

Chapter 9: Constitutional Development in Nigeria I: The Clifford and Richards Constitutions

9.1 GENERAL INTRODUCTION

It is perhaps important to say, from the beginning, that the gradual movement of Nigeria from the status of a British colony to one of self-rule was not a carefully worked-out programme by the British colonial authorities. The colonial doctrine of creative transfer of power to Nigerians was simply meant to reduce the hostility of the Nigerian political elites against the British overlords. It was a phrase of hope that nationalists would cooperate with the colonialists in order to achieve a peaceful transition from colonial rule to political independence.

It is important to note here the hostility of the colonial authorities and governors to initial demands by West African nationalists. One of the earliest was the unprecedented verbal attack on the nationalists by Sir Hugh Clifford in 1920. Dismissing those of them in the National Congress of British West Africa as self-appointed leaders, who represented nobody except themselves, he appealed to all 'well-meaning'¹ Nigerians to embrace the British doctrine of gradual evolution of a colony or territory or protectorate from subjugation to independence.

Thus, if constitution after constitution made the Nigerian political elites, little by little, participants in their own affairs, it was because a combination of both internal and external factors worked in favour of gradual disengagement of the British imperialists from their stranglehold on the Nigerian economy. It is therefore not true to say that the British, or any other colonial power for that matter, voluntarily relinquished their control over the affairs of the Nigerian colony.

9.2 THE CLIFFORD CONSTITUTION OF 1922

Background

The Nigerian Council that was established by Lord Frederick Lugard immediately after amalgamation in 1914 was not a representative body. It lacked both legislative and executive powers. It was merely advisory. This situation was undoubtedly unacceptable to Nigerian nationalists and their colleagues in the other parts of West Africa. They constituted themselves into a National Congress of British West Africa. Its main aim was to achieve autonomy for British colonies in the sub-region. The contributions of this congress to the Clifford Constitution of 1922 cannot be overemphasized.

As we have earlier indicated, the Colonial Governor and the Secretary of State for the colonies were hostile to the demands of the nationalists. However, the officials of the Congress did not allow this colonial resentment to dampen their enthusiasm and morale. They therefore went ahead to make some critical demands from the colonialists. To the West Africans, their demands were perfectly reasonable and in order. But to the British, the demands were interpreted as being out of tune with, and irrelevant to, the needs and aspirations of Nigerians.

What were these demands? They included the following:

- (i) The setting up of a legislative council in each British territory with elected and nominated members being equally represented,
- (ii) The creation of a House of Assembly composed of members of the Legislative Council and 6 elected representatives to take charge of purely financial and monetary affairs,
- (iii) African veto over taxation,
- (iv) The appointment of West Africans into the judiciary as it then existed,
- (v) Separation of the judiciary from the legislative branch of the government,

(vi) The establishment of a sub-regional university to provide higher education for qualified West Africans,

(vii) Abolition of racial discrimination in the civil service.

(viii) Development of municipal government.

The demands were embodied in a memorandum which was taken to London by the Congress and presented to the Secretary of State for the Colonies between October 1920 and February 1921. Although the demands were rejected by Lord Milner, the Secretary of State for the Colonies, yet these demands and the activities of the leaders of the National Congress of British West Africa in London exerted very remarkable influence on the British government and their Colonial Governors over the future of the British Colonies in West Africa. Thus, the demands were mainly responsible for the Constitutional developments that occurred in British West Africa in the 1920s. The first of these was the Clifford Constitution of 1922.

Main Features of the Clifford Constitution

(i) The Legislative Council: The Constitution provided for a Legislative Council which then replaced the Nigerian Council which was highly criticized by the nationalists. The Legislative Council was a body of 46 members, consisting of 27 officials and 19 unofficial members. The latter group consisted of 4 elected members (3 for Lagos and 1 for Calabar) and 15 members nominated by the Governor. Majority of the members were non-Nigerians. Both in the Legislative and Executive Councils, Nigerians were under-represented and their relevance undermined. To further drive home the subordination of the Nigerians to the British, all matters relating to finance, tax, budget etc. were the responsibility of only the Executive Council in which Nigerians were not members. The Legislative Council was totally excluded from such important matters.

