. 94. † WAF. 16/57/044 [No. 5] : not printed. ‡ No. 95.

(*b*) *Staff.*—It will be very difficult to spare Federal staff (and presumably Federal staff of Western origin will have to be barred) but I suppose that we will have to try to do it if the Conference, in agreeing to a plebiscite, absolutely rule out local staff. If the West could be got to agree to staff being supplied by the Northern Region it might sugar the pill for the North.

If I have to supply Federal staff, I might have to ask the G.O.C. to let me have the services of Army officers in civilian clothes. I can see no other source from which I could get a sufficient number of people to supervise what would obviously be a potentially riotous performance.

(*c*) *Areas Deemed Transferable.*—If, as the Commission say, there are to be no enclaves, then it will not be possible to transfer any area that does not, either now or when added to another area voting for transfer, have some boundary, however small, with the Western Region. Mooring concludes that this must mean that the areas to which the sixty per cent. test is to be applied can be none other than the Ilorin and Kabba Divisions ; but the Commission obviously did not think so or they would not have talked (paragraph 21) of leaving " in the hands of a boundary commission discretion to make adjustments in the light of circumstances ". I do not have a map showing the " districts " but I think that Bell will have to give more consideration to this problem and I shall discuss it with him when he comes to Lagos this week. If there has to be a boundary commission, I should be reluctant to appoint the Electoral Commission as such, lest this gets it off to a thoroughly bad start that would prejudice it in the performance of the work for which it is primarily set up ; but it will be inconvenient to have to think of some other independent body to do the job.

(*d*) *Suffrage.*—I agree with Mooring that we ought to try to get the item on electoral questions taken in the Conference before the Minorities Report and that whatever is decided about suffrage for Federal elections should also rule in regard to suffrage in this plebiscite. That would enable us to use the new Electoral Roll—I am told that it ought to be ready (if Wraith's plans come to fruition) not later than May, if not earlier. Subject to what Bell may say, I should think that it would be inadvisable to follow the Commission's suggestion (paragraph 20) and use the tax register—that would merely cause a howl from the West. It will be unfortunate if there have to be months of delay while the new Federal register is prepared—but that is just one of the consequences of the Commission's decision not to come to a definite decision on this matter themselves.

(*e*) *Kabba.*—To my way of thinking the dispute in Ilorin is a very different matter, historically and every other way, from the claim that " Kabba belongs to the West ", which, as the Commission admit in paragraph 15 of chapter 13, is a cause of very recent growth. It is also much less strongly supported so far as I can judge. But the Commission have lumped the two very much together and I think that if there is to be any plebiscite (and I think it is only Bell's suggestion of a trade of Offa town for twenty-five Afenmai villages that might stop it—although that seems a bit hard on the Afenmai people, whose voices are unlikely to be heard at the Conference) it will have to be in Kabba as well as in Ilorin.

(*f*) *Afenmai.*—If the North do not raise the matter of the Igbirra villages, then I certainly do not think that the Secretary of State should. If they do raise the matter, then, if the area can be defined, I should not oppose a plebiscite there. I shall ask Mooring and Bell to look into this question of defining the area.

(*g*) *Questions to be Asked.*—I think that we might well stick to those proposed in paragraph 23 on page 86, namely, " Do you wish to be ruled from Kaduna or from Ibadan ? " but it would be necessary to provide some simple technique for recording a vote—a paper placed in a box labelled " Kaduna " or in a box labelled " Ibadan ". I would suppose that " Kaduna " and " Ibadan " would be more suitable than the " Northern Government " and " Western Government " proposed by Bell, but I do not feel strongly about this.

There is an odd statement in paragraph 24 that " if transfer did take place, compensation for capital expenditure would be payable to the Northern Region Government " but I do not follow the reasoning of this and I suggest that it be ignored unless someone raises it at the Conference. I cannot see who should pay or upon what basis. The " accepting " Region would have to accept both assets built up from past capital expenditure and liabilities (perhaps accruing because of the lack of past capital expenditure).

Abubakar has told Stallard that the Northern Peoples Congress are going to counter the Western demand for a plebiscite with a demand for an extension of the Federal territory of Lagos ; and I see that Urquhart in his letter of 21st August to Emanuel says that the N.C.N.C. will try to reopen this one also. On purely practical grounds, there is more merit in this proposal than in any to transfer Ilorin or Kabba to the West ; but on political grounds I fear it is a non-starter—the West have been disappointingly unco-operative even over giving effect to paragraph 56 (*g*) of the 1957 Conference Report—and Ribadu, the Minister responsible, has made no effort to press them.

I am sending copies of this letter to the Regional Governors.

Yours, &c.,

J. W. ROBERTSON.

WAF. 16/3/044 [No. 538]

No. 99.

MR. A. G. R. MOORING

to

MR. C. G. EASTWOOD

Secret and Personal.

DEAR CHRISTOPHER, Governor's Office, Western Region, Ibadan, 30th August, 1958.

Would you please refer to your Secret and Personal letter No. WAF. 16/3/044 of 20th August, 1958,* addressed to Grey, of which you sent me a copy, concerning the Minorities Report. You will by now have received my Secret and Personal letter No. S.40/1/922 of 19th August, 1958,† in which I conveyed first reactions and in which I promised to send you a further assessment.

I am glad to say that there has been no unrest following the publication of the Report, and reaction has been confined for the most part to party pronouncements and to the press. Political leaders in this Region have urged their followers to remain calm, and the general attitude seems to be that the battle of the minorities should be fought out at the Conference.

The Action Group party line has been fairly clearly laid down in Awolowo's press release (a copy of which I sent with my Secret and Personal letter No. S.40/1/922 of 19th August, 1958) and it is daily being developed with great vigour by the party publicists and newspapers. It can be summarised as follows: the Commission found evidence of the fears of minorities; the means of allaying those fears proposed by the Commission are inadequate, with the exception of the proposed plebiscite in Ilorin-Kabba, and the possible exception of the recommendation on Muslim Law (which has not attracted much comment). The proposal to create a Special Area for the Ijaws is dismissed as being impracticable and as derogating from the responsibilities of the Regional Governments. The omission of the Middle Belt from the recommendation for minority areas is strongly criticised. The Action Group chorus then unites in a demand for the creation of further states as the only means of satisfactorily allaying the fears of minorities: a subsidiary theme in the chorus is that the Commission acted illogically in not recommending a plebiscite in the Mid-West, C.O.R. and Middle Belt areas, as they did in the case of Ilorin-Kabba.

In studying the Action Group's reaction to the Report, and assessing their probable tactics at the Conference, we must bear in mind the fact that one of the Action Group's major political objectives for the next twelve months is to win in the forthcoming Federal elections a sufficient number of seats to make them the largest single party in the new House of Representatives. Their line on every relevant political issue is therefore ruthlessly bent to aid the attainment of this objective. Thus although in the past the Action Group have ignored, or vacillated upon, some of the claims now put forward for separate states, they must now push these claims everywhere to extremes, for outside the Western Region, Lagos, Ilorin and Kabba they have no natural allies and no electoral card to play other than unqualified advocacy of "a separate state for each ethnic minority". Again the Action Group's demand that female suffrage be introduced in the Northern Region is not merely a good party cry - it is also a move which, if successful, the Action Group reckon would bring them a rich harvest of votes in the North, especially in the non-Muslim areas. And again, the demand for the regionalization of the Police, until recently pressed "uncompromisingly", finds curiously little prominence in the Action Group's ample commentaries on the Report: it is clearly not a matter for which minorities in any of the Regions can have any enthusiasm unless they get their separate states, and it is consequently of no electoral advantage to the Action Group in the forthcoming Federal elections.

It is not surprising therefore that the Action Group's main attack on the Minorities Report is based on the states question. There is some sober argument designed to show that the proposed methods of allaying the fears of minorities are inadequate or unworkable, and that only the creation of new states can provide real safeguards. (This loftier approach is taken by Rotimi Williams in a letter published in the *Daily Telegraph* on 25th August.) But for the rest, the comment is unobjective, and when reasoned arguments are exhausted the critics resort to abuse and sarcasm, and do not hesitate to impugn the motives of the Commission, to accuse both the Commission and the Secretary of State of bad faith, and generally try to cloud the issues.

The police Special Branch Reports, and what we have gleaned in conversation, add little to the public pronouncements. There is only one further reaction on which I can usefully comment, and that is the possibility of a cleavage amongst followers of the N.C.N.C. in this Region. As you know, a large block of N.C.N.C. supporters is centred in the Mid-West. Whilst Denis Osadebay, the leader of the Mid-West State Movement, and, less forthrightly, Chief Okotie-Eboh, have condemned the Commission's recommendations in respect of the Mid-West, the position of Zik and the N.C.N.C. is far less clear. It is reported that the Otu Edo (Benin) party has already considered severing its connection with its ally the N.C.N.C.

From this murky and unsavoury fog of propaganda one fact emerges clearly: at the Conference the party will press strongly for acceptance of the Commission's recommendation to hold a plebiscite in Ilorin and Kabba, and equally hotly, though perhaps less logically, for rejection of the rest. The 64,000 dollar question is—how far are they prepared to go? Here it is of interest to note that Awolowo, in the penultimate paragraph of his press release, remarks that the Commission's recommendations are subject to *final* determination at the Resumed Conference (the italics are mine). This might seem to indicate his abandonment of the intention to adopt the creation of further states as an election issue, failing satisfaction at the Conference; but I am sure that this is not the intention and I consider that

* WAF. 16/3/044 [No. 522]: not printed. † WAF. 16/3/044 [No. 530]: not printed.

the last paragraph of his statement gives a truer indication: the party will "employ all available constitutional means to prosecute . . . the cause of minority elements in Nigeria . . . and ensure, by the Grace of God, the actual creation of a Middle West State, a C.O.R. State and a Mid-West State, and the merger of Ilorin/Kabba with the West, before 2nd April, 1960".

Taking this in conjunction with a recent conversation with Chief Akran (who is acting for the Premier during the latter's absence on leave) I think it likely that, in the event of failure to get the Conference to agree to some positive measure for the creation of new states (the main objective being the splitting up of the North by the creation of a Middle Belt state or by some other means) they will try to ensure that nothing is done at the Conference, or written into the Constitution, to prevent the issue being raised again at some future date. As I have indicated above, Awolowo is convinced that a new states issue would make a very good plank in the platform for the Federal election campaign next year.

I am sending copies of this letter to Robertson, Stapledon and Bell, and to Rankine on leave.

Yours, &c.,

A. G. R. MOORING.

WAF. 16/3/044 [No.]

No. 100.

SIR RALPH GREY

to

MR. C. G. EASTWOOD

Secret and Personal.

MY DEAR CHRISTOPHER, Governor-General's Office, Lagos, Nigeria, 1st September, 1958.

In your letter of 20th August,* you asked for an impression of first reactions to the Minorities Commission Report so that you might pass it to Willink early in September.

2. You will wish to know that the Governor-General has written to Willink (and copied to the other members of the Commission) the letter of 25th August, a copy of which is sent with this.

3. There is also a summary of published comments up to that date in paragraph 3 of the Governor-General's letter to you No. G.641/97 of 26th August,† and I shall not repeat it here. The Action Group newspapers, the *Daily Service* in Lagos and the *Nigerian Tribune* in Ibadan continue to criticize the Report day by day. The *Tribune* has had a series of leaders all entitled "An Annoying Document," and "John West" has been writing daily in the *Service*. The thorough nastiness of these articles, and of one in the *Tribune* on 28th August by the gossip-write "Ejon'gboro," containing more abuse than constructive criticism and such phrases as "I particularly like the spirit of the commissioners. Ignorant from start, in Ibadan here, to finish, in Lagos.", suggest that the Action Group aim is not so much to attack specific recommendations of the Commission as to discredit the whole Report and its authors and thus give the Action Group a free hand to propose its own remedies and to follow whatever course at the Conference that seems best as the proceedings there develop. In these circumstances it is hardly worth while attempting to counter each of the many detailed criticisms that they have offered.

4. You will by now have had Bell's letter No. 79/219 of 23rd August,‡ and Stapledon's letter N.C.E. 34/S.6 of 26th August.§

5. In the *Pilot* of 29th August, Chief J. L. G. Onyia, writing as one of the leaders of the Mid-West State Movement who gave evidence before the Commission, makes the point (as was to be expected) that, "the Commission is silent about Asaba and Aboh Divisions going to their kith-and-kin in the Eastern Region, which I accepted as alternative if the Mid-West State were not created to include the two Divisions."

