THE LEGAL MAKING OF NIGERIA AND THE UNENDING FEAR

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Abstract

This article presents the result of an in-depth investigation using a doctrinal research method and historical analysis to explain 'why' and 'how' Nigeria has been in a political mess since its creation in 1914. The investigation reveals that the British deceived African Kings and Emirs with the goal of advancing their territorial ambitions and the African leaders' misguided trust in treaties of friendship and guarantees of sovereignty signed with Britain. Additionally, it was discovered that the British utilised legal instruments, particularly the Imperial Orders in Council, to support their territorial acquisitions. This paper finds that these instruments are illegal under both British law and in international law and also, against world's moral standards. The paper concludes that the annexation of Nigeria falsely labeled as a voluntary 'amalgamation' endorsed by Nigerians, is based on an illegal foundation due to the illegality of the supporting instruments. It also argues that various forms of 'fear' have prevented Nigeria from rectifying the mess created by the British to this day.

Keywords: Annexation, amalgamation, banditry, family, fear, federalism, instruments, Order-in-council, sub-delegation

1. Introduction

This article examines the legal making of Nigeria — not its political, economic, or development history, about which volumes of books, essays, theses and journal articles have been written.[1] A brief introductory history of the people and the area now called Nigeria is, however, necessary before shifting the focus to the legality and effectiveness of the legal instruments the British used in putting the areas together into a single nation.

It is apparent that the colonial power had not been sincere in the way it dealt with the African kings and emirs by signing treaties of non-aggression and cooperation with them only to turn round later and annexed their territories. The so called *amalgamation* of 1914 touted as an agreement with kings, emirs, and leaders of the people was, in fact, a grand deception. Lots of holes can be picked especially in the 22 November 1913 Annexation Order, the 1954-1958 Constitution, and the Nigeria (Electoral Provisions) Order in Council 1958 under which the Governor-General claimed to make Proclamation LN 115 of 14 July 1958, carving Nigeria into electoral districts. They sowed the seed of discontent and disunity among ethnic nationalities by playing up ethnic superiority of one tribe over all others. The paper intends to show that the dummy of a federal system bequeathed to Nigeria on the eve of independence in October 1960 remains the nation's Achilles heel till today.

The issues raised in this discussion are addressed *seriatim*. It starts with an introduction which includes the arrival and purpose of Britain's adventure in Southwest Africa. Then the legal history

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1 Toyin Falola and Matthew E Heaton, *A History of Nigeria* (Cambridge University Press 2008); Rotimi Ajayi**,** 'Politics and Traditional Institutions in Nigeria: A Historical Overview' (1992) 21 *Transafrican Journal of History* 124-138; Abdulsalami Muyideen Deji 'Historical Background of Nigerian Politics, 1900-1960' (2013) 6(2) *Journal Of Humanities And Social Science* 84-94.

and the abortive legal effort to convert independent African nations and other territories annexed into 'Colony of Nigeria'. The British played a divisive role by its policy of divide-and-rule, particularly the triumvirate of Britain, colonial government in Nigeria, and the northern oligarchy, in manipulating the 1954-1958 Constitution which was designed to foster the implementation of the accord between Britain and the North.

The Portuguese are known to be the first Europeans to set foot on the area then known as 'Guinea Land' in the 1760s.[2] Their first port of call was 'Eko', a Yoruba port for slave trade. Guinea Land occupied or incorporated countries such as Mali, the Gold Coast (now Ghana) and most of the adjourning territories and kingdoms found in Nigeria today, and the African nations later colonised by the French some 150 years after the Portuguese had left Guinea Land.[3] This is where British came into the picture. According to Caelen Anacker,[4]

> In [the] 1760s, Portuguese traders settled there and began using Eko as a port for the slave trade, renaming it Lagos (meaning 'Lake') after the coastal city in Southern Portugal.

As for the British, Oyewo is of the view that they came to Southwest sub-region, obviously for territorial ambition, but falsely presented as mere 'sphere of influence' which was to exclude other European powers.[5] The imperial interest was wider than that. It is noted[6] that "a growing policy of British imperialism, especially in Africa" at the close of the 19th Century led to the Beur War.[7]

2. Nigeria's Legal History

The British connection with the territories (later to become Nigeria) dates back to the early 1840s when English missionaries first arrived in the sub-region, but the legal history of the nation could be said to have actually begun in February 1906 when the Imperial Government began to issue *letters patent*[8] to would-be officers of the first British administration in Nigeria.