In spite of the amalgamation, eight years earlier, the Northern and Southern provinces of the country were kept as more or less separate entities. Firstly, the Legislative Council legislated for only the South on all matters. It could legislate for the North *only* on money and budgetary matters. Secondly, as in the past, the Colonial Governor continued to legislate for the North by proclamation. However, the two provinces were not totally separated from each other. What is instructive here is that the meeting point between them was offered mainly by British officials. For instance, vital British investors in mining, commerce and trading sectors of the economy of the North and who were members of the Legislative Council saw to it that the North and the South still had contacts at some levels. More importantly, the highest-ranking colonial official in the North, the Lieutenant-Governor, was a member of both the

(i) Legislative and Executive Councils. He thereby provided a link between the two protectorates.

The Governor was the Chairman of the Council and had the power to veto its decision.

(ii) The Introduction of the Elective Principle: For the first time in history, election was introduced in Nigeria. It was perhaps the inclusion of this provision, more than any other one, that prompted some nationalists and writers to see Sir Hugh Clifford as sincere in the colonial policy of introducing Nigerians to democracy. A free and fair election is the hallmark of western democracy. However, the election was restricted to only Lagos and Calabar. As we said earlier, Lagos and Calabar were given the privilege of electing representatives into the Legislative Council. The Colonial Governor gave assurance that the elective principle would be extended to other parties of the colony as soon as they become "advanced" enough to appreciate it. Certainly, the elective principle became very important as the years went by.

The Constitution provided for very limited franchise indeed. In the first place, only male adults were eligible to vote for the four elected members who sat in the Legislative Council. Secondly, only those male adults who had a minimum annual income of £ 100 and were resident in the area for at least 12 months could in fact vote in the election.

This property clause has had serious consequences for Nigerian elections and politics since then. Politics and money have become intertwined. Only men of vast material resources can participate meaningfully. We shall discuss later, other effects of the Clifford Constitution.

- (iii) **The Executive Council:** The Executive Council, under the 1922 Constitution, consisted of the Governor as the chairman, the Chief Secretary to the colonial government, the Lt. Governors of Southern and Northern Provinces, the Administrator of the Colony, the Attorney-General, the Commandant of the Nigerian Regiment, the Treasurer, the Director of Medical Services, the Director of Marine, the Controller of Customs and the Secretary of Native Affairs. The entire members of the Executive Council were whites. The Executive Council served as the executive arm of the colonial government. However, the Council was an advisory body to the Governor and the members were responsible to him. All the members of the Executive Council were members of the Legislative Council.

The primary responsibilities of the Executive Council were:

- (a) To formulate policies and programmes for the government.
 - (b) To coordinate the activities of various departments of the colonial government.
 - (c) To control, supervise and direct the colonial administration; and
 - (d) To advise the Governor on all important political, economic and defense matters. The Government had the power to reject the advice of the Executive Council.
- (iv) Finally, the mandated territory of the Cameroons was made part of Nigeria. It was, before the first World War, a German territory.

Merits of the Clifford Constitution

Certainly, the Clifford Constitution did not have much merit. Some would say that it did not even have any merit at all. At any rate, the Constitution recorded some merits which are outlined below:

- (i) **Introduction of the Elective Principle:** The Nigerian nationalists were introduced to the Western form of democracy in general and to the elective principle in particular. For the first time in British West Africa, election, an indispensable element of, democracy, was introduced in Nigeria. In later years, Nigerian politicians were to insist on Western, as against other form of, democracy. We should however note that they were not always clear in their minds what the so-called Western democracy means.
- (ii) **An Appetite whetter:** The 1922 Constitution served as an appetite whetter to the Nigerian nationalists. It helped to motivate nationalist activities. It was the tonic they needed to ask for more and more reforms which led eventually to political self-rule.
- (iii) The elective principle which was introduced by the Constitution resulted in the formation of political parties. The first election was held in 1923 and the first political party, Macaulay's NNPP was formed also in 1923.
- (iv) The Constitution generated unprecedented political awareness and consciousness in Nigeria.

