

**A Memorandum on Nigeria's Constitutional Conference (1957-1958)
and Background to the Willink Commission**

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SECRET**THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S GOVERNMENT***Printed for the Cabinet. July 1958***C. (58) 171****Copy No. 60***31st July, 1958.***CABINET****NIGERIA****MEMORANDUM BY THE SECRETARY OF STATE FOR THE COLONIES**

The Nigeria Constitutional Conference, which adjourned in June 1957 to await the reports of certain Commissions to whose establishment it had agreed, will resume in London on 29th September. Its composition will be much as before: there will be 70 to 80 Nigerian delegates and advisers broadly representative of Nigerian opinion as a whole. The Conference is likely to last most of October.

The 1957 Conference

2. At the 1957 Conference I agreed to the creation of an office of Federal Prime Minister and to an all-Nigerian Federal Council of Ministers presided over by the Governor-General, whose members would be appointed by the Governor-General on the Prime Minister's recommendation. The United Kingdom interest was secured by the agreement of the Conference that the Governor-General should retain until independence his general reserved powers to act without consulting his Ministers or against their advice, and his responsibility, in his discretion, for external affairs and defence, for the use of and operational control of the Police and for the Federal Public Service.

3. It was also agreed, in fulfilment of the undertaking given by my predecessor in 1953, that the Eastern and Western Regions should be granted Regional self-government. This mainly involved the withdrawal of the general reserved and discretionary powers of the Governors of these Regions. Largely because of the obvious possibilities of abuse of power by inexperienced Governments I obtained agreement to the distribution of some of the powers previously held by the Governor among independent bodies such as the Public and Judicial Service Commissions, and to the inclusion in the Regional constitutions of safeguards for the integrity of certain other organs of government. It was also agreed that the Governor-General should be empowered to intervene if a self-governing Region threatened the functioning of the Federal Government or the continuance of federation. In addition constitutional changes were agreed for the Southern Cameroons and the Northern Region. The Northern representatives said they did not want Regional self-government until 1959.

The Present Position

4. Most of the changes agreed were brought into effect last August. The leader in the Federal Legislature of the Northern People's Congress, Alhaji Abubakar Tafawa Balewa, became the first Federal Prime Minister and sought to create a "national" Government to work for early independence by including in his team Ministers from the Action Group, who are the dominant Party in the West but weak in the Federal Legislature, in addition to members of the National Council of Nigeria and the Cameroons (N.C.N.C.), the major Party in the East, and of his own Party, the Northern People's Congress (N.P.C.). The Prime Minister is sagacious and able and relations between him and the Governor-General are frank and cordial. He is openly anti-Communist, he is under no illusions about the difficulties of the task facing both himself and the country, and his policy is likely to be as pro-Western as the narrow Muslim outlook of his principal Northern

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supporters will allow. (In his Party hierarchy he is only deputy to the leader, the vain and pompous Sardauna of Sokoto, Premier of the Northern Region.) His Government, however, has been only a moderate success. Because the fortunes of the Federal Ministers are closely bound up with those of the main Regional Parties from which they come they have not always found it possible to develop a true Federal outlook, and where these Regional interests have clashed the Ministers have sometimes been content to record disagreement.

5. In the West the grant of Regional self-government has on balance been justified. The Action Group Government, led by the Premier, Chief Awolowo, have proved reasonable and competent administrators and, although with the steady run-down of the cadre of overseas officers there is bound to be some decline in standards of administration, the advanced educational programme of the Region should in time provide sufficient replacements. The Premier aspires to national leadership and has to this end formed a close alliance with the principal Opposition elements in the North and East.

6. In the East government has seriously run down. Dr. Azikiwe ("Zik"), leader of the N.C.N.C. remains in power as the personification of Ibo tribalism, but his chronic unwillingness to tolerate around him men of independence of mind has brought into being a Regional Executive Council, almost all of whom are nonentities. Some of the Federal Ministers drawn from his Party, notably Dr. Mbadiwe, have recently lost their posts through constant but so far ineffective warfare against his personal dictatorship of party affairs. His star may be on the wane. At present he has no serious rival as leader of the Ibos, who are much the largest race in the Region, and although it would be much healthier for Nigeria if his hand were removed from the helm, the time has passed when Her Majesty's Government could take any effective action to hasten this process. He must be left to the disillusionment of his own people.