It is said[9] that the three-point policy of the British in Nigeria was "to abolish slave trade; to encourage legitimate commerce; and to protect missionaries." But starting from February 1906, the issuing of letters patent to British subjects, including Federick Lugard,[10] began. Others were

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2 L. Bigon and R. Home, "Transnational Aspects in the History of Lagos: Place Names and Built Form" in Liora Bigon (ed), *Place, Names in Africa* (Springer International Publishing, Switzerland, 2016) 59-78; Femi Olugbile, "The Story of Nigeria: A Review of the Documentary 'Journey of an African Colony' by Olasupo Sasore" *Businessday Nigeria* 23 October 2020.

3 Guinea Land had its own coins presumably tied to the Portuguese currency.

4 Caelen Anacker, 'Lagos, Nigeria' *Blackpast* 6 July 2010 <https://blackpast.org/global-african> accessed 23 February 2026; O. Oyewo, *Constitutional Law in Nigeria* (Walter Kluwer, 2019) 160.

5 Oyewo, *Constitutional Law in Nigeria* 160.

6 *Webster Dictionary* (International Ed., 1995) 418.

7 Alec G. Hargreaves, "Resistance and Identity in *Beur* Narratives" (1989) 35(1) *MFS Modern Fiction Studies* 87-102; Elif Kuru, 'Legacy of the French Colonialism from the Algerian Civil War to the Beur Riots: A Short History of the 'Self-Other'' (Ph.D Thesis, İstanbul Bilgi Üniversitesi).

8 *Letters Patent* is "a document issued by a government *authorizing* [italics for emphasis] a person to exercise a right or privilege". See Lawrence T Lorimer *et. al*, *The New Webster's Dictionary of the English Language* (International Edition, Lexicon Publications Inc., 1995) 568. It is a legal document constituting a mandate to act as general representative of the Imperial Government.

9 T.O. Elias, *Nigeria: Development of Its Laws and Constitution* (Stevensons, London, 1967) 14. The neutrality of the missionaries who were part of the Church of England of which the Crown is head, and the British traders who formed the Royal Niger Company and Niger Coast Protectorate, worked in tandem with and within the laws of the British administration in Nigeria and partly of their home government.

10 Frederick Lugard received letters patent for the Office of Governor of Nigeria in 1906. He took office as Governor of the unified Nigeria Protectorate in 1912 and quitted office in 1919. See *Webster Dictionary,* (International Ed. 1995), 590.

retired sailors, such as George Denton, Commodore Bruce, and Captain M.C. Maloney, discharged apparently from the British Naval Squadron, Lagos. These featured prominently in negotiating treaties on behalf of the British Government with African kings and emirs. The letters patent conferred on them the status of a general agent or independent contractors. In law, a person who acts through an agent acts for himself.[11]

The idea sold to local kings and emirs by those British agents who signed the various treaties with them was that the protectorate system was an internal arrangement of the British and did alter the guarantee given them in respect of their independence and sovereignty. It was all a ruse, subterfuge—a con! Sir Udo Udoma said:

> "[T]he evolution of colonial empire tends to follow a regular pattern especially in West Africa: first travellers, missionaries, and traders; then treaties of commerce and friendship; afterwards a declaration of priority of treatment or the establishment of a sphere of influence; and finally a protectorate properly so-called by virtue of which the protecting power claims first, only external sovereignty, then the establishment of a strong, bureaucratic machinery for controlling the activities of the protégé and involves in turn the appointment of consuls; and later residents, and all that follow in their turn, culminating in the appointment of a governor.[12]

Southern and Northern Protectorates were created by Orders in Council respectively in 1911 and 1912.[13] The Nigeria Protectorate Order in Council 1913, which provided for the merger of the two Protectorates of North and South, made elaborate provisions for the administration of the united Protectorates to be known as *Protectorate of Nigeria*. It is apposite to note that a 'colony', by definition, is a country settled by a group of people from another country; or a group of people who live permanently in a colony;[14] but a 'protectorate' is a country "ruled in foreign affairs *without direct annexation*," and "not *having the legal status of a colony*."[15]

2.1 Impotence of Nigeria Annexation

The British Crown relied solely on section 1 of the Foreign Jurisdiction Act 1890 which gives the British monarch 'jurisdiction *over British subjects*[16] in a foreign country;'[17] and which was not

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11 *Ayodele James v. Mid-Motors (Nig) Ltd* (1978) 11-12 SC 31, 66; *Trenco (Nig) Ltd v. African Real Estate and Investment Co. Ltd* (1978) 4 SC 9; (1978) 1 FNR 146. The principal's or employer's liability is founded on Chief Justice Holt's decision in *Horn v. Nichols* (1700) 1 Salk 289. He decided: "Seeing somebody must be loser by [the] deceit, it is more reason that he that employs and puts a trust and confidence in [the deceiver] should be loser than a stronger." Lord Denning in *Nestleship v. Weston* (1971) 2 QB, 691, 700) held that the doctrine of vicarious liability was founded on public policy; Oguntade, JSC, said in *Ifeanyi Chukwu Osondu v. Solel Boneh (Nig) Ltd* (2000) 5 NWLR (Pt. 656) 322, 343; (2000) 12 WRN 1, 12) that the doctrine was based on "social convenience and rough justice." The doctrine of agency by estoppel is equally applicable in this kind of situation. Diplock, LJ (as he then was) declared so in *Freeman & Lockyer v. Buckhurst Park Ltd* (1964) 1 All E.R. 630, 644. Aniagolu JSC said: "Normally, true agency arises by agreement only, but there are circumstances in which the law recognizes agency by estoppel …" *Trenco (Nig) Ltd v. African Real Estate and Investment Co. Ltd* (1978) 4 SC 9; (1978) 1 FNR 146.