Demerits of the Clifford Constitution

- (i) **Limited Role for Nigerians:** We have said before that Nigerians were reduced to mere spectators in critical decision-making structures. In the Executive Council that was more powerful than the Legislative Council, there was no single Nigerian member until 1943. Moreover, the Legislative Council was dominated by whites. The educated Nigerians were not involved in the management of Nigerian affairs.
- (ii) **British Interests more Protected:** The Constitution was more interested in representing and protecting the business interests of the British than in representing the interests of Nigerians. In this

respect, the Constitution provided for 8 members who represented the shipping, mining, banking and commercial interests in both the Northern and Southern provinces in the legislative council. But, on the other hand, Northern Nigeria was excluded from the council. It was as if Britain, and not the North, was part of Nigeria.

- (iii) **Lack of Unity:** Northern Nigeria was excluded from the Legislative Council. Northerners were not represented and the council did not legislate for Northern Nigeria. North and South were administered separately. The British were not decided on whether or not Nigeria should be one or two or more entities.
- (iv) **Dictatorship of the Governor in the Legislative and Executive Councils:** According to Clifford Constitution, voting in the Council was to be according to the dictates or the discretion and conscience of members. This provision implied that members could vote against the wishes of the colonial authorities in general and the Colonial Governor in particular. But this was not possible and the colonial authorities knew this. In fact, throughout the life of this Constitution, there was little of block voting by Council members against the colonial government. The only time a great majority of the Council members voted massively against the colonial government was in 1931 when unofficial members of the Council voted against the estimate for the census fixed for that year. This was after they had recommended in the Finance Committee that the estimates be struck out. However, the acting Governor exercised his veto power in favour of the head count. Thus, the Governor's veto powers in both the Legislative and Executive Councils was a very serious weakness of that Constitution.
- (v) **Limited Elective Principle:** The election which was introduced by the Constitution was restricted to the two coastal towns of Lagos and Calabar and excluded the entire hinterland. Thus, under the elective principle, most Nigerians were not given the right to vote. Moreover, the franchise for the election in Lagos and Calabar was very much limited that only adult males with a minimum annual income of £100 were given the right to vote. The provisions on elective principle negated the democratic principle which it was designed to serve.

Effects of the Clifford Constitution

The introduction of this Constitution had some notable effects on the Nigerian nationalists.

- (i) **Increased Militancy of Nationalists:** The limited scope of the constitutional reforms drove home the point to the Nigerians that the British were prepared for only very slow constitutional evolution. This colonial attitude made them to become more active and vocal in their demands for accelerated constitutional reforms.
- (ii) **The Aftermath of the Elective Principle:** The consequences of the coming into effect of the elective principle in 1923 were many. First, there were a lot of political activities in the two cities where the principle was introduced, that is, Lagos and Calabar. It was during this period that Nigeria's first political party, the Nigerian National Democratic Party (NNDP) was formed. The founder was Herbert Macaulay, who was regarded as the father of Nigerian nationalism. Largely because of the concentration of political activities in Lagos and the existence of several politically aware and enlightened citizens in that capital city, the NNDP won the elections into the Legislative Council in 1923, 1928 and 1933.

Secondly, the new political gains were also reflected in the rate at which articulate citizens established newspapers. These were certainly meant to help to propagate their political views and to attack what they considered to be the injustice of colonial rule. Two of such newspapers are worthy of mention here; the *Lagos Daily News* belonging to Herbert Macaulay, and the *Nigerian Daily Times*, which was the product of joint efforts between a Lagos lawyer, Sir Adejumo Alakija and a group of British traders and business men.

Thirdly, the elective principle afforded elected legislators in Lagos and Calabar and other articulate citizens the opportunity to make their points of view known. They could thereby influence the country's

legislative process.