6. Ten days ago, Alhaji Babatunde Jose, the Editor of the *Daily Times*, who has been in complete editorial charge while Percy Roberts was away, came to ask my view about his idea of publishing the Report *verbatim* and selling it at one shilling a time. I told him about our distribution of the "authorized version" and asked him to consider his market prospects in the light of that. As his paper was publishing the whole Report in instalments, there would be no further cost in typesetting if they published a reprint and the only cost would be the paper used. He thought that he could sell to newsvendors at eightpence, for resale at one shilling, and still make a profit. I therefore encouraged him to do so—the number of people willing and able to pay five shillings for the "authorised version" would be small, but the wider the distribution of so important a document, the better. He undertook to make a suitable acknowledgement of Crown Copyright. I was interested to hear from him that

* WAF. 16/3/044 [No. 519]: not printed. † WAF. 16/57/044 [No. 14]: not printed.
‡ No. 96. § No. 97.

they sold 65,000 copies of their version of the 1957 Conference Report. I telephoned him to-day to enquire how sales were going and he said that they had distributed a first batch of 8,000 to the Provinces but it was too early yet to know about sales. They had sold 3,000 copies in Lagos already—I take these " sales " to be to newsvendors, but they do not follow a " sale or return " policy. So the Report in one version or another will clearly have a wide distribution.

7. I asked Babatunde Jose to-day what the people think about the Report—not the politicians—whose utterances I read in his and other newspapers, but the general public. He said that he thought that the general run of people, apart from those that always shout the party-cries, thought it was a good report and one that should be followed in Nigeria's interest.

8. You may be interested to know that Phillipson, our most prolific report-writer, thought the Report a very good one, well written and soundly argued—but he politely ventured the opinion that it might have been more definite in some of the major recommendations.

9. Be all this as it may, I think the most important fact is that commented on by Stapledon in his paragraph 5, that we have so easily negotiated the first hurdle. No doubt tensions will be built up until the Conference is over; and there may well be trouble in one or more areas directly affected by the principal recommendations when the decisions of the Conference are known; but it is quite remarkable how quietly Nigeria has received this Report that even the most optimistic of us thought might be the occasion for not only violent words but violent deeds.

10. I am sending copies of this letter to the Governors.

Yours, &c.,

RALPH GREY.

WAF. 16/57/044 [No. 26] No. 101.

MR. C. G. EASTWOOD

to

SIR JAMES ROBERTSON

[*Answered by No. 103.*]

Secret and Personal.

5th September, 1958.

We are most grateful to you for your very helpful flow of letters about the Minorities Commission Report—G.641/97 of 26th August,* 526/178 of 27th August,† and 605/85 of 30th August.‡

2. As I said in my letter of 29th August§ we are getting down to the first draft of a brief for the Secretary of State about some of the major aspects of the Minorities Commission Report. I suggested in paragraph 5 of my letter of 27th August‖ that the Secretary of State might present the Report to the Conference as a package deal to be taken as a whole, though no doubt modified in parts, and this would imply that he should express general approval of the recommendations about the Ijaw Special Area. We have been considering what might be said in the brief about this Area in the light of this general approach and in the light of your own very helpful comments contained in paragraphs 8 and 9 of your letter of 26th August.

3. In the first place we agree with you that it would be very difficult, and is probably undesirable, to inscribe a new item " The development of Special Areas " on the Concurrent Legislative List. This would not merely be opposed by the Regional Governments concerned but would, we think, on general grounds represent a form of Federal interference or potential interference in Regional matters that would do no good and would only lead to dissension. We think, therefore, that the Secretary of State should not support this particular recommendation of the Commission, contained in paragraph 29 on page 95 of their Report.

4. The difficult course we have to steer, if the Secretary of State is to support in general terms the recommendation for this Special Area Board, is between seeking to create a Board so powerful that it would usurp some at least of the proper functions of the Regional Governments and indeed

* WAF. 16/57/044 [No. 14]: not printed.
† WAF. 16/57/044 [No. 21]: not printed.
‡ WAF. 16/57/044 [No. 22]: not printed.
§ WAF. 16/57/044 [No. 15]: not printed.
‖ WAF. 16/57/044 [No. 10]: not printed.

might become something like a separate state, or on the other hand of seeking to create a body so weak, powerless and dependent that it would quickly become a local joke. We are inclined to think that the Board should not be given any power to demand money or to precept for money for particular schemes either from the Federal or from the Regional Governments, since this power would prevent the Regional development authorities or the Regional Ministers concerned from exercising their proper function of deciding priorities for development over the whole of each Region. If, on the other hand, the Board were given power to raise funds purely from local areas it would never have sufficient money to undertake any effective work. We think then that the Board cannot be provided with the power either to insist on the execution of particular schemes or to execute them itself out of funds on which it can draw at will.

5. We are then left with much what the Commission recommended—a Board with purely advisory and consultative functions. But the Commission went to the other extreme of failing to provide the Board with any assured source of income or staff to enable it to discharge these limited functions. We think that, if the Secretary of State is to recommend the establisment of an advisory board, he must at least ensure that the Board is able to discharge these functions on the basis of an assured income and establishment of its own. The Commission suggests in paragraph 28 on page 95 that the Board should be enabled by a statutory provision to " call on " the Federal and Regional Governments for staff and finance for a survey. Any such statutory provision would clearly have to put a very specific ceiling on the finance that could be demanded, while so far as expert staff are concerned I imagine that none of these governments would be very happy to receive peremptory demands from an Ijaw Board for the loan of specialists of this kind. It seems to us that the only thing to do is to provide the Board with sufficient funds to conduct an initial survey and thereafter with a modest regular income to enable it to keep a small secretarial and survey staff of its own for a specified number of years.

6. We wonder therefore whether the Secretary of State might propose a scheme on these lines :—

(*a*) The Board should be constituted much as proposed in paragraph 28 on page 94 of the Report (we note from your comment at (*a*) on page 5 of your letter of 26th August that methods of election to the Board would need to be worked out in detail). We presume that the Board would need a secretary, who would I suppose have to be full time, but that the members of the Board itself, with the possible exception of the Chairman, would all be part time.

(*b*) The Board should be provided with a modest capital sum to enable it to establish an office of its own and to carry out the initial survey of the area. It should also be provided with a regular income for the number of years for which it is initially to be established. The Minorities Commission suggest 10 or 12 years and we might perhaps take the figure of 10.

(*c*) The capital sum and the recurrent income should be provided as to a third by the Federal Government (following the Commission's recommendation on page 95 of a one-third Federal contribution), with the remaining two-thirds provided by the Eastern and Western Regional Governments, presumably in proportion to the number of Ijaw peoples within each Region. This would make the Eastern contribution about three times that of the Western contribution. If there was objection to that, I suppose conceivably one could work out a more complicated formula which took account also of the respective size of the Eastern and Western Regional budgets or the proportion that the Ijaws in each Region bore to the total number of persons in each Region, but I do not really think this ought to be a serious starter.

(*d*) There should be provision in the constitution for a Board on these lines and with functions more specific than those suggested by the Commission to be created for an initial period of 10 years, the need for the Board then becoming subject to review by the Governments concerned.

7. We will try to produce some more specific terms of reference. If you think that a modest scheme on these lines could fairly be advanced by the Secretary of State we should be very grateful for your help in making some initial estimate of what the Board might need in the way of finance. It is a little difficult to try to draw up a list of the categories of specialists that might be needed either for the initial survey or for retention thereafter. We suggest that there should not be an educationist but that the Board's job should primarily be concerned with land improvement and drainage, the improvement of communications, and the agricultural, forestry and public health questions that would flow from these matters. A team of perhaps four or five experts, one of whom might also be the Board's secretary, might well prove sufficient for this purpose. Once the initial survey was made, much of the work of the Board would be concerned with pressing its case on the various governments for implementation of the survey proposals and the need for full time specialist staff might be at least reduced. This difficulty might be met in part by the Board employing its officers on short term contract and by the Board's co-operation in loaning its officers for other work to the local governments, if for a period their services could be dispensed with.

8. The thoughts that I have put down here are inevitably extremely tentative and you may well not regard them as practical. Even if they are advanced and accepted at the Conference, they will still need to be worked out in greater detail after the Conference before the constitutional provision for the Board is made. But the criteria we have tried to observe in making these very provisional proposals are that the Secretary of State should in general terms support the Commission's recommendations, that an Ijaw Board cannot properly be given funds to proceed with the development of its own particular Area irrespective of the comparative claims on those funds of other areas, but that the Board must be advisory only and must be assured of sufficient income to enable it to discharge

its limited functions without fear or favour. If you feel that our own proposals based on these criteria are impracticable we suggest nevertheless that the same criteria should be applied to any alternative proposals you may wish to make.

9. I am sending copies of this letter to the Regional Governors. As time is now so very short we should be most grateful if you could manage a telegraphic reply.

Yours, &c.,

C. G. EASTWOOD.

WAF. 16/57/044 [No. 33] No. 102.

SIR RALPH GREY

to

MR. C. G. EASTWOOD

Secret and Personal.

MY DEAR CHRISTOPHER, Governor-General's Office, Lagos, Nigeria, 6th September, 1958.

As you anticipated, your letter WAF. 16/57/044 of 1st September* to the Governor-General crossed his letter to you of 27th August (526/178).† Generally speaking you will see that, despite the inconveniences, we are in agreement that there appear to be more reasons for having a plebiscite than for not having one. The stumbling-block will come in the interpretation of the wording of the Commission's recommendations and on the view which we can expect the Northern Peoples Congress to maintain about this I have written to you in my 526/184 of 2nd September.‡ You should also know that Willink in a private letter to the Governor-General said :—

> " Ilorin is awfully difficult. Perhaps a plebiscite would be best. But (*a*) it would be a great strain on the administration ; (*b*) how awkward if it results in a 55/45 majority in favour of transfer ; (*c*) how difficult to get a genuine expression of real opinion with so much ignorance and such risk of improper pressures."

It does not sound from this as though in fact the Commission intended the recommendation to prevail in the face of any considerable opposition, and as Bell has told you, there is going to be pretty solid opposition from the Northern Peoples Congress.

You will also have seen from a copy of Mooring's S.40/1/995 of 3rd September§ to the Governor-General that a plebiscite for the Igbirra villages seems scarcely practicable.

The Governor-General has seen and approved this letter in draft. He is beginning to wonder in view of Willink's remarks whether it is worth while upsetting the North and the Prime Minister in order to " appease " Awolowo.

I am copying this letter to the Governors.

Yours, &c.,

RALPH GREY.

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* WAF. 16/57/044 [No. 19] : not printed. † No. 98.
‡ WAF. 16/57/044 [No. 30] : not printed. § WAF. 16/57/04 [No. 31] : not printed.

WAF. 16/57/044 [No. 36] No. 103.

SIR JAMES ROBERTSON

to

MR. C. G. EASTWOOD

Secret and Personal.

MY DEAR CHRISTOPHER, Government House, Lagos, Nigeria, 15th September, 1958.

In your letter of 5th September,* you set out some proposals that the Secretary of State might commend to the Conference in regard to the Minorities Commission's proposal of a Special Area Board for the Ijaw area, you asked for help in making an initial estimate of what the Board might need in the way of finance, and you asked for a telegraphic reply. I have heard from both Stapledon and Mooring since your letter reached them and they are both of the opinion (which Mooring had previously expressed and I had supported—see sub-paragraph (ii) on the second page of his letter S.40/1/895 of 15th August,† paragraph 9 at the top of page 5 of my letter of 26th August,‡ and the foot of the first page and top of the second of Mooring's letter S.40/1/1013 of 5th September)§ that it is inadvisable to produce any sort of detailed scheme and seek agreement for it at the Conference table. Both Governors say that to do this would be to invite fierce argument and to accomplish nothing. However much or little was agreed at the Conference, Mooring says, there would be so many questions that could only be settled by inter-governmental consultation that we would be risking far more than we could possibly gain by seeking to get agreement for any sort of detailed scheme in Lancaster House. We should be content with getting agreement in principle. I think that they are right and a telegraphic reply could have said no more than that. I have, however, caused examination to be made of the outline scheme in your letter and I attach a note that has resulted. This contains the financial estimate for which you asked ; it deals (I hope adequately) with each of the points made in your letter ; and even though it will not be put to the Conference if the Governors' advice prevails, it may be of use as showing to all of us more fully than did the Commission's Report just what sort of problems would be likely to be met with in practice and to need solution by inter-governmental consultation.

I am sending copies of this letter to the Regional Governors.

Yours, &c.,

J. W. ROBERTSON.

Enclosure in No. 103.

NOTE ON POSSIBLE DEVELOPMENT OF MINORITIES COMMISSION'S PROPOSAL OF A SPECIAL AREA BOARD FOR THE IJAW AREA

It is assumed for the purposes of this Note that a decision has been taken to establish a Special Area Board for the area recommended by the Minorities Commission (paragraph 27 of Chapter 14), namely, the Rivers Province without Ahoada or Port Harcourt, with the Western Ijaw Division added. (There are other areas, e.g., the Warri Division, in the same Delta area that are indistinguishable in their need for development from the Ijaw area ; and there are many other areas throughout the country where the needs could be shown to be just as great but this complication is ignored for present purposes.)