12 Udo Udoma, *History and the Law of the Constitution of Nigeria* (Malthouse Press, 1994) chap. 4, 55.

13 J. A. Cross, "The Colonial Office and the Dominions Before 1914" (1966) 4(2) *Journal of Commonwealth Political Studies* 138-148; A. E. Afigbo, 'The Consolidation of British Imperial Administration in Nigeria: 1900 – 1918' ((1971) 21 (4) *Civilisations* 436-459.

14 *Oxford Advanced Learner's Dictionary*, 295.

15 *Webster's Dictionary*, 803.

16 A '*British subject*' is a person both of [whose] parents and grandparents on both sides [are] British subjects." See *Stroud's Judicial Dictionary* 1971, Vol. 1, 329, citing *re Churchill,* 34 TLR 186.

17 Section 1 states: "It is and shall be lawful for Her Majesty the Queen to hold, exercise, and enjoy any jurisdiction which Her Majesty now has or may at any time hereafter have within a foreign country in the

applicable to citizens of other independent sovereign states or to protectorates. The territories purportedly 'annexed' and fused together as "Colony of Nigeria"[18] by the Order in Council 22 November 1913 were independent African nations whose inhabitants were not subjects of the British Crown. It is not surprising, therefore, that Nigeria did not become a "*Colony of Nigeria*" after the illegal annexation which was presented as voluntary 'amalgamation' with the consent of traditional leaders, procured by deceit and misrepresentation. It means that the Order in Council of 22 November 1913 was *faux pas* and failed to create a 'Colony of Nigeria' as the British planned.[19]

Annexation of other nations' territories was, and is still, detested worldwide because it is an act of aggression and banditry which, like harmattan fire, often spreads to engulf other nations. World's reactions to aggression and annexation of other nations' territory are shown in the universal responses to the recent invasion and annexation of part of Ukraine by Russia. The reality of the situation is that if small or weak nations cannot live in peace without fear of immolation, there can be no hope that the rest of the world would be able 'to sleep with the two eyes closed.'[20]

A significant legal point is that in Clause III of the 22 November 1913 Order, the British Crown simply

> 'annexed all such of the territories within the limits *as have not heretofore been included in His Majesty's Dominions* shall be and the same are *hereby annexed*[21] to His Majesty's Dominions and the whole of the said territories are declared to be part and parcel of the Colony of Nigeria.'

There is something uncanny about the annexation Order. Contrary to established tradition and norm, the Imperial Order in Council[22] had no identification code or number. Second, the Crown's prerogative as exemplified in section 1 of the Foreign Jurisdiction Act 1890 relates to British colony — which Nigeria was not. It is suspected that it was precisely to exercise that prerogative that the idea of converting Nigeria — not a colony though a potential[23] Protectorate — was incubated and hatched. Third, any *acquisition* or *disposal* of territory by Britain required the input

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same and as ample a manner as if Her Majesty had acquired that jurisdiction by the cession or conquest of territory.'

18 See Laws of the Federation of Nigeria, 1958, Vol. XI, recital 4, Clause III.

19 It was that Order in Council which sought to create a Colony of Nigeria—see Clause III of the Order by merging independent African nations with annexed territories and the 'protectorates' Britain created in 1911 and 1912—though neither British nor Nigerian leaders talked of "Colony of Nigeria" thereafter but Northern and Southern Protectorates.

20 It is worth noting that soon after Russia invaded Ukraine on 24 February 2022, Finland and Sweden which share boundaries with Russia but had remained neutral countries during the two World Wars, dropped neutrality and sought protection in the 30-member North Atlantic Treaty Organisations (NATO) for fear of possible future invasion by any stronger power.

21 Territories that "had not been included in the Crown's Dominion" were independent African nations with which Britain had treaties. These writers have searched the Laws of England and could not find any, under which Britain could have annexed another sovereign nation.

22 '*Order in Council*' is defined as "an order issued by the British sovereign on the advice of the Privy Council, or by the Governor-General of a Commonwealth country with the advice of a similar council. Such Orders are usually issued to deal with an emergency (e.g., those of 1807 and 1809 in answer to the Continental System) or with matters still subject to Crown prerogative (e.g., the government of a colony"). See *Webster's Dictionary,* 706.