9.3 THE RICHARDS CONSTITUTION OF 1946

Background

Between 1922 and 1945, there were a lot of political events in the country. Several factors worked together to push forward Nigeria's Constitutional development. The influence of a number of sectors and groups in this respect cannot be overemphasized. Let's now take a look at some of these.

(a) **Influence of Newspapers:** Remarkable, both in terms of quantity and quality, the Nigerian press played an important role in decolonization. In spite of hostility of the colonial authorities to the press as seen mainly in the 1917 Ordinance which sought to prevent anti-government publications and the property clause attached to it, the newspapers flourished. In terms of quantity, they increased from one to eighteen between 1890 and 1940. Prominent among them was the *West African Pilot* founded in 1937 which virtually championed the cause for a free, self-ruling Nigeria.

(b) **Influence of Trade Unions:** The Nigerian Trade Union Movement of the period never relented in its call for social, economic and political reforms in the country. The two most notable trade unions then were the Nigerian Trade Union Congress and the Federated Trade Union of Nigeria.

Similarly, the trade unions also fought for the improvement in the material conditions of their members. In 1945, the trade unionists demanded for a minimum daily wage of 2p 6s for labourers as well as an increase of 50% in the cost of living allowance. The rejection of these demands by the colonial authorities led to the famous 37-day general strike of that year. In general, it is important to note that Nigerian workers, particularly the technical personnel and railway workers, always demonstrated their resentment of their very poor pay, in contrast to the fat salaries and periodic upward review for their British counterparts.

(c) **Influence of Political Associations:** The period 1922 to 1946_ was an epoch of intense political activities in the metropolis as well as in the colonies. But it was towards the tail end of the World War II that Nigerian nationalists started to establish political parties that later became prominent in the years ahead. The first among these political associations that stimulated nationalist activities which ultimately led to the 1946 Constitution was Macaulay's NNDP established in 1923. The West African Students' Union established in 1924 vigorously demanded from the British colonial authorities immediate internal self-government while the Nigerian Youth Movement established in 1936 demanded that the educated Nigerians should be given greater share in the government. The NCNC which was founded in 1944 gave greater impetus to the nationalist struggle for independence. The activities of these political associations contributed immensely to the introduction of the 1946 Constitution.

(d) **External Influence:** The aftermath of the Second World War, was a more or less speedy action on what the colonial authorities referred to as the participation by Africans in the discussion of their own affairs. More specifically, the lessons of the Second World War were held on to by Nigerians as they demanded for constitutional reforms in line with the Atlantic Charter of August 9, 1941.

This charter was the result of deliberations between British Prime Minister, Churchill and American President Roosevelt. It was an important agreement on the status of subjugated people all over the world. The happy declaration was that all peoples all over the world had the right to self-determination.

However, the British did not favour a universal application of the charter. Churchill said the provision of the third clause which accorded all people the right to choose the form of government under which they 'will live' applied only to European States. But Roosevelt did not agree with this narrow interpretation. He insisted that "all peoples" referred to all humanity!

It was clear from this British attitude that they were in no way ready to grant self-rule to their colonies. To further buttress this point, Churchill replied attacks against British interpretations of the Atlantic Charter by declaring: 'I have not become the King's first minister to preside over the liquidation of the

British Empire. The colonies, however, found the labour party a saving grace. That party declared itself an 'anti-imperialist' party during the Second World War.

All the above influences were brought to bear on the British colonial authorities. Sir Bernard Bourdillon had already started working on the proposals for a new constitution before Sir Arthur Richards was sent to Nigeria to replace him as Governor of Nigeria in 1943. On March 6, 1945, Governor Richards presented the proposals prepared by him and the colonial office to the legislative council in Lagos. These proposals were approved, after minor modifications, as the 'Richards Constitution' which came into force in 1946.

Main Features of the Richards Constitution

Sir Arthur Richards expressed three main objectives which the Constitution was designed to achieve, namely:

- (i) to promote unity of the country. *
- (ii) to provide adequately within the unity for all the diverse people that constitute the country.
- (iii) to secure for the Africans a greater participation in the discussion of their own affairs.