2. Some more specific terms of reference would have to be provided for the Board than that in paragraph 28 of Chapter 14 of the Report, " to direct the development of these areas into channels which would meet their peculiar problems ", but it is assumed for present purposes that the task of the Board would be to survey the developmental needs of the area, to list the practicable schemes in an order of priority, to produce working plans and estimates of cost for each and then to urge them on the appropriate Government or Governments ; and it is assumed that, because of the physical nature of the area, developments such as railways, airports and major roads are not practicable and that the Board will be concerned mainly with improvement of communications by water, of postal services and telecommunications, of education, of medical and health services, of agriculture (with particular reference to swamp crops such as rice, the large-scale reclamation of mangrove-swamps, etc.), of forestry and of social welfare services and with small-scale town-planning. The development of ports and major waterways mentioned by the Commission (paragraph 28) is a task of such size and complexity as to be inappropriate for a Board of the kind proposed ; this work should be left to the Federal Government and its specialized organizations.

3. The Minorities Commission suggested that a new subject, which might be " The Development of Special Areas ", should be added to the Concurrent Legislative List. This is undesirable in principle, would be unacceptable to Regional Governments and would involve undue legal complexities. This proposal should not be supported.

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* No. 101. † WAF. 16/57/044 [No. 5] : not printed.
‡ WAF. 16/57/044 [No. 14] : not printed. § WAF. 16/57/044 [No. 32] : not printed.

4. The Commission recommended a Board consisting of :—

Chairman and Vice-Chairman (appointed by the Federal Government).
One representative of the Eastern Region Government.
One representative of the Western Region Government.
Three representatives of the people of the areas from the Eastern Ijaws, chosen by local bodies.
One representative of the people of the Western Ijaw Division, chosen by local bodies.

Having regard to the work to be done, there is no need for a Chairman and a Vice-Chairman, nor for any member of the Board (other than its Secretary, whom the Commission did not mention) to be full-time. But the Board is a partial substitute for the setting-up of a separate State and it is unlikely to command much enthusiasm from the local people ; it is therefore advisable to give it a full-time Chairman. He, with the Secretary, could constitute adequate, permanent, senior, administrative staff. The six members, representative of the Regional Governments and the people, should be part-time. The Chairman might be appropriately paid a salary in Group 4A (£2,520) and the Secretary a salary in Group 7 (£2,040). The part-time members would be paid honoraria of (say) £500 a year and they would cost quite a lot in travelling and transport allowances.

5. One Secretary-Typist would be needed, with a small clerical staff. The professional and technical staff of the Board should consist of four specialist officers, preferably not specially recruited but seconded as required from the service of one or other of the three Governments and changing from time to time as the professional and technical tasks changed. It would seem essential to have the headquarters of the Board somewhere within the " Special Area " and this at once poses difficulties as (by definition) a place with suitable accommodation, reasonable amenities and good communications does not exist within the area. Practical considerations suggest Port Harcourt but if this were politically unacceptable as being outside the area, accommodation would have to be built at some place like Degema. If it were built at Yenagoa (Brass Division), this might be an ultimate means of making the desired transfer of the headquarters of the Division from Brass, but it is a remote and inconvenient place in which to house senior staff with any possibility of contentment. It would be wise to plan financial provision on the basis that some such place would have to be used. The Commission's recommendation about apportionment of costs (paragraph 28) was limited to the cost of projects approved as a result of the Board's recommendations ; nothing was said about the cost of setting-up the Board. It would be fair enough for the capital cost to be divided equally between the three Governments. As the Chairman is to be appointed by the Federal Government, that fact should be underlined by the Federal Government's accepting responsibility for paying his salary and additional costs (pensions, leave, etc.). It would be worth while the Federal Government paying also for the Secretary to avoid wrangles about who should be appointed. And if the four part-time representatives of the people were remunerated by the Federal Government, this might make them less susceptible to pressure from the Regional Governments and local political influence. The specialist staff should be provided by their respective Governments according to the nature and location of the projects being surveyed ; in practice this would probably mean that the Governments shared their cost more or less equally.

6. On this basis the financial provision needed for the Board would be :—

I. Capital Expenditure

		Federal £	*Eastern* £	*Western* £
Office		3,000	3,000	3,000
Housing :				
One house for Chairman	£9,000			
One house for Secretary	6,000			
		5,000	5,000	5,000
Accommodation for secretary-typist		1,000	1,000	1,000
Junior staff		1,000	1,000	1,000
		£10,000	£10,000	£10,000
Total				£30,000

II. Recurrent Expenditure

Chairman	2,520		
Secretary	2,040		
Four specialists (including additional costs for pensions, gratuities, leave, etc.)	3,500	3,500	3,500
Two regional representatives honoraria		500	500
Four representatives of the people honoraria	2,000		
One secretary-typist	800		
Clerical staff	750	750	750
Additional cost of permanent staff to cover pensions, gratuities, leave, etc.	4,500		
Transport and travelling (including hire of launches)	5,000	5,000	5,000
Office and general	400	400	400
Preliminary planning and investigation	2,500	2,500	2,500
Total recurrent expenditure	£24,010	£12,650	£12,650

III. Special Expenditure

	Federal	*Eastern*	*Western*
Two Land Rovers	750	750	750
Office equipment	500	500	500
Total special expenditure	£1,250	£1,250	£1,250
Total recurrent and special expenditure	£53,060		

7. Some method would have to be devised of electing from a number of small local bodies the one representative of the Western Ijaws and the three representatives of the Eastern Ijaws.

8. As the Board is to be set up by statute, provision must be made for the tabling of its reports in the Federal, Eastern and Western Legislatures. It does not seem possible to provide for any special consequences to follow ; conflicting views might be expressed in the various Legislatures. It is probable that the Board would not be able to do anything but try to *persuade* the respective Governments to undertake projects recommended by the Board.

9. The Commission did not propose that the Board should carry out the works which it recommends. It would be inappropriate, therefore, to provide the Board with the money required for projects ; but the whole proposal becomes almost worthless if there is no special consideration of the means by which money should be set aside for the projects that the Board recommends. But at this stage financial estimating becomes almost impossible. The Commission recommended (paragraph 28) that :—

(*a*) projects should be financed exclusively from Federal funds if they concerned Federal subjects ;

(*b*) projects concerning Regional subjects should be financed by the Regional Government (or, if both are concerned, then by both in proportion to the population involved—presumably the population directly benefiting ? or total population ?) with a Federal contribution of one-third of the capital cost ; and

(*c*) the Federal Government should also bear one-third of the recurrent cost of " Regional " projects for " a period which might extend to ten years ".

10. As regards Federal schemes in the area during the next ten years, a suitable formula might be to allocate for Federal development in the area that proportion of the total Federal funds available for capital development that the population of the area bears to the total population of Nigeria. If the total amount available for capital development during the next ten years is, proportionately, of the same order as that provided for the seven years of the present Economic Programme, there might be £170 million available to the Federal Government during the ten-year period. On a population basis, the share of the Special Area would be about £2½ million. But much of the Federal money may be devoted to large-scale enterprises (ports, railway extensions, hydro-electric schemes) that are of benefit to the whole country and it would be unfair to count the cost of such enterprises in the total figure from which the Special Area share of money for expenditure in and on behalf of the Special Area was calculated.

11. It is even more difficult to attempt an estimate of what the Regional Governments might spend on development over the ten-year life of the Board. Something might turn on whether oil is found anywhere in the Special Area. But, having regard to the physical difficulties in the way of development and the other demands on the funds of the Regions, etc., it seems doubtful whether the total capital expenditure of the two Regional Governments in the area over the ten-year period would be more than (say) £4 million (if it were as much). The Federal Government would have to match this with £2 million if it were to meet one-third of the total capital cost as proposed.

12. There is no possible way of estimating the Federal Government's share of recurrent costs.

13. It is unlikely that any substantial cost of capital works would come within the present Economic Programme as it is not likely that the Board will have been created, made its survey, considered and got approval for projects and had them initiated before the end of 1960 ; but if anything is to come of the proposal, it will be necessary to provide the capital cost of setting up the Board and (say) two years recurrent expenditure (say) £50,000 when the Federal Economic Programme is next reviewed.

WAF. 300/416/01 [No. 1] No. 104.

GOVERNOR, NORTHERN REGION

to

SECRETARY OF STATE

[*Answered by No. 105.*]

No. 144.

SIR, Government House, Kaduna, Northern Region, Nigeria, 30th June, 1958.

In March this year, in the Budget Session of the House of Assembly, the Government passed an amendment to Section 19 of the Native Authority Law (No. 4 of 1954) which created considerable comment and criticism and evoked some "minority" fears. The existing Section 19 allowed for the removal from a Native Authority Council of elected members provided they were given one month in which to make representations to the Governor against their removal. Government considered that this was not always practicable as in the month's grace given, trouble makers could well cause much harm. The amendment allowed for immediate removal of elected members, provided that the Governor was satisfied from the report of an impartial Inquiry that the removal was justified.

2. Much use was made of this amendment by the Action Group party in its argument before the Minorities Commission to the effect that the Northern Regional Government intended to suppress such minorities as Yoruba Ilorin and to crush democratic institutions. At the time of the passing of the amendment it was believed that the Minorities Commission itself viewed the proposal with interest and even concern as having a bearing on their own Inquiry.

3. The Ilorin Native Authority Council, with its majority of elected members, has for the past nine months been functioning very unsatisfactorily. It is dominated by a political alliance of the local Ilorin Talaka Parapo (Ilorin Peoples' Party) and the Action Group party, the latter highly organised from Ibadan and virtually dictating the policy and actions of the Ilorin Native Authority. It has indulged in a great deal of more or less open political jobbery, especially concerning staff matters; it has consistently ignored sound advice from the Resident and his staff whenever their advice did not suit its plans; consequently maladministration has followed. In February this year the Government had to issue a grave warning to the Native Authority over its shortcomings. This had only a slight temporary effect, after which irresponsible acts continued. One instance which caused great indignation throughout the Northern Region was when the leading Action Group elected member in the Council insulted the Emir in full Council. His principal colleagues apologised but he refused.

4. At the beginning of June the Government ordered an Inquiry into the affairs of the Ilorin Native Authority. The Committee of Inquiry consisted of Mr. R. O. Mant, an administrative officer at present acting as Permanent Secretary to the Ministry of Social Welfare and Co-operatives, Mallam Musa, Chief Alkali Bida and Alhaji Aminu Yakubu, a member of the Emir's Court, Kano. The Committee's terms of reference were "To inquire into allegations that the Ilorin Native Authority has so misconducted or neglected its affairs that a situation has been created prejudicial to the interests of Ilorin Emirate or to the Region as a whole."

5. This Committee (which was boycotted by the Ilorin Native Authority) has now submitted its Report. It is probable that when the Report is considered by Executive Council on 7th July a decision requesting me to dissolve the Native Authority by removing all its elected and nominated members will be made, replacing it by a nominated Council. This of course is just what the Action Group party wishes to happen. In all probability it will widely publicise the action as one aimed at suppressing the Yoruba minority in the Northern Region as well as Councils with elected majorities. Comment may be made in the United Kingdom press and questions asked in the House of Commons.

6. In order that you may be well informed of this situation and also of the facts, I have recounted the background of this situation in some detail. I also enclose two copies of the Report of the Committee of Inquiry both for your information and, if you think desirable, for that of the Minorities Commission.

7. It is my opinion that the Report fully establishes misconduct and maladministration on the part of the Ilorin Native Authority prejudicial to the interests of Ilorin Emirate and the Region as a whole. I am also satisfied that the Northern Regional Government will be acting correctly in dissolving the Native Authority. The present situation in Ilorin has had two unfortunate effects within the Northern Region. Firstly it has caused Native Authorities to doubt the wisdom of going forward with the present policy of introducing elected elements into Native Authority Councils. Secondly, it has encouraged some Native Authorities to wonder how far the policy and the authority of the Regional Government can be ignored with impunity.

8. The possibility of disorder in Ilorin following the Government's expected decision to dissolve the Council has been considered, and steps are being taken to have reserves of police available. The Resident's estimate, with which I agree, is that while there will almost certainly be demonstrations, serious disorder is less likely.

9. A similar Inquiry to this has also had to be made into the affairs of Igbirra Native Authority (in Kabba Province). Here also the Native Authority, influenced by two young elected members, developed a campaign of defiance of the Resident and his officers because they were checking the

Native Authority in its many acts of misconduct. The Native Authority in this instance, unlike the Ilorin Native Authority, has a political majority which is not opposed to the Government. The Regional Government has already taken action on the report and dismissed the two offending Councillors. A copy of the Report of the Inquiring Officer is also enclosed, as it has a bearing on how the much criticized amendment to Section 19 of the Native Authority Law is working out in practice. Extracts from the Igbirra Report have already been published locally but it has been decided not to publish the Report in full.

10. Copies of both Reports are being sent to the Commissioner for the Northern Region of Nigeria in the United Kingdom.

11. I am sending copies of this despatch to the Acting Governor-General, the Governor, Western Region, the Acting Governor, Eastern Region and the Commissioner for the Cameroons.

Yours, &c.,

G. W. BELL

Governor, Northern Region of Nigeria.

WAF. 300/416/01 [No. 3] No. 105.

SECRETARY OF STATE

to

GOVERNOR, NORTHERN REGION

(Telegram, 4th July, 1958.)