23 See Nigeria Protectorate Order in Council 1913 which merged the Southern and Northern Protectorates with annexed territories together to become *Protectorate of Nigeria* from 1 January 1914.

of Parliament.[24] There is no known evidence that the Palace requested for and Parliament made such input. On those grounds alone, the *Colony of Nigeria* Order was fatally flawed.

There were treaties between Britain and the African kingdoms annexed. This is an act of brigandage and patently illegal by virtue of the treaties Britain signed with independent African nations.[25] Treaty, as is well known, is not only a "contract between two or more independent nations or sovereign or supreme power of a state," but is enforceable.[26]

Second, the history of the world is replete with records of world wars fought as a result of annexation or attempts to prevent annexation of other territories. The Second World War (1939-45) was caused by the annexation of Austria by Nazi Germany.[27]

Third, aside from the annexation Order in Council of 22 November 1913—which can be regarded as stillborn on its enactment—and other legal issues, the Nigeria Protectorate Order in Council 1912 which made specific provisions for the administration of the *existing* Protectorates, was followed—not the fluid, nebulous "Colony of Nigeria" Order in Council.

Having failed in its adventure of reshaping the political structure and destinies of the African nations of Southwest Africa, the British resorted to administering the two Protectorates it created, as parallel and distinct political entities with different laws and systems of government—native authority in the North, and indirect rule in the South. Hargreaves[28] describes the Protectorates system as 'fiction', which "saw extension of 'jurisdictional imperialism' through …[the] nebulous legal concept…without extending the protector's administrative obligations in the countries which were being exploited commercially." Oyewo observes:[29]

> The administration policy of the Protectorate of Northern Nigeria was different from that of Southern Protectorate of Nigeria, sowing the seeds of complexity and difficulties to be encountered in the governance of Nigeria till date.

Right from the onset, Britain did not demonstrate any iota of sincerity about the system of government it intended to administer the disparate, independent and sovereign African nations and annexed territories which it had put together as a country in 1914.

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24 See Nigeria (Constitution) Order in Council made 12 September 1960 and laid before Parliament on 16 September 1960. The Order (1960 No. 1652), as approved by Parliament, came into force on 1 October 1960. See Laws of the Federation of Nigeria 1960, B221-393.

25 Between 1852 and 1894, British representatives signed treaties with King Akintoye (1 January 1852), Etsu Nupe (1884), Emir of Borgu (1884), Sultan of Sokoto (1885), Alake (18 January 1893), Alaafin (February 1893), Olubadan (August 1893) and some other western and northern rulers.

26 *Black's Law Dictionary* (5th Ed.) defines *treaty* as "a contract between two or more independent nations or sovereign or supreme power of a state," citing United States Supreme Court cases.

27 R.A.C. Parke, *The Second World Ward: A Short History* (Oxford University Press, 1989); J.F.C Fuller, *The Second World War, 1939-45: A Strategical and Tactical History* (Grand Central Publishing, 1993)

28 J. D. Hargreaves, "The Making of Boundaries: Focus on West Africa" in Asiwaju, A.I. (ed.) *Partitioned Africans* (University Press, Nigeria, 1984) ch. 2, 21.

29 O Oyewo, *op. cit.* 20. Aside from local administration, there were also Pensions Proclamation 1901 for the North; Pensions Ordinance 1902 for Lagos; but none for the South until the national Pensions Act 1951. There were also separate Protectorates Orders in Council in 1911 and 1912. So were separate Marriage Ordinances in the first decade. These were Cap. 95 of the "1906 edition of the Laws of Southern Nigeria" as well as No. 6 of 1913 of Southern Nigeria. For the North, the first Marriage Ordinance was "Cap. 47 of the 1910 edition of the Laws of Northern Nigeria." They were revealed and footnoted to s. 56 of the original '1915' Marriage Act as repealed Ordinances.

2.2 Change of Gear?

The ambivalence continued until 1939 when Governor Bourdillon who succeeded Donald Cameron as Governor introduced the 'provincial system.'[30] Under it, the Protectorates were abolished and replaced by three provinces with uniform laws and common regime. Some historians hailed that measure as the beginning of a Nigerian Federation.[31] But they are wrong![32]

The Bourdillon measure was a subterfuge—first, to drive a wedge between the North and the South; and second, to actualize Lugard's dream of making the Fulani the perpetual rulers of Nigeria. This is evident in splitting the much smaller South into two provinces, leaving the giant North a colossus bestriding the country like Goliath of the Philistines!