The main features of the Constitution are outlined as follows:

- (a) **Provisions on Promotion of Nigeria's Unity:** The Richards Constitution expressly sought to promote the unity of the country. At least, that was what the Nigerian Sessional Paper No. 4 of 1945 said. Thus, unlike the Clifford Constitution, the Richards Constitution was clear in its intention to give constitution backing to the 'amalgamation' of the Northern and Southern Protectorates by Frederick Lugard in 1914. For the first time, the North was represented in the Legislative Council which then legislated for both the South and the North.
- (b) **Establishment of a New Legislative Council:** A new legislative council of 44 members was established. The composition was made up as follows: The president who was the Governor, 16 officials (13 ex-officio and 3 nominated by the governor) and 28 unofficial members. Out of these 28 unofficial members, 4 were directly elected as under the 1922 Constitution (3 from Lagos and one from Calabar) while the remaining 24 were nominated or indirectly elected by the newly created regional councils. Unlike in 1922, the Governor ceased to have special legislative power over the north. As can be observed above, the Constitution provided, for the first time, an unofficial majority in the legislative council. The legislative council was charged with making laws for 'good government', peace and order of the entire country. The governor could still exercise reserved powers vested in him by the Constitution.
- (c) **A More Powerful Legislative Council:** A very significant constitutional and political reform in this Constitution was in the area of more powers accorded the Legislative Council. We have seen that Nigerians outnumbered British officials in this Council. Due to legitimate pressures put on the colonial government by the Nigerian elites and the mood of international public opinion, the British were forced to provide in the Richards Constitution that, not only the advice but also the consent of the Legislative Council was necessary before laws could be made by the Governor.
- (d) **Regionalism and the Regional Councils:** The most distinguishing innovation of the Richards Constitution is the creation of regionalism in Nigeria. The Constitution created three Regions: Eastern with headquarters at Enugu, Western with its headquarters at Ibadan, and Northern Region with its headquarters at Kaduna. Each Region had a Regional Council. The Constitution provided a bicameral legislature for the North - House of Chiefs and House of Assembly, but provided unicameral legislature for Western and Eastern regions - House of Assembly.

The Northern House of Chiefs was composed of all First-Class Chiefs and not less than 10 Second-Class Chiefs with the Chief Commissioner for Northern Nigeria as the President. The Northern House of Assembly consisted of the Senior Resident as President, 18 officials and 20-24 unofficial members. Among these unofficial members, 14-16 were to be selected by the Native Authorities from their members while 6 were to be appointed by the Governor from communities and interests which were not adequately represented.

The Western House of Assembly had 14 official members including the Chief Commissioner who was the President and 15-19 unofficial members (3 of which were Head Chiefs in the Region, 7-11 were elected by the Native Authorities and 5 special members nominated by the Governor).

The Eastern House of Assembly consisted of 14 official members including the Chief Commissioner who was the President and 15-18 unofficial members, 10-13 of which were selected by the Native Authority while 5 special members were to be nominated by the Governor.

The Regional Council performed four functions. Firstly, they served as important links between the Native Authorities and the Legislative Council. Secondly, they, through resolution *not* legislation, advised the Governor on any matter he referred to them or introduced by any member, after due discussion. Thirdly, they served as electoral colleges for choosing representatives of the regions for the legislative council. Fourth, they approved their own regional estimate after due deliberations. Their decision here was also in form of advice to the Governor.

The regional councils had no legislative powers of their own. In fact, they were like talking shops. They were purely advisory. They could only pass resolutions. They gave their opinions and advice on matters of law-making brought before them by either the Governors or a member of the Council.