[*Answered by No. ____*]

No. 97. Immediate. Secret. Addressed to (1) Governor, Northern Region, Nigeria. Repeated Secret and Personal to (2) Acting Governor-General, Federation of Nigeria, Personal No. 125; (3) Governor, Western Region, Nigeria, Personal No. 41; (4) Governor, Eastern Region, Nigeria, Personal No. 46 (non-priority).

Your Despatch No. 144.* Enquiry into Ilorin Native Authority. I have read with concern your Despatch and accompanying report of Committee of Enquiry and am grateful for advance warning of action your Government have in mind. I have not had time fully to study implications of action proposed. These could be very important and I very much hope your Government will be able to avoid taking final decision on Monday.

One major consideration is that Minorities Commission will shortly be submitting their report to me and it is due to be published within next few weeks. Report will no doubt deal with question of Ilorin. It is possible that drastic action now by your Government in its dealings with Ilorin Native Authority might prejudice consideration of report on this question both in Nigeria and at resumed Conference. This is clearly one of factors which will have to be weighed in considering what action should be taken on report of Committee of Enquiry, and I should be very grateful if your Government could let me have their views on this before any decision is reached.

WAF. 300/416/01 [No. 7] No. 106.

SECRETARY OF STATE

to

GOVERNOR, NORTHERN REGION

[*Answered by No. 107.*]

Immediate. Secret and Personal. Personal No. 39. 5th July, 1958.

(ADDRESSED TO GOVERNOR, NORTHERN REGION, NIGERIA).

(REPEATED TO ACTING GOVERNOR-GENERAL, FEDERATION OF NIGERIA, PERSONAL NO. 126; GOVERNOR, WESTERN REGION, NIGERIA, PERSONAL NO. 42; GOVERNOR, EASTERN REGION, NIGERIA, PERSONAL NO. 47 (NON-PRIORITY).

Following from Eastwood.

Begins.—Your secret despatch No. 144 of 30th June*. Ilorin Council. Please see our immediately preceding official telegram†.

* No. 104. † No. 105.

2. Secretary of State will not be able to study this fully till next week. Decision whether or not to dissolve the Council is of course primarily one for your Ministers but until next March you still have general reserve powers. We fully recognise possible awkwardness of using them but fact remains that because they are there ultimate responsibility still falls on Her Majesty's Government. It is essential therefore that Secretary of State should be able to consider fully the implications before action is taken on a matter which has such obviously explosive possibilities.

3. We have shown copy of your despatch to Minorities Commission and have discussed it privately with them.

4. Your despatch states opinion the report fully establishes misconduct and maladministration and that you are satisfied that your Government will be acting correctly in dissolving Council. While I am sure you are right in thinking there has been some misconduct and maladministration (in what Native Authority is there not ?) we do not think report if published would be found by public opinion in this country to provide a very convincing case. Rather it would be regarded as fresh evidence of the unwillingness of the Northern Peoples' Congress to tolerate any opposition. Whether report is published or not decision to dissolve may well be heavily criticized in Parliament here, as your despatch recognizes. Apart from that, as you also recognize, it plays right into the hands of the Action Group.

5. Apart from merits of question we feel strongly after consultation with Minorities Commission that dissolution of Council at this juncture only a few weeks before publication of Commission's report must inevitably prejudice the reception of that most important document which will vitally affect the whole future of Nigeria. We know that all Governors are already anxious about the security situation generally when the report is published and we are of course all most concerned that October Conference should not break down. Surely, if we possibly can, we ought to avoid action now which would further complicate a situation that is already tricky enough.

6. For your information, Minorities Commission who, as you know, have given much anxious thought to Ilorin situation, hold general view that in so far as it may be necessary for a Regional Government to take action against a Native or Local Authority it is much preferable that that action should be dissolution of authority and appointment of separate caretaker body rather than replacement of certain members of authority as is possible under 1958 amendment of Section 19 of your Native Authority Law. Commission argue that complete dissolution is clear political decision for which Government must obviously assume responsibility whereas packing of the Council by replacement of certain members blurs the issue.

7. We hope you can persuade your Ministers not to take precipitate action.—*Ends.*

WAF. 300/416/01 [No. 13] No. 107.

SIR GAWAIN BELL

to

MR. C. G. EASTWOOD

MY DEAR EASTWOOD, Government House, Kaduna, Northern Region, Nigeria, 7th July, 1958.

Thank you for your Secret and Personal telegram of 5th July* about the dissolution of Ilorin Native Authority. The problem as you say is a difficult one at this time when the Minorities Report is to come out so soon and the Constitutional Conference is so near upon us. Its implications have, however, been carefully considered and on balance I believe that advantage lies in taking action. It is not what is done by the Northern Region Government now that is going to affect the Western Region attitude at the Conference but, as I see it, it is the Minorities Report which will decide whether Awolowo comes to the Conference in triumph or in anger.

Certainly there has been nothing precipitate in Government's approach to this problem. A solemn warning was given to the Ilorin Native Authority in February, over four months ago. No improvement has resulted from that warning, and impartial advice, free from all political bias, given by the Resident and administrative staff has been deliberately rejected. Whereas five months ago when dissolution was first mooted the Resident and his staff were opposed to it on the grounds that the Native Authority had not been given a fair chance to justify itself; now they are in full agreement that it has failed and is beyond remedy.

The Report of the Committee of Enquiry which I forwarded with my despatch cannot but impress with its fairness and justice, making, as it does, every possible allowance for the defence, accepting as fact only those acts which have been proved beyond possible doubt. It has, however, been recognized by Government as unsuitable for general publication, and for this reason a White Paper has been prepared, a copy of which I enclose, which summarises the findings of the Committee. This White Paper will be issued here and be available to the public.

* No. 106.

For Government to take no action now, after the Committee has reported would result in a very serious loss of prestige. The maladministration of Ilorin has been notorious : to take no action must imply either that the Northern Peoples Congress were in fact to blame for this maladministration or that Government is too weak to take disciplinary action where it is clearly called for. To those who claim that the discipline is activated by party motives there is the answer that similar disciplinary action has been taken in Igbirra where the offenders were supporters of the Northern Peoples Congress.

Certainly action is expected in Ilorin itself. Police precautions are planned but no serious or prolonged disturbance is expected. From the Northern Region generally full support is most likely. The Western Region, well informed by their political agents, expect nothing less than dissolution. It will no doubt be used as a propaganda point by the Western Region at the resumed conference but if the Native Authority Council is not dissolved the disorganization in Ilorin will become so much worse before the Conference meets that the West would equally be able to point to Ilorin as an example of the unhappiness of Yorubas under Northern rule.

It is true that there is a political flavour in the maladministration in Ilorin and that politicians will make the most of this to discredit Government. It is, however, a fact that politics, political jobbery, bribery and patronage can bedevil administration as much as the more common failures of large scale embezzlement, extortion or oppression. In the past eight years there have been many examples of the removal of Native Authorities and many of their councillors—the reorganization in Adamawa, the reform of the Bornu Native Authority, of Argungu, Bauchi and Katagum all come to mind, three of them involving the removal of first-class chiefs. I believe that had similar circumstances arisen in any other Native Authority to which a warning had been given and ignored, similar action would have been justified and taken.

Bearing this in mind I cannot think that the dissolution of the Ilorin Native Authority should provide any reason for the Minority Commission to make any change either one way or the other in whatever decision they have already made upon the claims of the West to this area. Certainly the West itself has shown no scruples in dealing firmly with Native Authorities such as Oyo, where the political opponents of the Action Group have attempted to embarrass the Government by factious opposition, and bring local government to a standstill. In Ibadan also it replaced the District Council by a " caretaker " Council which functioned for about three years.

Government, however, is most anxious that its case should be well presented in the United Kingdom and is most unwilling to do anything which should prejudice this or embarrass Her Majesty's Government. The Premier has therefore agreed to a postponement of the decision until 16th July when the full council, including chiefs can be present. By this time you will have received this letter and the White Paper and been able to study the problem at more leisure.

In paragraph 6 of your telegram Personal No. 39*, you say that the Minorities Commission hold the view that it would be preferable that action should be dissolution of an authority and appointment of a separate caretaker body rather than replacement of certain members of an authority. It is in fact Government's intention to appoint just such a caretaker body. The intention is " when sufficient experience has been gained by members of the existing local councils they may again elect representatives to the Native Authority ".

Whatever the decision may be, and I think dissolution must be counted on as certain, this is not a subject on which I think I should be justified in using my reserved powers. The preservation of law and order and good government is so much the duty of the Governor that I should, I think, be open to very widespread criticism if I let so intolerable a situation as now exists in Ilorin drift on by withholding from Government what is, I believe, the only means to end it. You will remember the view taken by the Prime Minister of the Federation in my conversation with him in April, of which a record was forwarded to you. Nor would criticism come only from Government—the service represented by the Resident and Senior District Officer, Ilorin, would think that they had been deserted by me at the very time when their advice had been neglected, their authority as representatives of the Regional Government ignored. Morale is at its highest now after the Martin proposals. I could not risk striking it such a blow at this time.

Not only this—the Regional Government is set upon this course, I believe with sincerity of purpose, and with only the minimum of political animosity. To attempt to deflect it now would lose once and for all the good relations, confidence and trust laboriously built up over the past twelve months.

I am sending copies of this letter to Grey, Rankine and Stapledon.

Yours, &c.,

G. BELL

* No. 106.

WAF. 300/416/01 [No. 25] No. 108.

SIR RALPH GREY

to

SIR GAWAIN BELL

DEAR BELL, 12th July, 1958.

Knowing that you were on tour in Kano today, I telephoned Weatherhead to say that I felt, after anxious study of such papers as I have about Ilorin, that I should tell you that neither I nor those I have consulted feel that the Report by the Committee of Enquiry into the affairs of the Ilorin Native Authority nor the draft White Paper based upon it would be a good foundation for the dissolution of that Council at this stage. This is, of course, very much a matter for you as Governor of the Region and I am diffident about seeking to challenge the decisions to which you have come and which are set out in your Secret and Personal letter to Eastwood, No. 621/245 of 7th July,* all the more so as I have no personal and direct knowledge of Ilorin affairs. But, in a matter of such importance, you may find value in the opinions of those at a distance who, although not directly involved, have studied the papers with care. And it is very much a matter of Federal concern that internal security should be preserved when the Report of the Minorities Commission is published and that there should be as calm a Nigerian background as possible to the proceedings of the October Conference.

2. No copy of the Committee's Report came with our copy of your Secret Despatch No. MLG. 4304 of 30th June,† to the Secretary of State, but, after seeing telegrams Nos. 97‡ and Personal 39§ to you from the Secretary of State (both of which were repeated to me Secret and Personal, as Nos. 125 and 126 respectively), I read a copy of the Report with your Executive Council papers that are sent for the Governor-General's information. Weatherhead today left me in no doubt that all who in Kaduna have been officially concerned with the Report and all those who, as he put it, are in touch with Ilorin affairs, think that the Report is manifestly impartial and accepts nothing against the Council that is not proved beyond doubt. It is all the more difficult, therefore, to have to say that it seems otherwise to me. My view can be challenged on the grounds first that I do not know Ilorin and secondly that I am unhappily used to a state of affairs that, though common enough in Southern Nigeria, is not creditable to the country, is not yet well known in the North and should be prevented if possible. Nevertheless the fact that I am subject to those disadvantages does not alter the fact that I conscientiously hold those views; and you may think that this is some practical proof of what Eastwood said in paragraph 4 of his Secret and Personal telegram No. 39§ to you, that the Report, if published, would not be found by public opinion in the United Kingdom to provide a very convincing case, but would rather be taken as fresh evidence of the unwillingness of the N.P.C. to tolerate any opposition. You would not wish me to itemize every respect in which I think the Report may be criticized—that might be taken as argument for argument's sake and mere laborious fault-finding. On the other hand, you would probably wish me to give some evidence to support my conclusion. I therefore attach to this letter some personal notes on the Report and the White Paper.

3. The Ilorin Native Authority and its subordinate Councils have, I am sure, been foolish, perverse and inefficient. They have very likely also been corrupt. And it is clear that collectively and individually some members have been rude not only to Government officers working for their good but also to the Emir and other traditional members in a society where insults can be as serious an offence as physical violence. The corrective measures to be applied to the Native Authority are essentially a matter for you and your Government and you will have the burden of deciding whether the peace, order and good government of the Region require (for instance) the dissolution of the Council even if this causes some immediate unrest and even if it increases the difficulties of all of us in getting wise decisions on the recommendations of the Minorities Commission and the debates thereon in the Resumed Conference. In the *matter* of your decision the interests of the Region are perhaps overriding; but the *manner* of it is, I think, of general Federal concern (and of concern to Her Majesty's Government in the United Kingdom so far as the effects on the settling of the Constitution go). In hackneyed words, you will have the burden not only of seeing that justice is done but of making it be seen to have been done. It is here, I sugggest, with respect, that the Report and the draft White Paper do not serve your purpose.