Those who hailed Bourdillon's scheme are perhaps unaware that there cannot be *federation* without a written constitution spelling out the scope and form of the union and the rights and powers of each level of government. There was no constitution in Bourdilion's scheme on which to anchor a federation. A 'federation' is a country governed under a system in which there are two levels of government and power-distribution between a central government and government of the federating states, regions or provinces. The first time Nigeria came close to that was under the Macpherson Constitution 1951.[33]

The Macpherson Constitution was home-grown and autochthonous, initiated by the Nigerian House of Representatives and went through conferences at regional, local government and village levels before the final seal of the people's Parliament in Lagos was put on the instrument.

2. Federalism is adapted Family System

What is Federalism? And why Federation?[34] These are two related questions but they need different answers.

Federalism[35] is just a 'system',[36] a system by which a Federation is governed. History has shown that both *system* and *society* grew out of the Family system of ancient origin.[37] It is on record that

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30 By it, Southern Nigeria, the smaller Protectorate, was balkanized into two provinces while leaving the giant North intact.

31 J. A. Ballard, "Administrative Origins of Nigerian Federalism" (1971) 70 (281) *African Affairs* 333-348; W.O. Alli, "The Development of Federalism in Nigeria: A Historical Perspective" in Aaron Tsado Gana, Samuel G. Egwu (eds) *Federalism in Africa* (Vol. 1 Africa World Press, 2003).

32 The Richard Constitution of 1946 apparently unified the three Provinces under a pseudo federal system in law.

33 It is cruel irony of history that John Macpherson, who became Nigeria's Governor General in 1948 still in harness and under whom the historic Constitution was produced, later became — as will be seen — an aggressive acolyte of Lugard's doctrine of Fulani tribal supremacy, preferred to rule Nigeria perpetually.

34 *Federation* is "the act of uniting for a common purpose, especially in forming a sovereign power with control of foreign affairs, defence etc. while each member state retains control of internal matters" (*Webster's Dictionary*, 344). Accordingly, federating members of a Federation forgo their individual sovereignty. See the characteristics of a federation, *infra.*

35 Federalism is "the doctrine or system of federal government" *American Heritage Dictionary,* 481. As a concept, federalism postulates a system of government in which the same territory is controlled by two levels of government. Dicey says it is "nothing but a political convenience."

36 Federalism is thus a 'System' of government in which powers and functions are shared between a central government and federating states (*Oxford Language Dictionary*).

37 A Emiola, *The Principles of African Customary Law* (3rd Ed. Emiola Publishers, 2011) 97.

the 'Family'[38] developed from the three sons of Noah[39] whose descendants were later recognized and classified as 'tribes'[40] centuries ago. It is commonly heard the ordinary people remind politicians of their obligation to fulfil the terms of the social contract they have had with the citizens.[41]

Before the birth of Society,[42] families were managed, since the time Noah, on the principle of federalism. A family was—and still in many cultures today—developed along polygamous line giving rise to segmentation of the society. At least in Africa, irrespective of tribe or religion, it is the current system of family management.

Every nation of the world is made of families. And it is believed that the family structure and management system were inherited from the 'first Society' which emerged from the Social Contract that gave birth to each prototype society now known as 'state' or 'nation'. The world has the pre-Social Contract history—at least of oral tradition—of how people renounced their individual "freedom of action" and entered into the historic Contract, surrendering their liberty to a "sovereign ruler" in exchange for the protection of their person and property.[43]

It follows that the *society* produced by the Social Contract leveraged on the organization of the families that formed the *society* and adapted it as the form of managing a pluralistic group of people. In every family, the founder (patriarch) is the HEAD, and the children (and descendants of such children) from each wife of the founder constitutes a *branch* or *household*—who succeed him in turns, either by selection or by election after the founder's death.

The Federation (or Nation) is equivalent to the Family, and the Branches (or Households) the 'Federating States'. Within the family each head of a Household is autonomous in the management of his own Household (i.e., his wives and children), just as the federating states take absolute care of their domestic or internal affairs. For instance, when we juxtapose the structure, status and duties of the President of a nation and Governors, as well as the functions of Parliament in the nation with those of the Family Head and heads of Households and the Family Council, it becomes apparent and indisputable that one must be a copy of the other. The only question is: How? The answer is that by simple logic, the political society which developed centuries after the Family, would be the one that copied from the family system. [44]

As shown in the organogram (diagram) sketched hereunder, both *Family* and *Federation* are on the top of their respective institutions with the Family Head and the President in charge. Each of them (Family Head and President) is assisted respectively by the Heads of the Households (in the

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38 *Family* is defined as "a corporate group of unilineal kin with formalized system of authority…that is assumed to be permanent to which rights and duties may be attached as a single unit and which may usually be represented vis-à-vis other groups as a single person". See J.I. Middleton and D Tait, *Tribes Without Rulers: Studies in African Segmentary Systems* (Routhledge, London, 1958).