- (e) **Electoral College:** Native Authorities were made to serve as Electoral Colleges for the selection of members of the Regional Assemblies. Regional Assemblies also served as Electoral Colleges for the election of the members of the Legislative Council. The provision of the Electoral College system served as a viable political link between the Native Authorities and the Legislative Council. This was achieved through a chain of representation through Native Authorities or through the Regional Assemblies to the Legislative Council.
- (f) **The Executive:** The Executive Council remained essentially in structure and functions as that of the 1922 Constitution. However, the Constitution provided for two Nigerian members. The first Nigerian member was appointed in 1943, while the second was appointed, 1949.
- (g) **Reserved Powers of the Governor:** Under reserved powers, he had the power to legislate by certification. If a situation arose where the Legislative Council refused to pass a bill proposed by the Governor into law, the Governor had the power to promulgate it into law if he considered that such bill was in the public interest, public order or good government. As a check on a possible abuse of this wide power, the Constitution provided that in such circumstances where the reserved powers were used, the Governor should report to the Secretary of State for the Colonies stating the reasons for his action.

Merits of the Richards Constitution

As in the preceding constitution, the demerits of the Richards Constitution heavily outweighed its merits. These merits are as follows:

- (i) **Property Clause De-emphasized:** The property clause also present in the Clifford Constitution became more favourably disposed in favour of the salaried or middle-level workers. The annual income requirement for those aspiring to be voters was reduced to £50 in 1946 as against £100 in 1922.
- (ii) **Unity in Diversity:** Without being a federal Constitution, certain functions distinct from those of the Central Legislature were assigned to the Regional assemblies by the constitution. It provided for devolution of powers needed in a diverse, complex and large country like Nigeria.

(iii) North and South brought together: For the first time, the Northern and Southern Regions were brought together under the same legislative umbrella. Northerners were then members of the Legislative Council which legislated for the whole country.

(iv) Inclusion of the Educated in Native Administration: For the first time, the educated elites were included in the Native Administration. They were then given the opportunity to participate in the discussion of their own public affairs at the three levels - Native Administration, Regional government and Central government.

(v) Unofficial Majority: For the first time, the Legislative Council had an unofficial African majority. The Regional Councils had also an unofficial African majority.

(vi) Foundation for Federation: Although the Constitution was a unitary one, nevertheless, it laid the foundation on which federalism was later developed. The regional structure provided by the Constitution was the basis on which federalism was founded in 1954.

Demerits of the Richards Constitution

(i) Elective Principle still Restricted: The much-vaunted elective principle continued to be restricted to Lagos and Calabar. Both at the level of the Legislature and the Executive, there was no remarkable improvement. At the Central Legislature, legislators were still nominated rather than elected. Only four (4) of the forty-four (44) members were directly elected by the people. In the Executive Council, there was no elected member.

(ii) Indirect Election Enshrined: While the Constitution toyed with the idea of popular representation, it refused to push the idea far enough. It finally settled for a poor compromise between restricted direct and indirect election. The latter, as we have seen, was through the "native authorities".

(iii) Constitution without Consultation: The Richards Constitution had very lofty goals. These included election, self-determination, self-government, etc. But the Constitution came into being without due consultation. It thereby violated a most elementary principle of constitution-making namely-consulting with the people for whom the constitution is made. This principle is particularly important in cases where the people, as in colonial Nigeria, were disallowed from making the Constitution themselves.

(iv) Limited Power of the Central Legislature: The claims of Sir Richards to promote the unity of Nigeria notwithstanding, the constitution failed to give wide powers of legislation and finance to the central Legislative Council.

(v) Regional Differences Emphasised: Too much emphasis was placed on regional and, by implication, ethnic differences. This was paradoxical in a Constitution which stated national unity as its main goal. The Constitution planted and promoted regionalism in the Nigerian politics.

(vi) The White Dominated the Executive Council: Executive council members were still almost entirely British. In fact, there were only two Nigerian appointed members. The British officials represented the interest of the British overlords. They could certainly not have represented the interests of the people of Nigeria.

(vii) Governor and Her Majesty still Supreme: The Governor was still empowered to exercise what is known as reserved power of legislation by certification. Such power gave the governor the right to use his own discretion to overrule the legislative council. It is important to note that all that was necessary was for the governor to say that certain laws had to be overruled in the interests of the public and in order to achieve good government. By simply saying this, he could put his will into law, however obnoxious this might be. These reserved powers therefore tended to neutralize the African majority.