4. I appreciate that, as stated in paragraph 9 of the draft White Paper, your Government aims at the development in the Northern Region of a particular kind of democracy. But that merely makes the more difficult the task of convincing public opinion that your Government has acted correctly. Many of your most vocal critics, particularly those outside Nigeria, will be those who advocate democracy "warts and all". It is for this reason that it seems to me that the Report and the White Paper have the following defects :—

(*a*) They imply (indeed in places they state in terms) that "politics" in the sense of the furthering of the aims of political parties are in themselves disreputable and should have no place in local government. But is it possible (or even proper) in any kind of democracy to keep such "politics" out of any Council that has an elected majority? And does it not tend to defeat this argument that the Committee found so often that the persons aggrieved by Council decisions were themselves active in "politics" but of a different persuasion?

* No. 107. † No. 104. ‡ No. 105. § No. 106.

(*b*) Both the Report and the White Paper seem to me to lessen, rather than increase, their effect by the use of strong adjectives (such as "gross" in relation to "irresponsibility") and vivid phrases (such as "grossly mishandled for petty party and personal interests") that are not commonly found in a judicial statement of impartial findings.

(*c*) There is undue emphasis on the refusal of the Council to do as officials advised them. This may indeed have been unwise and perverse. I have no doubt that the Councils and individual members would have tried the patience of a saint. And I am very conscious of the need at this time to uphold public servants wherever one properly can. But once power is given to Councils with an elected majority, officials are in fact "advisers" and it is not an offence to disregard their advice, even if it is done perversely and rudely, unless there is a statutory requirement to accept it or unless the consequences are so damaging to the public interest which the Councils are elected to represent (and the Committee stated in paragraph 43 that, "The people then voted in the new Native Authority and its members are their true representatives.") that the immediate public welfare must be served at the cost of the long-term development of representative local government.

5. You may wonder why I write about the Report when it is to be replaced by a White Paper. If the White Paper quotes (see the italics in paras. 5 and 6 of the draft) in such spicy form the comments of the Committee, will there not be an irresistible demand for the publication of the Report? I see from the third paragraph of your letter of 7th July* that the Government has recognized that the Report is unsuitable for general publication. Would it not then be better to have a less vivid White Paper that made less direct attribution to the Committee and so was less likely to lead to demands for publication of the Report?

6. If you were to decide to take action short of dissolution, the fact that the Government of the Western region have had (and have, as I understand, referred to the Solicitor-General for his advice) a copy of your Despatch No. 144 of 30th June,† in which you recorded your expectation that your Executive Council will advise you to dissolve the Council and your conclusion that this would be the correct advice, will complicate your task in finding an alternative. Weatherhead told me that the Despatch had been sent to other Governments as your Premier thought that whatever was done would be unacceptable to the Government of the Western Region; but here again the need to get as calm a background as we can for the Minorities Commission Report is involved. No doubt if you were to dissolve and order new elections at once, you would have the worst of both worlds—unrest, the heat and violence of an election campaign and perhaps the triumphant return of the same men that were at fault before. Would it be a possible compromise solution not to dissolve but, under section 36A (1) (*b*) of the Native Authority Law to remove from the Native Authority for the time being all powers over matters relating to Native Authority staff? It is in this particular field that the incompetence of the present Council has been most clearly established.

7. If you feel that dissolution is the only course, I hope that you will feel able to base it on an amended White Paper.

8. I am sending copies of this letter to Rankine, Stapledon and Eastwood.

Yours, &c.,

RALPH GREY.

WAF. 300/416/01 [No. 18] No. 109.

SECRETARY OF STATE

to

GOVERNOR, NORTHERN REGION

[*Answered by No. 110.*]

No. 103. Secret. Immediate. Telegram 13th July, 1958.

(ADDRESSED TO GOVERNOR NORTHERN REGION, NIGERIA)

(Repeated Secret and Personal to Acting Governor-General, Federation of Nigeria, Personal No. 131 ; Governor, Western Region, Nigeria, Personal No. 43 ; Governor, Eastern Region, Nigeria (by airmail).)

Your Telegram No. 120‡. Ilorin.

I am grateful to your Government for undertaking to defer final decision until 16th July so that both I and your Ministers might have further time to consider this difficult problem.

* No. 108. † No. 105. ‡ WAF. 300/416/01 [No. 11]: not printed.

2. I note from your telegram and from draft White Paper that it is likely that your Government will on 16th July reach decision to dissolve Native Authority and appoint caretaker body. Clearly decision must rest with your Government but they will be concerned, as I am, that whatever decision is taken over this major point of irritation and disagreement between North and West shall be recognised by independent public opinion here as well as in Nigeria as having been reached impartially on basis of established fact.

3. I have now studied both Report of Committee of Inquiry and draft White Paper. I observe that Report is not to be published and that instead your Government contemplate publishing White Paper as summary of Report and as means of setting out your Government's conclusions on it. It may be that White Paper will be sufficient to satisfy public opinion. But it is possible that over this thorny issue there may be strong demand for publication of full Report and that your Government may be pressed to accede to this demand. It seems to me that conclusions in White Paper might be regarded as going beyond those of Report itself.

4. I remain most concerned about effect on relations with Western Region if Native Authority is dissolved at this moment just before publication of Minorities Commission Report. That will of course be a document of vital importance to Nigeria and I am sure that your Government will agree that we ought all to do everything we can to see that it is considered both in Nigeria and at the London Conference in as calm an atmosphere as possible.

5. At the same time I realize that the patience of your Government has been greatly strained, that action has been taken against other councils in the past for similar offences and that to take no action on the report of Commission of Inquiry might seriously affect your Government's prestige.

6. If for these reasons they feel that action cannot be delayed I suggest they should seriously consider whether instead of dissolving the Council and replacing it by a nominated body they might not simply suspend it until after the Conference, leaving the administration of the Province in the hands of the Resident. Decision could if necessary be made public in a statement to the effect that the report had shown a state of affairs to exist which in the past had led to the dissolution of other councils but in view of the approaching publication of the Report of the Minorities Commission and the London Conference your Government were deferring a final decision ; for the present they were simply suspending the Council.

7. As there will probably be considerable Parliamentary criticism I should be grateful if I may be informed what decision has been reached before action is taken on it.

WAF. 300/416/01 [No. 26] No. 110.

GOVERNOR, NORTHERN REGION

to

SECRETARY OF STATE

No. 124. Secret. Immediate. Telegram 16th July, 1958.

(Addressed to Secretary of State)

(Repeated to Governor-General, Federation of Nigeria, No. 53)

Your Telegram No. 103*. Ilorin.

My Government is grateful for and has given closest consideration to your views but has decided to advise me to dissolve the Native Authority Council. They are convinced that postponement of decision and failure to dissolve Council would be interpreted as weakness and mean great loss of prestige. Owing to the particular circumstances operating in Ilorin, suspension would have to be for an indefinite period and I am advised that such a suspension would involve in effect, removal of the Elected Members contrary to the proviso to Section 16 of the Native Authority Law. Furthermore, suspension of the Office of Native Authority for an indefinite period, though possible under Section 16, would be as drastic a step as the removal under Section 19. The distinction between indefinite suspension and removal would not be appreciated in Nigeria.

2. I therefore proposed to dissolve the Council with effect from 28th July and simultaneously appoint a Caretaker Council. The White Paper will be published simultaneously. Certain amendments have been made to the original draft and a copy of the amended Paper will be sent to you and Northern Region Commissioner in United Kingdom by next bag. I am advised that the White Paper does not go beyond the conclusions of the report of the inquiry and I consider its conciseness makes it a more forcible document than the report. If there is a demand for publication the report will be published in full but Government is anxious not to create a precedent.

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* No. 109.

WAF. 300/416/01 [No. 30] No. 111.

SIR GAWAIN BELL

to

MR. C. G. EASTWOOD

Dear Eastwood, Government House, Kaduna, Northern Region, Nigeria, 19th July, 1958.

You will be hearing from an open (Secret) despatch now being prepared in the Ministry for Local Government the full details of Executive Council's decisions on Ilorin. The open (Secret) telegram No. 103 of 14th July* arrived while the Premier was away in Bornu opening the new Central Offices. He came to see me on the day he returned. He had seen the telegram and said at once that, although he felt strongly that dissolution was the right course, he was willing to consider suspension as he sympathized with the Secretary of State's difficulties over Ilorin.

In my subsequent conversation with the Premier, who remained throughout calm and reasonable, he made the following points:—

(*a*) relations between the North and the West were already very strained mainly owing to the West's present political campaign in the North, and the proposed action in Ilorin would, as he saw it, make things no worse ;

(*b*) he did not anticipate that there would be any serious disorder in Ilorin ; and

(*c*) the Prime Minister was even more anxious than he was to see the Council dissolved, and indeed had recently chided him for being much too lenient in his attitude towards Ilorin. The Premier repeated that he was most anxious not to embarrass the Secretary of State if a way could be found of avoiding this, but that the Ilorin problem could not be left without action. Already people were saying that the Secretary of State had ordered the Regional Government to take no action on the inquiry, and the prestige of the Government was liable to be seriously affected if nothing were done soon.

By the time of the meeting on the 16th July it had become clear after discussion with the Attorney-General that it would not be possible legally to suspend the Council. In any event, so far as local opinion went, there would be no difference between dissolution and suspension. The Executive Council itself had no doubts and strongly supported dissolution.

The discussion of the Secretary of State's telegram gave me the opportunity to suggest certain amendments to the White Paper and for this an *ad hoc* committee was appointed. The most important amendments were the elimination of all the underlined passages which were extracts from the Report's conclusions. As they could not be altered it was better to remove them altogether and let the facts speak for themselves. Paragraphs 9, 10 and 11 were also re-drafted. We believe that it now presents Government's case moderately, truthfully and effectively in a form which will be acceptable outside Nigeria. Within Nigeria publicity will be by releases to press and radio, and by broadsheet in Ilorin Emirate. Copies of these and of the revised White Paper will reach you under Secret cover.

Latest reports from Ilorin still indicate that any large-scale disturbances are unlikely.

A copy of this letter has been sent to Robertson, Rankine and Stapledon.

Yours, &c.,

GAWAIN BELL.

WAF. 243/342/04 [No. 1] No. 112.

MR. A. G. H. GARDNER-BROWN

to

MR. T. B. WILLIAMSON

Secret and Personal.

Dear Tom, Office of the Chief Secretary of the Federation, Lagos, Nigeria, 15th January, 1957.

Will you please refer to your Confidential and Personal letter (WAF 243/342/01) of 19th November, 1956† to Ralph Grey about diplomatic relations with Saudi Arabia and the question of looking after our pilgrims this year, in which you mentioned the wish of the Foreign Office that as little as possible should be said about the position for the time being. I am afraid the time has come when we must raise the matter again since we have to make plans for our annual pilgrimage mission.

* No. 109. † Not printed.

Our intention this year is to have a small office open in Jedda from the beginning of April until the last of the Nigerian pilgrims have left the Hejaz, which is unlikely to be earlier than November. We should have liked to have opened the office in February since so many Nigerian pilgrims go to Saudi Arabia for what is known as the " Rajabia " and spend the month of Ramadan over there ; unfortunately we shall not be ready by February this year but hope to send the " administrative officer ", who will open the office, in April. In June, when the main pilgrimage season begins, a prominent Nigerian appointed " Leader of the Pilgrimage " will arrive with our small medical mission. This will remain at Jedda during the assembly of the pilgrims and will move to Mecca for the period of the ceremonies ; Arafat Day is 8th July. The " Leader " and the medical mission (with the exception of one or two nurses) will leave Jedda for Nigeria with the last pilgrim flight ; the " administrative officer " will remain to look after the pilgrims returning by the sea and land route and his duties this year will include the repayment to these people before leaving Saudi Arabia of a deposit of £6 collected from them by the Sudan Government before they leave Suakin on the outward journey.

The " administrative officer " of the mission will be a Nigerian from the Northern Region. The post was last year filled by the Development Secretary of Sokoto N.A. and will this year be filled by a person of equivalent status although he has not yet been selected.

The mission has in past years been designed to assist the staff of the British Embassy in caring for Nigerians in the Hejaz and it has been understood that its activities have been welcome. The Embassy has made available the necessary funds on authorization from this Government against reimbursement to the Foreign Office through the Crown Agents. The staff of the mission have always understood clearly that they have no authority to approach the Saudi Arabian Government officially and that they have no standing in the country other than that derived from the Embassy.

We shall be grateful therefore if the necessary action may be initiated to ascertain that the Pakistani Representative in Jedda will be willing for the Nigerian mission to operate under his aegis and along the above lines. It would also be a great help if we could obtain the agreement of the Foreign and Commonwealth Relations Offices for demi-official correspondence about the detailed arrangements to be carried on direct.

Yours, &c.,

A. G. H. GARDNER-BROWN.

WAF. 243/342/04 [No. 5] No. 113.

MR. M. G. SMITH

to

MR. S. G. CHANDLER

Confidential.

DEAR CHANDLER, The Church House, Great Smith Street, London, S.W.1, 25th January, 1957

Will you please refer to my letter of 17th December to Golds about the care of Nigerian Pilgrims, the substance of which you conveyed to Molyneux in Karachi in your letter SA.83/33/4 of 31st December*.