39 Genesis 9:18-19.

40 *Tribe* is "a social division in a traditional society consisting of families or communities linked by social, economic, religious, or blood ties with common culture and dialect, typically having a recognized leader" *Oxford Language Dictionary*.

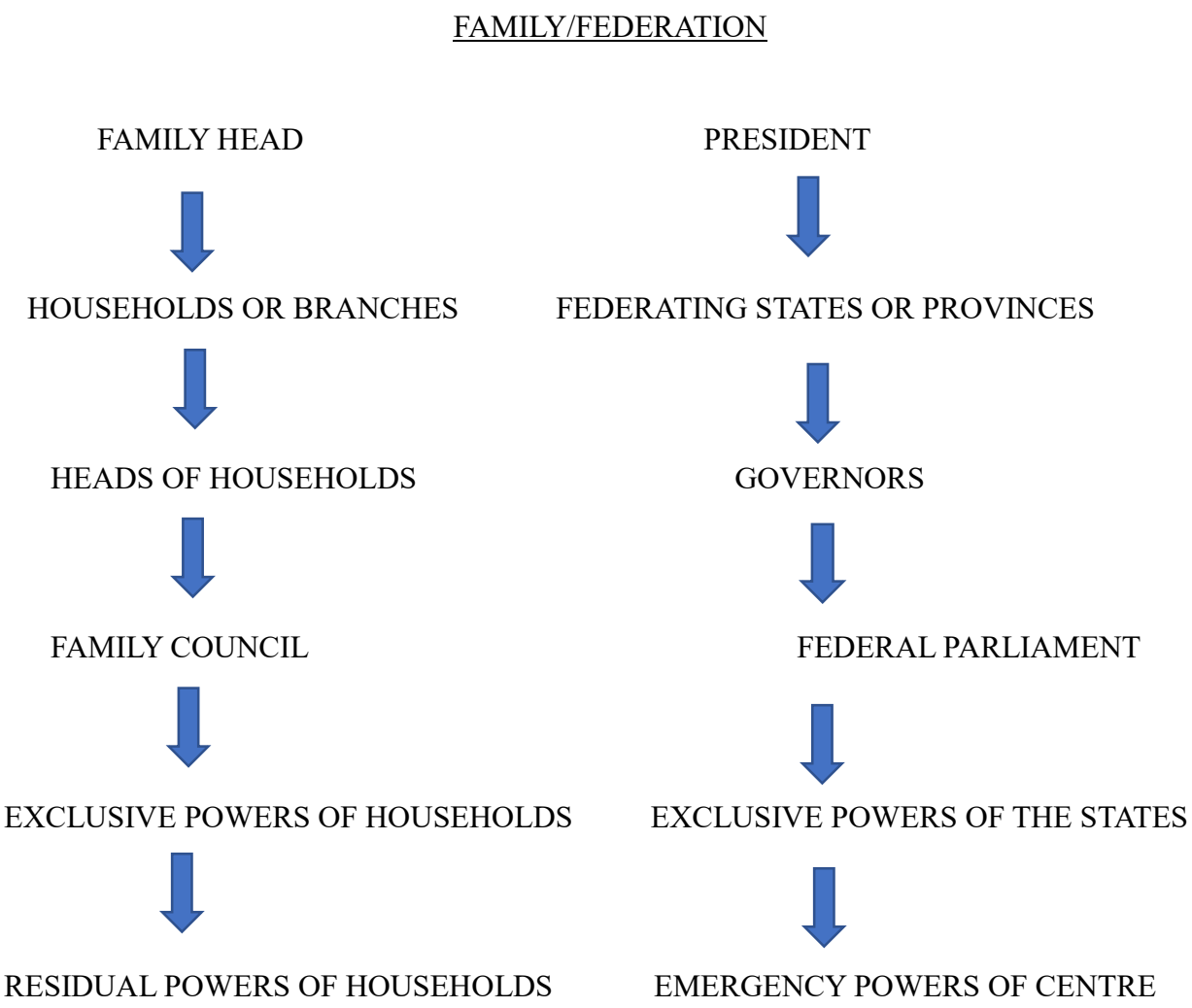
41 See A. Emiola, *Social Contract and the Governance of Nations* (2020, Sotrite Law Publishers Ltd., Warri, Nigeria); Idowu A Akinloye, "State Obligations and Human Dignity" in Brett Scharffs, M. Christian Green and Simeon Ilesanmi (eds) *African Conceptions of Human Dignity* (African SunMedia Publishers, Stellenbosch University, South Africa 2023) 97-113.

42 *Society* (living together in community) is the first product of Social Contract: See A Emiola, *Social Contract and the Governance of Nations* 18-19.