However, it should be noted that in the exercise of this reserved or discretionary power, the governor must report to the Secretary of State for the Colonies indicating the reason for his action. Members of the legislative council could also express their disapproval of the exercise of this power. But this was about

the only thing they could do. What is important to stress here is that the governor could not easily use power arbitrarily.

(viii) Discussion, not Participation by Nigerians: The Constitution only allowed Nigerian nationalists to 'discuss' about and not 'participate' in the management of their own affairs. Chief H.O. Davies, a frontline nationalist, wrote about the Constitution thus: "the word 'discussion' seems to be the crux of the principle. There is neither the intention nor the pretension to secure greater participation by the Africans in the direction, management or control of their affairs..." This view sums up the feelings of virtually all the nationalists of the period.

Effects of the Richards Constitution

As with all Constitutions introduced before and after the Richards Constitution, this Constitution had some impact on the nationalist movement and constitutional development. These are discussed below:

(i) Virulent Attacks by Nationalists: Nigerian nationalists were particularly angered by the fact that the colonial authorities promulgated this Constitution without any visible influence or input of public opinion. Similarly, nationalists almost all agreed that the Constitution fell short of general expectations. Both the so-called 'moderate' and 'radical' political parties, the Nigerian Youth Movement (NYM) and the NCNC respectively agreed on this point. The existing newspapers were used as an effective medium to express their anger and frustration.

Furthermore, the nationalists were equally against what they considered as the inherent defects in the Constitution. Mention should be made of what they saw as the hypocrisy of the Colonial authorities to give Nigerians an unofficial majority. This was because the unofficial were either nominees of the chiefs or the chiefs themselves. Either way, what is important is that the chiefs were officials appointed by the government.

(ii) The 'Radicalization' of the NCNC: It is important to underline the 'radicalization' of nationalists by the Constitution. In this respect, the NCNC was in the forefront. It arranged a tour of the country to enlighten and educate Nigerians on the weaknesses of the Richards Constitution and the four obnoxious ordinances and why they should be interested in the politics of their fatherland. The NCNC, after the nationwide protest campaign, undertook a United Kingdom tour in 1946 to protest to Her Majesty over the weaknesses of the Richards Constitution and the four obnoxious ordinances.

KEY POINTS

The Clifford Constitution

Background

(i) The Nigerian Council that predated the Clifford Constitution lacked both legislative and executive powers. It was purely advisory,

(ii) Nationalists in the National Congress of British West Africa made very serious demands and protest which contributed to the introduction of the Clifford Constitution.

Main Features of the Clifford Constitution

- (i) The Legislative Council replaced the Nigerian Council.
- (ii) The Legislative Council had official majority.
- (iii) Supremacy of the colonial authorities enshrined.
- (iv) The North and the South were kept as separate entities.
- (v) Introduction of Elective principle.
- (vi) Property clause was enshrined, only male adults with a minimum annual income of 100 could vote,
- (vii) The Executive Council consisted of white officials only.
- (viii) The Governor had reserved legislative powers.

Merits

- (i) Introduction of election which is the basic element of democracy,
- (ii) Constitution was a good appetite whetter for increased nationalist activities.

Demerits

- (i) Limited role was given to Nigerians.
- (ii) British interests were more protected than those of Nigerians in the Legislative Council.
- (iii) The Legislative council was white-dominated.

(iv) British colonial authorities had little interest in Nigerian unity - North and South were separated.

(v) The Governor's reserved power was against the basic principle of democracy.

(vi) Election was restricted to only two coastal cities in the country. Moreover there was very limited franchise.

Effects of the Clifford Constitution

1. Nationalists became more militant in their demands for accelerated constitutional reforms.

2. Elective principle led to a number of developments:

(a) A lot of political activities in Lagos and Calabar

(b) Establishment of newspapers

(c) Formation of political parties

(d) Articulate citizens could air their views

The Richards Constitution

Background

Several factors influenced Nigeria's constitutional development:

(a) Quality and quantity of newspapers of the period.