We have now heard from the Governor-General of Nigeria that it is proposed that the Office of the Nigerian Pilgrim Mission in Saudi Arabia should be opened as early as possible in April. It is intended that the Office will be opened this year by the Administrative Officer of the Mission who will be a Nigerian from the Northern Region. This officer will be followed to Jedda in June at the beginning of the main pilgrimage season by a prominent Nigerian appointed " Leader of the Pilgrimage " who will be accompanied by a small medical mission consisting only of one doctor and two or three nurses.

The Leader of the Pilgrimage and the medical mission will remain until about the middle of July but the Administrative Officer will keep the Office in Jedda open until the last of the Nigerian pilgrims have left Saudi Arabia which probably means until November. The duties of the Administrative officer this year will include repayment to the pilgrims, not travelling by air, before leaving Saudi Arabia of the deposit of £6 collected from them by the Sudan Government before they leave Suakin on the outward journey.

The intention is that the Administrative Officer will take on in Jedda a certain number of locally recruited subordinate staff. If he is unable to find what he wants there suitable persons will have to be recruited in Khartoum.

* WAF. 243/342/01 (54-56) [No. 63] : not printed.

We are now told that the Mohammed Effendi el Ayin Saleh referred to in my last letter is an employee of the Nigerian Pilgrimage office in Khartoum who was sent to Jedda temporarily in September and October last year when it was found necessary to keep a representative there after the Mission had to return to Nigeria.

You may care to pass this additional information on to Karachi.

Yours, &c.,

M. G. SMITH.

WAF. 243/342/04 [No. 31] No. 114.

GOVERNOR-GENERAL

to

SECRETARY OF STATE

No. D.509.

SIR, Government House, Lagos, Nigeria, 6th April, 1957.

I have the honour to refer to Sir Hugo Marshall's Despatch No. 1135 of 14th July, 1955*, in which he informed you of the result of a meeting held at Khartoum between representatives of the Governments of the Sudan, French Equatorial Africa and Nigeria to discuss the documentation of pilgrims from French Equatorial Africa and Nigeria on their way to the Holy Places of Saudi Arabia. The agreed recommendations of that meeting were accepted by the Governments of French Equatorial Africa and Nigeria but the Government of the Sudan proposed an amendment designed to limit the time within which a Nigerian pilgrim must complete the pilgrimage and leave the Sudan for his home to a period so short as to be quite impracticable. The proposed amendment also sought to fix upon the Nigerian Government an automatic liability to repatriate any Nigerian whose authorized period of residence had expired. It proved impossible to resolve this difference of viewpoint in the correspondence which was carried on demi-officially with the British Embassy at Khartoum but, notwithstanding the failure to secure ratification, the recommendations were put into force, the Nigerian Pilgrim Office in Khartoum was established early in 1956, and some 17,000 Nigerian Pilgrims crossed the Red Sea in that year.

With a view to settling the outstanding differences over the period of residence in the Sudan and over repatriation and also in view of the fact that Nigeria was unwilling to implement in 1957 the undertaking contained in the last seven words of paragraph 6 of the 1955 recommendations, a further meeting was proposed and took place in Khartoum at the beginning of January, 1957. On this occasion the Government of French Equatorial Africa was not represented although the French Ambassador in Khartoum was kept informed of the progress of discussions. A record of the meeting is attached for your information together with an agreed statement of the result in the form of amendments and additions to the 1955 recommendations.

These amendments and additions have been considered in Council and accepted by this Government subject to a reservation in respect of paragraph 3 (which refers to the acceptance by Nigeria of a new responsibility for paying out to Nigerian pilgrims in Saudi Arabia a deposit collected in the Sudan) that the Sudan Government shall give an assurance that they will authorize the transfer in sterling of any balance of Sudanese currency resulting from the transaction. The British Embassy at Khartoum, through whose good offices the meeting was arranged, have been asked to convey the views of this Government to the Government of the Sudan, whose reply is still awaited. It has been suggested to the British Embassy that in the event of the Sudan Government accepting the recommendations, the most satisfactory means of ratification would be by an exchange of letters between the British Embassy and the Sudan Ministry of External Affairs. I will inform you of the outcome of this correspondence.

I have, &c.,

R. F. A. GREY,

Governor-General's Deputy.

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* WAF. 243/342/02 (54-56) [No. 32] : not printed.

Enclosure 1 in No. 114.

DOCUMENTATION OF PILGRIMS

Draft Recommendations

It was agreed to recommend that :—

1. The French Equatorial African and Nigerian Governments would endeavour to secure that every traveller setting out for the Sudan was in possession of a travel document to be known as a Travel Certificate and that all such persons had been inoculated against smallpox and yellow fever. The form of the document would be left to the discretion of the French Equatorial African and Nigerian Governments. The requirements of the Sudan Government would be adequately met if the document contained the name and the country of origin of the holder and pages for recording inoculation against smallpox and yellow fever.

2. After 1st January, 1956, the Sudan Government would refuse entry into the Sudan of all persons not in possession of a travel certificate (provided that the date would be postponed if the Governments of French Equatorial Africa and Nigeria were unable to make the necessary arrangements for the issue of travel certificates by that date).

3. Persons already in the Sudan on 1st January, 1956 (or such later date as may be agreed on) would not be expelled from the Sudan by reason only of the fact that they were not in possession of valid travel documents.

4. All persons in possession of valid travel certificates would be admitted to the Sudan without being required to make a deposit or provide proof of means to do so.

5. The French Equatorial African and Nigerian Governments should arrange to issue in the Sudan travel documents to natives of their respective territories wishing to go on the pilgrimage.

6. The most satisfactory way of doing this in present circumstances would be the posting by the French Equatorial African and Nigerian Governments of Pilgrim Officers to the Sudan who would be responsible for issuing travel documents to enable the holders to travel to Saudi Arabia and for collecting the prescribed dues and charges.

7. The Sudan Government would give all assistance in its power to facilitate the work of the Pilgrim Officers and would for the time being continue to be responsible for organizing the reception of pilgrims at the port of exit from the Sudan and for shipping arrangements over the Red Sea.

8. The above arrangements would come into force for the 1956 pilgrim season and the Ragabia.

Khartoum.
17th April, 1955.

Enclosure 2 in No. 114.

AGENDA OF MEETING ON 3rd JANUARY, 1957 AT 10 A.M.

1. General Review of working of 1955 Agreement.
   (*a*) Has it been ratified ?
   (*b*) Position regarding amendments proposed by Sudan Government and French.
   (*c*) Liability of Nigeria for collection of fees and deposits.
2. Abolition of Jedda Deposit.
3. Sudan Nationality Law effect on Nigerians living in the Sudan.
4. Currency matters.
5. Big Land Passport.
6. Medical Care of Nigerians in Saudi Arabia.
7. Transport Arrangements.

Enclosure 3 in No. 114.

RECORD OF A MEETING AT THE MINISTRY OF THE INTERIOR, KHARTOUM, 3rd–5th JANUARY, 1957

3rd January

The proceedings were opened by the Permanent Secretary of the Ministry of the Interior, Sayed Makawi Suleiman Akrat, who gave a short opening address in which he welcomed the delegates and explained that the Government of the Sudan had no wish for change and aimed only to ensure the easy passage of pilgrims to the Holy Places. In reply Mr. Gardner-Brown said that the Nigerian Delegation came in a spirt of co-operation and not of bargaining. The meeting then proceeded under the Chairmanship of Sayed Dawood Abdel Latif, Deputy Under-Secretary.

2. *General Review of the working of the* 1955 *Agreement.*—From a general discussion it appeared that the working of the Agreement was in the main satisfactory. The Sudan Delegation proposed an amendment of the Travel Certificate to include pages for a record of fees and deposits. The Nigerian Delegation explained that they would be reluctant to recommend this since the Travel Certificate was a document accepted throughout West and Equatorial Africa and was of a standard form. The Chairman then stated that the Sudan Receipt Book would be retained and reprinted in the same size as the Nigerian Travel Certificate so that it could be clipped to the cover of the latter. The Commissioner, Port Sudan asked whether the Travel Certificate could contain photographs of all children accompanying the holder to facilitate control and identification. After discussion it was agreed that this could best be achieved by retaining the photograph in the Sudan Receipt Book and requiring this to be a group photograph of all those included in the Travel Certificate who actually arrived at Suakin to embark for the Hejaz.

3. *Ratification.*—The position was that the Sudan Government had proposed certain amendments to the 1955 Agreement to which the French had proposed a further amendment. No reply had been received from the British Embassy. The Nigerian Delegation explained that it found part of the amendments unacceptable and the Chairman therefore proposed that the present meeting should discuss the points of difference and make fresh recommendations to the Governments concerned.

4. *Amendment to Recommendation No.* 4.—The Chairman read out the amendment accepted by the Sudan Government and the further amendment proposed by the French. The Nigerian Delegation explained that the proposed limit of three months was for practical reasons unacceptable. The Chairman explained the economic background to the desire of the Sudan to limit and control the labour force in the territory. The Principal Passport Officer stated the present practice which was, in effect, to grant permission for residence for one year to pilgrims at the time of their entry. The Nigerian Delegation explained that a person who failed to complete the pilgrimage in the season of his entry could not complete it till more than 12 months had elapsed. The Chairman said that although this was the case the Sudan would nevertheless prefer not to grant an entry permit for more than 12 months in the first instance in accordance with the present practice. He went on to emphasize that in the genuine cases the Sudan would give every sympathy to applications by Nigerian Pilgrims for extension of their periods of residence. The assurance was welcomed by the Nigerian Delegation and the one year period was agreed to.

5. *Repatriation.*—The amendment dealing with repatriation was next discussed. The Nigerian Delegation explained that in view of the impending Sudan Nationality Law and the possibility of some large scale movement of population becoming necessary they hesitated to commit their Government to any undertaking to repatriate. The normal international rule in this respect was also quoted. The Chairman said that as the Sudan Government was prepared to relax its normal requirements for entry in the case of pilgrims, Nigeria should in return accept a greater responsibility in respect of repatriation. After considerable discussion the following Agreement was reached :—

(*a*) Nigeria should overstamp Travel Certificates issued to pilgrims with the word " pilgrim " ;

(*b*) persons holding Travel Certificates so stamped should be allowed to enter the Sudan without proof of means and receive residence permits valid for one year ;

(*c*) Nigeria would repatriate at its own cost holders of such Travel Certificates whose periods of residence expired and who could not secure renewal ; Nigeria would extend this undertaking to cover all Travel Certificates issued in Nigeria in 1956 (when the overstamping " Pilgrim " had not been introduced).

(*d*) Holders of Travel Certificates not marked " Pilgrim " should not have special privileges for entry and should not be repatriated at Nigerian expense unless they became destitute ;

(*e*) the liability of Nigeria for repatriation should be reviewed after two years.

6. *Liability of Nigeria for collection of fees and deposits.*—The Nigerian Delegation expressed regret that the undertaking in this respect given in 1955 could not for practical reasons be implemented. The Chairman said he appreciated Nigeria's difficulties and the Sudan would continue collection for two years, after which the position would be reviewed. The Nigerian Delegation expressed gratitude to the Sudan.

7. *Medical care of Nigerians in Saudi Arabia.*—The Sudan Delegation explained that the annual expenditure on the Sudan Medical Mission was in the neighbourhood of LE.30,000. Since the Nigerian pilgrims outnumbered the Sudanese by three or four to one it seemed reasonable that Nigeria should contribute to the total cost a sum proportionate to the respective number of pilgrims. From this

sum might be deducted Nigeria's own expenditure on the Nigerian Medical Mission. The Nigerian Delegation said that for many years Nigeria had contributed L.350 per annum and last year, at the request of the Sudan Government, this had been increased to L.700; it would be wrong not to mention that many Nigerians, including Ministers were of the opinion that Nigerian pilgrims received very little help from the Sudan Medical Mission. It was agreed that the Sudan Government would supply particulars of the total expenditure on the Mission and the Nigerian Delegation would inform the Nigerian Government of the view of the Sudan Government that greater financial participation by Nigeria was desirable.

Transit Camp at Khartoum North.—The Sudan Delegation mentioned the bad arrangements for preventing Nigerians gathering at Khartoum Railway Station for three or four days, particularly during the returning Haj. After discussion it was agreed that if the Sudan Government would increase its transit camp facilities and provide transport to move Pilgrims to it, the Nigerian Pilgrim Officer would provide guides and interpreters and use his best endeavours to ensure that the facilities provided by the Sudan were used. It was particularly important that whatever official was given this task by the Nigerian Pilgrim Officer had transport and ensured that Nigerians were confident they would get good notice of the departure of the trains and therefore stay in the camp.