43 Idowu A Akinloye, "State Obligations and Human Dignity" 102-103.

44 The first clear record of the application of federal principle or policy based on tribes (Num. 1:16, 18, 20) and in allocation of territories to the twelve 'tribes' of Israel (Jos. 13:15; 19: 1-15) are found in the Bible.

case of the Family) and the Governors of the federating states/provinces (in the case of a Federation). Both the Family Head and the President also work respectively with the Family Council and the Federal Parliament. In each case, the Family Council as well of Parliament function as the regulatory organs of the Family or Nation.



The Family Council consists of the heads of the various Households or branches, presided over by the Family Head, and the status of all members is equal with equal representation of the households. They also have equal vote.[45]

The Family Council is not only the ultimate organ of the family system, but analogous to the Parliament in a Federation. Each federating state has *exclusive*[46] power and control over its internal affairs in the same way as each Household has powers over its domestic matters.

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45 Emiola, *The Principles of African Customary Law* 103, 110-111.

46 Powers granted to each level of government are *exclusive* to the level. Exclusivity is the core element in a true federation. But the success of a Federation does not depend on the extent of exclusive powers granted. Article 2 of section 8 of the United States Constitution 1789 gives the U.S. Congress only 18—REPEAT 18—exclusive legislative powers, and yet USA is seen as the most stable and powerful economically, materially, and militarily in the world today.

The overall duty of the Centre is to coordinate the affairs of the Federation, exercise the specific powers granted to it by the Constitution, and preserve the corporate existence of the nation.[47] So is the Head of a Family.[48] The main difference between Family and Federation is that while collaborative living in the Family was induced by "blood ties, common culture and dialect," that of the Federation was impelled by the necessity[49] of finding solution to the crisis of diversity of "language, culture, religion, and social [others]." Affinity[50] induced the Family system; necessity led to its adaptation to the political system. Federation was to engender in the social system the cohesion found in the Family and ensure unity in diversity. Federalism is just the system of governing a pluralistic group of people. And it has proved to be an elixir!

3.1 Why a Federation?

This was the second question asked in the last sub-theme but because of its centrality in solving the problems of Nigeria it deserves to be examined in some detail and in utmost sincerity. Federation (Society), as already noted, is "a political entity characterized by a union of partially self-governing provinces, states, or regions under a federal government."[51] Its basic characteristics are (a) a federal structure of government with two or more levels or tiers of government; (b) the different tiers of government govern the same citizens; and (c) Constitution of the country specifying the respective jurisdictions of the different tiers of government. And primarily, Federation is an answer to the problems arising from the plurality of membership of a nation.

Even though every African family—indeed most of the families in the world—is organized on the principle of federalism and Nigeria has had a taste of the benefits of the system, it was the proposal in 1953 to introduce full and conventional federal system of government in the 1954 Constitution that stirred the hornets' nest.

Encouraged by the apparent success of the 1951 Constitution, the British colonial power decided to introduce full federal system through the 1954 Constitution. They ran into a stone wall. The northern oligarchy rejected it outright.[52] They saw it as a ploy to deprive them of their age-long ancestral patrimony of the privilege and rulership over their illiterate citizens. And that was the genesis of the fear[53] of the northern elite that led to the walkout from the House of Representatives in 1953 in the guise of protesting against the opposition party's motion for early independence for Nigeria. Did the North's reaction put Britain off its stroke? Perhaps 'No'! There had been earlier pact by Britain to make the Fulani rulers of Nigeria.[54] How could that be kept in a federal federated

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47 This is the essence of the emergency powers of the Nigerian President under section 5(1)(b) of the Nigerian Constitution 1999.

48 Emiola, *The Principles of African Customary Law*, 111.

49 *Necessity* is said to be a compelling need; "a state of things or circumstances enforcing certain course of action" See *Oxford English Language Dictionary*.

50 Emiola, *Social Contract and the Governance of Nations,* pp. 14-15.

51 *Oxford English Language Dictionary*: "an agreement between states to unite, foregoing some sovereignty but remaining independent in internal affairs" (*Webster's Dictionary*, 344).

52 M. Lynn, "The Nigerian Self-government Crisis of 1953 and the Colonial Office" (2006) 34 (2) *The Journal of Imperial and Commonwealth History* 245–261; Bayo Ogunmupe, "The Chequered History of Secession in Nigeria" *The Guardian* 21 July 2021 <https://guardian.ng/opinion/the-chequered-history-of-secession-in-nigeria/#:~:text=Since%201950%20or%20thereabout%2C%20Nigerian,they%20will%20secede%20from%20Nigeria> accessed 1 March 2026.