7. The vast Northern Region is still well behind the others in "progress." Two-thirds of its 18 million people are strict Muslims, accepting the authority of their Emirs. Educational progress is still slow and there is no prospect for a generation of the Region being able to replace from its own resources the overseas officers who have served them so well. The North fears and dislikes the more educated Southerners and if they were not economically bound to the Federation would be glad to be quit of it. The Emirs have for the most part recognised that they must come to terms with democracy and support the party at present in power, the N.P.C. The Premier, the Sardauna of Sokoto, is himself of a princely family.

The Public Services

8. Since the East and West became self-governing the overseas officers there have been entitled to retire with lump-sum compensation. This will be the position in the North when it attains Regional self-government next year and in the Federal Public Service on the attainment of independence. The premature retirement of experienced overseas officers is the gravest single threat Nigeria faces to the continuance of good government. A Colonial Office representative visited Nigeria earlier this year to enquire into means of meeting this threat. A White Paper is being published this week setting out the proposals put to the Nigerian Governments as a result of his mission and of their response. The Federal and Northern Governments have broadly endorsed the proposals and this should go some way to encouraging officers in their services to remain. The East and West contemplate applying the proposals to selected officers only and from these Regions the exodus will no doubt continue. At best and whatever efforts are made, overseas officers in Nigeria are now a wasting asset.

Prospects for the Conference*(a) The Problem of Minorities*

9. At last year's Conference the minority Parties forcibly represented their fears of exploitation after self-government by the majority Parties, with their mainly tribal and religious bases, and pressed for the setting up of separate States of their own. After bitter discussion I was invited to appoint a Commission to enquire into the question. The Commission, under the Chairmanship of Sir Henry Willink, is about to submit its Report, which will be the main item of the resumed Conference agenda. It will recommend no new States; some of its proposals are likely to provoke fierce controversy. The Action Group, which seeks national

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power as the champion of minorities everywhere, will probably express dissatisfaction and continue to fight for new States as a main plank in its platform for next year's Federal elections.

(b) The Police

10. Either in connection with the question of minorities or as a separate item there will probably be renewed pressure, which I shall resist, for the bulk of the Federal Police to be divided up into separate Regional forces.

(c) Fiscal Questions

11. Dissatisfaction over the existing division of revenue between the Federation and the Regions and over the powers to raise revenue led last year to the appointment of a Fiscal Commission. The report of this Commission, of which Sir Jeremy Raisman was Chairman, is about to be published and will be considered by the Conference. It is unlikely to prove a major bone of contention.

(d) Self-government for the Northern Region

12. The Northern Regional Government have informed me that they wish to be granted Regional self-government from the 15th March, 1959. In accordance with my predecessor's undertaking, I am bound to accede to this request. The pattern of self-government in the East and West will largely be followed but because of the backwardness of the Northern Region I shall try—I cannot put it higher—to retain some greater powers for the Governor than those retained by the Governors of the East and West, and to obtain assurances about the incidence of Muslim law and the retention of much of the present structure of the Provincial Administration.

(e) The Question of Independence

13. At last year's Conference I was pressed by all Parties to agree to independence first in 1959 and then, when this was seen to be impracticable, on the specific date of 2nd April, 1960. After a series of discussions I gave an undertaking in the following form:—

“I understand that it is proposed that some time about January 1960 the new Nigerian Parliament will debate a resolution asking Her Majesty's Government to agree to full self-government within the Commonwealth by a date in 1960 which will have been mentioned in the resolution on receipt of your resolution Her Majesty's Government will consider it with sympathy and will then be prepared to fix a date when they would accede to the request. We could not at this stage give any undertaking that the date would be the same date as asked for in the resolution, though we would do our utmost to meet the resolution in a reasonable and practicable manner Her Majesty's Government would of course be very much guided in their choice of a date by the way everything was going, by how the two Regions now about to enjoy Regional self-government had taken the strain of this great step forward, and by how the country as a whole had faced up to the problems of minorities, on which a Commission would already have reported.”