(b) Trade unions were vocal and persistent in their calls for social, economic and political reforms in Nigeria.

(c) The establishment of political associations: the Nigerian Youth Movement and the NCNC.

(d) Activities of WASU and Nigerian students abroad.

(e) External influence, particularly the interpretation given to the 1941 Atlantic Charter by the Americans; the right to choose the form of government under which a people would live applied to all humanity.

The Main Features of the Richards Constitution

(i) Explicit provisions to promote the unity of the country,

(ii) Establishment of a new Legislative Council with unofficial majority.

(iii) More powers accorded the Legislative Council,

(iv) Establishment of three Regional Assemblies with unofficial majority.

(v) Regional Council had limited powers.

(vi) The Regional Council had advisory role in finance and other legislative proposals,

(vii) The Native Authorities were linked with the Legislative Council by the Regional Councils.

(viii) The introduction of Electoral Colleges for election of members of Regional Councils and Legislative Council.

Merits

(i) Property clause was de-emphasized

(ii) Legislative Council had African majority,

(iii) Recognition given to regions,

(iv) The North and the South were brought together,

(v) Creation of Regional Assemblies with African Majority.

Demerits

(i) The elective principle remained restricted.

(ii) Indirect election enshrined.

(iii) Governor's reserved powers was undemocratic.

(iv) The Constitution was promulgated without consultation with nationalists.

(v) The legislative council was given limited power,

(vi) Too much emphasis was laid on regional differences.

Regionalism was planted in Nigeria,

(vii) The Colonial Governor and Her Majesty were still the supreme legislative and executive authority,

(viii) Nigerians were only allowed discussion of, and not participation in, their own affairs.

Effects of the Richards Constitution

(i) Nigerian nationalists made virulent attacks on the modality of the Constitution-making and the defects of the Constitution,

(ii) Nationalists and political parties became radicalized, particularly the NCNC which embarked on Nigerian and U.K. tours.

SAMPLE EXAMINATION QUESTIONS

Essay Questions

1. What were the major contributions of the National Congress of British West Africa to the political development of Nigeria?
2. Discuss the main features of the Clifford Constitution.
3. Examine the merits and the demerits of the Clifford Constitution.
4. Discuss the various factors, internal and external, that led to the introduction of the Richards Constitution.
5. In what ways was the Richards Constitution an improvement on the Clifford Constitution?

Objective Questions

1. Which of the following was not a feature of the Clifford Constitution?
 - A. Unofficial majority of the Legislative Council
 - B. Official majority of the Legislative Council
 - C. Governor's reserved legislative powers
 - D. Introduction of Elective principle
 - E. Non-inclusion of Northerners in the Legislative Council
2. The Elective principle was for the first time put into practice in Nigeria in
 - A. 1946.
 - B. 1922.
 - C. 1921.

D. 1920.

E. 1923.

3. The Elective principle was restricted to Lagos and Calabar by Clifford Constitution because

A. Nigerian nationalists wanted it.

B. British colonial authorities liked these two cities.

C. The British theory of preparation envisaged a gradual introduction of democracy.

D. The traditional rulers were opposed to election.

E. Nigerian rural illiterate masses preferred Indirect Rule.

4. One important feature that distinguished the Richards Constitution from its predecessor was

A. the establishment of Legislative Council.

B. creation of Regional Councils.

C. powers given to the Legislative Council.

D. the extension of the elective principle.

E. that a voter should possess a minimum of £ 1 00 annual income.

5. One important thing the Richards Constitution achieved was to

A. Come into being after fully consulting the Nigerian political elites.

B. Curtail powers of the Colonial Governor.

C. Enshrine indirect election.

D. Create universal adult suffrage in Nigeria.

E. Create bicameral legislature in Western Region.

Answers

1. A

2. E

3. C

4. B

5. C