8. *Abolition of Jeddah Deposit.*—The Sudan Delegation made it clear that although the Jeddah Deposit was a nuisance to administer it had great advantages in assisting the pilgrims to return from the Haj and should be retained. The Nigerian Delegation accepted this view and said that it seemed wrong that the Sudan should be responsible for paying out these deposits to Nigerians outside the Sudan and proposed that Nigeria should in future take on this duty; an office would be opened in Jeddah. The Sudan Delegation welcomed this statement and it was agreed that as from 1957 Nigeria, acting in the closest liaison with Sudanese Embassy in Jeddah, would be responsible for paying out the LE.6 deposits to Nigerians and ensuring their departure from the Hejaz. The sums paid out would be repaid by the Sudan Government in Khartoum. The Sudan Foreign Office representative emphasized that the deposit should only be paid out to pilgrims about to leave Saudi Arabia and that passports must be retained for presentation to the Shipping Company at the same time.

9. *Effect of new Sudan Nationality Law on Nigerians living in the Sudan.*—The Chairman said that the precise effect of the new law could not be foretold. He gave an assurance that no violent or sudden action was proposed and that if it became apparent in the course of the next two years that some large movement of population would result, there would be further negotiation. The law would provide that any non-Sudanese resident in the Sudan could apply for Sudanese Nationality.

10. *Currency Matters.*—The Sudan Delegation stated that they accepted the view that Nigerians who earned money in the Sudan could use it to purchase services available in the Sudan and no objection would be raised to those who wished to make the pilgrimage financing their journey in the same way as the Sudanese. They asked for an assurance that Nigerians making the pilgrimage direct from Nigeria would make transfers in sterling for their expenses. The Nigerian Delegation gave this assurance. The Sudanese Delegation then outlined the currency restrictions imposed as a result of the Saudi-Sudanese Monetary Agreement. These were extensive and complicated and the Nigerian Delegation asked to be supplied with a copy for further consideration.

11. *Big land passport.*—The Chairman asked that this, in spite of its unpopularity, should be retained as an expression of the hope that one day Nigerians making the pilgrimage would be sufficiently wealthy to have all necessary funds available in advance. The Nigerian Delegation emphasized the unpopularity of the document and the difficulties and correspondence arising from its use. It was agreed that the document should be retained in deference to the wishes of the Sudan even though it were very little used, and the Nigerian Government made no effort to extend its use.

12. *Transport Arrangements.*—The Sudan Delegation gave information of the following dates which had a bearing on steamer travel :—

(*a*) 25th September. Last date for the returning Haj. Pilgrims not at Jeddah before that date must take their chance with normal sailings.

(*b*) 8th July. Arafat Day.

(*c*) 1st February. Commencement of Ragabia.

(*d*) 1st May. Opening of Suakin Camp.

5th January

13. The meeting first considered a draft note of amendments and additions to the text of the Agreed Recommendations of the 1955 meeting which had been prepared by the Nigerian Delegation.

14. The Chairman said that the Sudan Government would be unable for various reasons to accept the suggestion contained in the draft that extensions of the permitted period of residence granted to Nigerian pilgrims should be without additional payment. There was already in existence a Statutory Fee to be charged for such extensions and it was unlikely that the agreement of the Sudanese Council of Ministers could be secured to complete abrogation of the fee. The Nigerian Delegation pointed out that if the fee charged were a large one it would have the effect of undoing the work of the two Conferences, the principal effect of which was to ensure that Nigerians in the Sudan did have some travel document; if the retention of this document meant that they had to pay a substantial fee, Nigerians would probably take care to lose their Travel Certificate. The Sudanese Delegation undertook to recommend to their Government that there should be a reduction of fee for Extension of Residence Permit in the case of Nigerian pilgrims to some quite small sum. The Sudanese Delegation also suggested certain amendments of the wording of the draft which were accepted by the Nigerian Delegation.

15. The remainder of the draft was accepted without amendment and is attached as Appendix "A" to this record.

16. *Payment of Jeddah Deposit.*—The Nigerian Delegation emphasized that the financial implications of their undertaking to take over the payment out of the Jeddah deposits would require careful consideration. The effect would be that Nigeria must arrange for substantial sums in sterling to be available in Jeddah and would receive repayment in Sudan or Egyptian currency at Khartoum. While much of this currency could doubtless be used for the current expenses of the British Embassy it might well result in there being a surplus of currency in Khartoum which would be of no use to either the British or the Nigerian Governments. They enquired whether if this were the case sympathetic consideration would be given by the Sudan Government to any surplus being remitted in sterling. The Sudanese Delegation said that they could not in any way commit their Government but it was their opinion that sympathetic consideration would be given in a case of this sort.

17. *Unclaimed Deposits.*—The Nigerian Delegation said that they did not wish to raise any question about the sum of £123,000 which they understood represented deposits made by pilgrims which had not been claimed and had therefore been paid into the general revenue of the Sudan Government. They did, however, wish to enquire whether it would not be possible to separate in future deposits made by Nigerians from those of other nationalities with a view to unclaimed sums being paid over to Nigeria. The Sudanese Delegation said that this had been gone into at an earlier meeting with the French and it appeared to raise insuperable accounting difficulties. It was also a fact that to deal with unclaimed deposits otherwise than had been done in the past would involve an amendment of Sudanese legislation; it was highly unlikely that this could successfully be passed through the Sudanese Parliament and it would in any case bring to a head Sudanese dissatisfaction with the amount of their total expenditure on behalf of alien pilgrims. It was unlikely that this would bring any result which would be welcome to Nigeria since there was little doubt that Sudanese expenditure on aliens making the pilgrimage far exceeded the revenue received from them—including unclaimed deposits. The same arguments applied to a further suggestion by the Nigerian delegation that unclaimed deposits should be placed in a special fund for the welfare or repatriation of distressed pilgrims.

18. *The Sudan Medical Mission in Saudi Arabia.*—The Sudan Delegation said that unfortunately the figures for expenditure on the Mission were not available. They would be forwarded to Nigeria as soon as they were available.

Enclosure 4 in No. 114.

APPENDIX A

AMENDMENTS AND ADDITIONS TO THE TEXT OF THE AGREED RECOMMENDATIONS OF THE 1955 MEETING AT KHARTOUM

1. Paragraph 4 of the 1955 conclusions to be deleted and the following paragraphs substituted :—

"4. (*a*) Pilgrims arriving at a Sudan frontier post in possession of a valid Travel Certificate endorsed for the pilgrimage would be admitted to the Sudan without being required to provide proof of means in the usual form in accordance with present practice. The Sudan Government would grant permission to holders of such Travel Certificates to remain in the Sudan for one year in the first instance, and would in normal circumstances grant extensions on application in accordance with present practice, for further periods in order to enable holders of Travel Certificates to complete the pilgrimage or the return journey by the land route to the Sudan border.

(*b*) For their part the Governments of French Equatorial Africa and Nigeria would when so requested by the Government of the Sudan accept responsibility for the repatriation of any holder of a Travel Certificate, as defined hereafter, issued in their respective territories when the period of residence expired and was not renewed; in the case of Nigeria this undertaking would apply to holders of all Travel Certificates issued in Nigeria during 1956 but after 31st December, 1956 only to holders of Travel Certificates specially endorsed for use by pilgrims. This undertaking to repatriate would be valid until the end of 1958 in the first instance and would be subject to review after that date."

2. Add to paragraph 6 the following words :—

"The Sudan Government will however continue its existing organization for collecting fees and dues until the end of 1958 after which the position will be reviewed."

3. Add new paragraph 9 :—

"As from the 1957 pilgrimage season the Sudan Government will cease to have responsibility for paying out to Nigerian pilgrims in Saudi Arabia deposits collected in the Sudan for repayment at Jeddah."

WAF. 243/342/04 [No. 24] No. 115.

UNITED KINGDOM HIGH COMMISSIONER IN PAKISTAN

to

COMMONWEALTH RELATIONS OFFICE

No. 499. Your telegram No. 762*.

Nigerian Pilgrims to Mecca. Pakistan Government has agreed to establishment of direct semi-official correspondence and telegraphic communication on purely pilgrim matters between Lagos and Pakistan Embassy in Jedda.

WAF. 243/342/04 [No. 108] No. 116.

GOVERNOR-GENERAL

to

SECRETARY OF STATE

No. 810A. Telegram. 5th September, 1957.

Information received that 100 Nigerians, who entered Saudi Arabia after close of this year's pilgrimage season, are under arrest in Saudi Arabia pending deportation. Their condition is said to be miserable and two have already died. It is known that Sudan authorities will not admit, except under elaborate arrangements to ensure transit through Sudan and departure, and it is believed negotiations between Saudi and Sudan Governments will be long drawn out. Nigerian Pilgrim Officer, Jedda, has been instructed to do all possible to relieve distress and will seek any necessary assistance from Pakistan Embassy. I should be grateful, however, if you would approach Pakistan Government, through appropriate channels, with view to their Ambassador at Jedda representing to Saudi Government that undue hardship may be caused if Nigerians, who entered Saudi Arabia as bona fide pilgrims, are detained in custody throughout negotiations with Sudan Government and requesting release.

WAF. 243/342/04 [No. 137] No. 117.

SECRETARY OF STATE

to

GOVERNOR-GENERAL

No. 972. Secret. Telegram. 2nd November, 1957.

Following telegram No. 1101 of 2nd November from Khartoum to Foreign Office addressed to Governor-General Lagos No. 114.

Begins.—Following for Williams from Lawrence. My letter NPO/C/21 18th October†. The Saudi Second Secretary has telephoned me that in 1958 Nigeria travel certificates will not be accepted by the Saudi Government, and that all Nigerian pilgrims must possess British Nigerian national passports. He added that Sudanese pilgrim passports will not be accepted either, and that the French had agreed to issue national passports. He further alleged that I had been informed of this six months ago by the former Saudi Consul, but this is a pure fabrication on his part.

2. The French inform me they have passed the message on to their Government, but that no decision has been taken yet. The Sudanese Ministry of Foreign Affairs and Ministry of the Interior say they cannot agree to issue national passports and that their Ambassador, on his return to Jedda, will seek a private audience with King Saud in order to explain their reasons and difficulties.—*Ends.*

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* WAF. 243/342/04 [No. 23]: not printed. † Not printed.

WAF. 243/342/04 [No. 142] No. 118.

GOVERNOR-GENERAL

to

SECRETARY OF STATE

No. 1946. Saving. 8th November, 1957. Pilgrimage Arrangements, 1958. Information has been received from the Nigerian Pilgrim Officer at Khartoum that the Saudi Arabian Government have given notice that only national passports will be accepted as identification documents for pilgrims proceeding from the Sudan to Saudi Arabia during the next pilgrimage season. This decision affects the Sudanese and French Governments as well as the Government of the Federation of Nigeria since each is accustomed to issue some document other than the full passport to their pilgrims. The Sudanese issue a special Pilgrim Passport, the French issue a Laissez-Passer and Nigeria issues a Travel Certificate.

2. The attitude of the Government of the Sudan is known and it is understood that they either have protested or are about to protest strongly since it is their view that it is quite impracticable for them to issue national passports to pilgrims. It is also the view of this Government that to issue British Passports to all Nigerians intending to make the pilgrimage would be impossible, particularly as so many of the Nigerians who would require them are already outside this country. The special difficulties in the way would be obtaining proof of birth and also satisfying the minimum requirements in respect of the persons permitted as guarantors. It has been suggested that the attitude of the French may be different and that they do not propose to raise any objection to the new Saudi requirement. The reason for this may be that the French Authorities are on the whole anxious to discourage persons wishing to make the pilgrimage while the Sudanese and Nigerian Governments wish to ease their passage.

3. The French Embassy at Khartoum has informed the Nigerian Pilgrim Officer that the French Government has been informed of the attitude of the Saudi Government but that no decision on the matter has yet been taken. The Sudanese Ambassador to Saudi-Arabia, who is now in the Sudan, is stated to be seeking a private audience with King Saud on his return in order to explain the view of his Government on this question.

4. It appears important that the three governments should present a united front on this question and anything which can be done to influence the French Government in this direction would be appreciated.

GOVERNOR-GENERAL.

WAF. 243/342/04 [No. 144] No. 119.

GOVERNOR-GENERAL

to

SECRETARY OF STATE

[*Answered by No. 121.*]

No. 1968. 11th November, 1957.

SIR, Government House, Lagos, Nigeria.

I have the honour to refer to Sir Hugo Marshall's Despatch No. 1135 of 14th July, 1955*, in which he informed you of the outcome of a meeting at Khartoum with representatives of the Government of the Sudan to discuss matters concerning the Moslem pilgrimage. In the fifth paragraph of the despatch you were informed of the intention to establish a Nigerian Pilgrim Office at Khartoum and of the view of the Federal Government that the post of Pilgrim Officer should in principle be filled by a Nigerian official of Northern Region origin although it might well be occupied for the first year or two by a retired Administrative Officer. In fact, the first holder of the post was Mr. D. C. Fletcher, a retired Resident from the Northern Region who unfortunately died after a few months in Khartoum. He was replaced at short notice by Mr. J. N. Lawrence, an Administrative Officer from the Northern Region who had previously served in the Sudan Political Service. It is the wish of the Government of the Federation that Mr. Lawrence should now be replaced by a Nigerian and I recommend for the post Alhaji Muhammadu, formerly Waziri of Bornu, whose Curriculum Vitae is attached to this despatch. Although Alhaji Muhammadu was for five years an elected representative, the major part of his career has been in local government service in his home province of Bornu and he has a wide experience of public administration which should enable him to undertake his duties at Khartoum successfully.