The Nigerian delegations expressed their disappointment but did not reject this undertaking and informed me that they would revert to the demand for independence on 2nd April, 1960. The Prime Minister's “national” Government was formed to work for independence on this date and at the coming Conference I shall be under renewed pressure to accede to the date with or without conditions, or at least to go some way beyond the undertaking given last year.

14. I propose to reaffirm last year's undertaking but not to go beyond it. The weaknesses in the North and East that I have described are likely over the next year or two to become more pronounced as overseas officers begin to leave the North after Regional Government next March and as the exodus from the East continues. The “national” Government at the Centre has developed no national outlook or community of interest. I understand that at the Federal elections late next year the Northern People's Congress and the N.C.N.C. (who are normally kept apart by mutual suspicion and by Northern dislike of Dr. Azikiwe), alarmed by the determination and organising ability of the Action Group, are likely to combine to keep the Action Group out of power. Such a combination would offer no great reassurance for competent or courageous Federal

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Government. The tribal divisions that remain in Nigeria are so deep that the unity and stability of the country cannot yet be taken for granted. All these are reasons for going slowly. But in view of the decline in the number of overseas officers in post and of the mounting pressure for early independence, the freedom of action left to Her Majesty's Government is small if Nigerian goodwill is to be maintained. I cannot go back on the undertaking I gave last year but it is in my view essential that, before making the final decision to give independence, Her Majesty's Government should be able to assure itself that the new Federal Government elected late in 1959 can properly claim to represent majority opinion in the country and has a reasonable prospect of maintaining the unity and stability of the country.

15. If this undertaking is strictly adhered to it is unlikely, even if all goes well, that independence could come as early as April 1960. Provided that a competent Federal Government is formed late in 1959 there will need to be final discussions between this Government and Her Majesty's Government early in 1960 and then the drafting and passage of legislation here, so that the second half of 1960 seems the earliest practicable time for independence to come. I expect to have informal talks with the Federal Prime Minister before the coming Conference and I shall discuss this question with him.

The Trust Territory of the British Cameroons

16. The Northern British Cameroons is administered as part of the Northern Region and has always declared itself content so to remain. The Southern Cameroons has its own Government which to date has been financially dependent on the Federal Government and has ultimately been responsible to the Governor-General. The recommendations of the Fiscal Commission are likely to give the Southern Cameroons a fair measure of financial independence and their representatives are committed to asking at the coming Conference for full Regional self-government. With Nigerian independence approaching, this small Government must quickly learn to stand on its own feet and I propose to agree to a substantial increase in its responsibilities but probably not at present to full internal self-government on the model of the major Regions.

17. Before Nigeria becomes independent the people of the British Cameroons will have to make known their wishes for their future. The United Nations Mission, which is making a regular visit to the British and French Cameroons later this year, is being asked to consider the procedure for consulting the people of the British Cameroons. I hope that as a result of their recommendations there will be separate popular consultations (probably by plebiscite) in the North and South early in 1960, and that we shall be able to ensure that the choice put to the people is one between joining an independent Nigeria and continuing under Trusteeship pending a final decision about their future. There is little doubt that the Northern British Cameroons will choose to stay as part of the Northern Region. The choice of the Southern Cameroons is less certain. The Parties supporting the present Government are in favour of becoming a separate Region in an independent Nigeria: the main Opposition party is in favour of continuation of Trusteeship with an eye to joining up with the French Cameroons in time.

18. I invite my colleagues to note the present position and seek their concurrence in the course outlined above. The Conference may well be a difficult and possibly a stormy one.

A. L.-B.

*Colonial Office, S.W. 1.
29th July, 1958.*