* WAF. 243/342/02 (54-56) [No. 32]: not printed.

2. The Nigerian Pilgrim Office operates under the aegis of the British Embassy, Khartoum, and the Nigerian Pilgrim Officer is notified to the Sudanese Government in the rank of First Secretary. I should be grateful therefore if you would submit the name of Alhaji Muhammadu to the Foreign Office with a view to obtaining agreement for his posting to Khartoum. In the event of agreement being received it is expected that Mr. Lawrence will remain in Khartoum until June, 1958, by which time Alhaji Muhammadu should be fully in touch with the details of pilgrim administration and in a position to continue in sole charge of the office.

3. I shall be grateful if this matter is treated as one of urgency in view of the strong wish of the Federal Government for a Nigerian to take over the post of Pilgrim Officer at the earliest possible opportunity.

I have, &c.,

J. W. ROBERTSON,

Governor-General.

Enclosure in No. 119.

ALHAJI MUHAMMADU, EX-WAZIRI OF BORNU

Born 1908, Kanuri tribe. Son of Alkali Mohammed Zarami.

Educated Provincial School, Maiduguri and Higher College, Katsina (Middle VI), where he was invalided home before completing the course.

Languages: Kanuri, Arabic, Hausa, English.

1927	Appointed teacher Maiduguri Middle School.
	Chief Scribe, N.A. Central Office.
1942	Wali, Legal Member of Shehu's Council.
	Appointments: Provincial Member for Bornu in House of Assembly, 1947. Member of Commission of Inquiry into Conditional Sales, 1948. Public Order Committee Regional Production Development Board.
1946	Visited Sudan and Arabia with Captain (now Sir Eric) Thompstone on Pauper Pilgrims Commission.
1949	Visited United Kingdom.
Nov. 1949	Gives Notice of Motion in Northern House proposing formation of Moslem Court of Appeal.
May 1950	One of Committee formed to draft appeal for funds for the Sultan of Sokoto's Fund to send delegation to United Kingdom to press for Northern claims in new Constitution.
1950	Member of Ibadan Conference on Constitutional Review.
Dec. 1951	Elected to Northern House of Assembly.
Jan. 1952	Appointed one of Northern Region's ministers.
Jan. 1952	Elected a member of the House of Representatives.
Dec. 1952	Appointed Waziri of Bornu.
Mar. 1956	Appointed Vice-President (Deputy Speaker) of the Northern House of Assembly.
July 1956	Resigned appointment of Waziri.

WAF. 243/342/04 [No. 147] No. 120.

BRITISH EMBASSY, KHARTOUM

to

FOREIGN OFFICE

No. 1186. Secret. 20th November, 1957.

Addressed to Lagos telegram No. 122 of 20th November. Repeated for information to Foreign Office. Following for Williams from Lawrence. Reference 55580/S1/C4/22 of 6th November.*

The Sudan Government has now informed me, with the greatest reluctance, it has been forced to accede to the Saudi Government's wishes, and in the 1958 pilgrimage season will issue national Sudanese passports to all Sudanese pilgrims. An order for printing such passports has already been placed in London.

2. It has further informed me that the Saudis will not allow any pilgrims not in possession of national passports to cross the Red Sea and that if Nigerian pilgrims are to make the 1958 pilgrimage they will have to possess them.

3. The Deputy Permanent Under-Secretary of the Ministry of the Interior informs me he does not think the Sudan Government will object to Nigerians entering the Sudan with the present travel certificate, which is most satisfactory, but any such persons so entering and wishing to make the pilgrimage will have to be redocumented with national British passports here.

4. The pilgrim camp at Assotriba is scheduled to open on 21st January and the Khartoum North one shortly after, but the Sudanese do not wish to open them unless we are ready to issue national passports on the spot, in order to prevent large numbers of Nigerian pilgrims congregating unnecessarily in the areas. I would be grateful therefore for a decision as soon as possible in order to inform the Sudan Government of our intentions for the 1958 season.

Foreign Office pass Lagos.

WAF. 243/342/04 [No. 156] No. 121.

SECRETARY OF STATE

to

GOVERNOR-GENERAL

No. 3021.

SIR, Colonial Office, Great Smith Street, London, S.W.1, 11th December, 1957.

I have the honour to acknowledge your despatch No. 1968 of 11th November† proposing the appointment of Alhaji Muhammadu to the post of Nigerian Pilgrim Officer at Khartoum.

I have to inform you, after consultation with the Secretary of State for Foreign Affairs, that the United Kingdom Government approves this proposed appointment.

I shall be grateful if in appointing Alhaji Muhammadu to this onerous and responsible post you will draw his attention to the status of the post and the considerations affecting its tenure which are similar to those discussed in my despatch No. 2150 of 2nd September, 1957,‡ concerning the Nigeria Liaison Office in Washington. In particular I shall be grateful if you will draw the attention of Alhaji Muhammadu to the fact that his activities will be subject to the general direction and control of Her Majesty's Ambassador in Khartoum and that as one of the first Nigerians to hold a senior Foreign Service post a very high standard of conduct and reliability will necessarily be expected of him.

I have, &c.,

ALAN LENNOX BOYD.

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* Not printed. † No. 119. ‡ WAF. 147/409/01 [No. 53]: not printed.

WAF. 243/342/04 [No. 170] No. 122.

COMMONWEALTH RELATIONS OFFICE

to

UNITED KINGDOM HIGH COMMISSIONER IN PAKISTAN

No. 51. Confidential. Telegram. 7th January, 1958. Pilgrims to Saudi Arabia. Saudi Arabian Government have recently given notice that only national passports will be accepted as identification documents for pilgrims proceeding from Sudan during next pilgrimage season.

2. This decision seriously affects Nigeria as some 15,000 Nigerians undertake pilgrimage annually. They have hitherto always used Travel Certificates which are most comprehensive documents giving full particulars of identity and guarantee to admit holder to Nigeria. Only thing certificate does not give is proof of British nationality, but it is for practical purposes Nigerian as opposed to British passport. Government of Federation of Nigeria consider that administrative difficulties of issuing British passports to intending pilgrims would be insuperable. (Principal difficulty is that of proving nationality when many of applicants are already outside country). If Travel Certificates not accepted fact must be faced that Nigerian pilgrimage will not take place in 1958. Matter is urgent since first transit camps in Sudan for these pilgrims are due to be opened before end of January.

3. Nigerian Pilgrim Officer recently returned from Jedda reports that Saudi Ministry of Interior consider Nigerian Travel Certificate perfectly satisfactory document for their purpose; there is thus reason to hope that representations to Saudis to reconsider decision referred to in paragraph 1 might be effective.

4. Grateful, therefore, if, provided you see no objection, you would request Pakistan authorities to instruct their Ambassador in Jedda to approach Saudis on our behalf requesting such re-consideration.

5. It is understood that Sudan Government agree with our view on issue of national passports and may also themselves consider making representations. It would be useful if any such approach could be concerted and as soon as Pakistan Government agree to action proposed in paragraph 4 we would like to inform Sudanese to enable them to instruct their Ambassador in Jedda to take matter up in conjunction with Pakistan Ambassador.

WAF. 243/342/04 [No. 222] No. 123.

SECRETARY OF STATE

to

GOVERNOR-GENERAL

No. 86. Priority. Telegram. 9th February, 1958. Following telegram of 9th February from Khartoum, addressed to Governor-General Lagos No. 19, repeated to Foreign Office No. 165.

Begins.—For Sprilyan from Lawrence. Your telegram No. M87 of 7/2/58.* Opening Tchad Frontier. Sudanese regret until Saudis confirm use of Sudan pilgrim passports and Nigerian travel certificates here and instruct their Ambassador issue visas, they cannot agree accept Nigerian travel certificate holders from West. In event of Saudi refusal, this would cause pile up in Sudan of pilgrims unable to proceed. Have informed Sudanese of Akilun telegram No. AF/2 which has pleased them. Sudanese hope receive written confirmation again for use Sudan pilgrim passports from Sudanese Ambassador, Jeddah, any day now. They will then inform French Ambassador they have no objection.—*Ends.*

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* Not printed.

WAF. 243/342/04 [No. 237] No. 124.

GOVERNOR-GENERAL

to

SECRETARY OF STATE

No. 432. Saving. 8th March, 1958. My telegram No. 109 of 3rd February.*

Delegation to the Sudan and Saudi Arabia. I have pleasure in informing you that the delegation of three eventually left Nigeria on 17th February and returned on 3rd of March. Successful discussions were held with the Sudan authorities in Khartoum and the Saudi Arabian authorities in Jeddah. The arrangements for the visit to Saudi Arabia included a visit to Riyadh where the delegation were guests of King Saud, who granted its members an audience. The most notable achievement was the agreement reached with Saudi Arabia to accept Nigerian Travel Certificates from pilgrims performing the pilgrimage this season. The Tchad frontier with Nigeria is now open. We await the arrival of the report of the delegation when details of the full results will be forwarded to you.

Yours, &c.,

GOVERNOR-GENERAL

WAF. 243/342/04 [No. 244] No. 125.

SECRETARY OF STATE

to

GOVERNOR-GENERAL

Confidential. No. 207. Telegram. 24th March, 1958. Following telegram of 22nd March from Khartoum addressed to Lagos, No. 45 repeated to Foreign Office No. 436.

Begins.—For Sprilyan from Lawrence. Pakistan Ambassador here has informed me in writing that the Saudi Ambassador in Khartoum objects to his dealing with Nigerian affairs on the grounds that, although Pakistan is the protecting Power in Saudi Arabia itself, this arrangement does not extend to the Sudan.

2. The Pakistan Ambassador is more than willing to continue to act on our behalf, but has asked that the Nigerian Government should take the matter up with the Pakistan Government direct in Karachi with the request that the matter be arranged officially with the Saudi Government and that the Saudi and Pakistan Embassies here be given necessary instructions.

3. As the Pakistan Ambassador is proceeding on March 25 on ten days' duty to Karachi, he suggests that this matter should be pushed forward quickly so that he can discuss it with his Government whilst there.—*Ends.*

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* WAF. 243/342/04 [No. 196]: not printed.

WAF. 243/342/04 [No. 278] No. 126.

SECRETARY OF STATE

to

OFFICER ADMINISTERING GOVERNMENT OF FEDERATION

No. 1272 Saving. 21st May, 1958. My Telegram No. 207 of 24th March* and Lawrence's letter NPO/C/17 of 8th May† to Sprilyan.

Protecting Power Arrangements with Saudi Arabia in Khartoum. The following telegram from the Secretary of State for Commonwealth Relations to the United Kingdom High Commissioner in Pakistan was sent on 21st April :—

"Understand Saudi Ambassador in Khartoum has objected to Pakistan Ambassador there dealing with Nigerian affairs on ground that although Pakistan is protecting Power in Saudi Arabia itself this arrangement does not extend to Sudan.

2. While Pakistan Ambassador is very willing to continue to act on our behalf he has suggested in circumstances that matter should be arranged formally with Saudi Government. He may have mentioned matter to his Government during recent visit to Karachi.

3. Our view is that authority of Pakistan as protecting Power is not limited to Saudi Arabia itself. As officially appointed protecting Power, Pakistan and her representatives should deal with all matters arising between Saudi Arabia and United Kingdom or territories for conduct of whose foreign relations United Kingdom Government are responsible—whenever or wherever they arise.

4. Please explain our view to Pakistan authorities and enquire whether they are prepared to make representations to Saudi authorities with view to persuading latter to send appropriate instructions to their representatives abroad. If Pakistan representations are successful, grateful if Pakistan authorities would also arrange to inform her representatives abroad of position as necessary.

5. Please report outcome in due course."

2. I will keep you informed of developments.

SECER.

WAF. 243/342/04 [No. 287] No. 127.

GOVERNOR-GENERAL

to

SECRETARY OF STATE

No. 950. Saving. 28th May, 1958. Your Savingram No. 1233 of 19th May, 1958.‡

Nigerians in Saudi Arabia. Our interpretation of the agreement reached with the Saudi authorities is that they are prepared to accept Nigerian travel certificates from pilgrims for the 1958 Pilgrimage season on the understanding that they cannot be accepted as a legal document for residence. This means that Nigerian pilgrims documented with travel certificates who are undertaking the Pilgrimage this year must all leave Saudi Arabia within a reasonable period after the Pilgrimage. Those who fail to leave within the prescribed period are liable to expulsion. This fact has been well publicised in Nigeria.

2. We are taking up with the Saudi authorities the question of the validity of Nigerian travel certificates for pilgrimage purposes for subsequent years. The Saudi authorities gave an undertaking to the Mission which visited Saudi Arabia earlier this year that they would examine this proposal and inform us in due course of their decision.

Acting Governor-General.

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* No. 125. † WAF. 243/342/04 [No. 277]: not printed.
‡ WAF. 243/342/04 [No. 274]: not printed.

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