53 Fear is defined and discussed at 13-14, *infra.*

54 Lugard is said to have noted in his 1902 *Annual Report on Northern Nigeria* to the British Parliament, the 'misrule' of the Fulani over the people they had conquered, and admitted that "they [the Fulani] are unfit at present to exercise power" but nonetheless believed that, under supervision, Britain could "mould them

Nigeria? So, Britain offered Nigeria an unworkable federal system. The splitting of the smaller South into two Provinces, while keeping the giant North intact was, in fact, a demonstration of 'gerrymandering', a device used in British politics to restrict the electoral power of the rival party by manipulating the electoral districts or boundaries. The colonial power was just working to the script!

A high-ranking official of the British administration in Nigeria who took part—presumably, as secretary to the Lord Morthyrs' Commission—which allocated seats in Nigeria's Parliament, Mr. G. Smith, in his Note 419C0555/1602 of 1 August 1958, is quoted to have gloated:[55]

> "… it is … clear that the North, if it can stay united, has every prospect of *dominating the Federal Government*[56] for many years to come…"

This is why the North has always resisted the idea of true federalism in Nigeria because it would require the splitting of the monolithic North into at least two states or regions. For, the way to "stay united" is to oppose the split up of the North. With the great diversity of the peoples of Nigeria in terms of tribes, culture, language, orientation and religion, federation is the only option for survival as a united country. In a true Federation, each tribe or associated ethnic group will be exclusive, self-governing, managing its internal affairs and developing at its own pace.[57] The central or federal government can be left alone to take care exclusively of foreign affairs, defence, currency and internal security. No other system can solve the problems of Nigeria.

3.2 The 1954 Constitution

The 1954 Constitution which was to have hoisted a Federation but failed to do so was an opportunity lost. It is gathered from records that the Constitution was, in truth, made.[58] But it was deliberately hidden from Nigerians' participation. The legislative power of a nation is vested in Parliament, although the Constitution does, in some cases, grant direct legislative power to an organ of the state.[59] Subsidiary legislation, therefore, is the first layer of delegation of power,

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to ideas of justice and mercy," also believing that Britain could "utilize Fulani rulers" and "be developed as a useful asset in our [Britain's] administration:" Ajayi, Olaniwun, *Nigeria: Africa's Failed Asset* (serialized in *Nigeria Tribune,* 3 November 2014); "Nigeria: Political Power Imbalance" *The Nation* 19 May 2015 <https://thenationonlineng.net/nigeria-political-power-imbalance-6/?utm_source=chatgpt.com > accessed 1 March 2026.

55 Ajayi, *op. cit.*, *Nigeria Tribune* 3 November 2014.

56 And so it has since been. The electoral commission, under the chairmanship of Lord Morthyrs, allocated 174 out of 320 seats in the House of Representatives to the Northern Region, facilitating the perpetual domination of the legislative House and, by extension, all aspects of the Federal Government of Nigeria. Under Part 1 of the schedule to the Establishment of Electoral Districts Proclamation Order in Council (1958 LN 115 of 1958 dated 14 July 1958) the allocation of electoral districts by the commission was published by Governor General Sir Ralph Grey. The 1960 Constitution made no provision for a bi-cameral legislature, but section 42 of the 1963 Constitution (following the same policy) provided for 12 Senators for each Region and 4 Senators to be selected by the President for the Federal Capital Territory. The 1979 Constitution gave each state five Senators (ss. 44, 45) and 450 Representatives shared proportionally as skewed in favour of the North.

57 See Federation as defined at pp. 6-8. *supra.*

58 See Nigeria (Constitution) Order in Council 1958 (operative from 1 April 1958) disclosed piecemeal mode of implementation of each section of the 1954-1958 Constitution: Nigeria Constitution Order in Council 1958 (No. 429) since 1954, but came fully into force in 1 April 1958 (pp. 137-194) and the *mode* of implementation in Laws of the Federation of Nigeria. Vol. XI of 1958 (Part III, Subsidiary Legislation), pp. viii, ix).

59 Nigerian Constitution 1999, s. 4. Note the power of the President to make regulation by virtue of section 32(1) of the Nigerian Constitution with regard to Nigerian citizenship.

derived either directly from the Constitution or from an Act of Parliament.[60] Sub-delegation of power on the other hand, is the second layer derived from the person or body of persons or institution to whom/which the first layer of power was originally given by an Act or the Constitution. The power claimed by the Governor-General under the Nigeria (Electoral Provisions) Order in Council 1958 published as LN 115 of July 1958 which divided the country into electoral districts and allocated seats in the House of Representatives to each region was an exercise of legislative power[61] and so is subject to various rules of the common law, however, wide the discretion given might be. The courts have said repeatedly that where the Constitution or a "statute confers *specific* or *special* powers on any person or authority," it is the person or authority that must exercise the power.[62]

In the case of discretion, Lord Halsbury declared that it must be exercised "according to the rules of reason and justice."[63] Evans says that "even if discretion is conferred without reference to purpose, it must still be exercised in good faith and in accordance with such implied purposes as the courts attribute to the intention of the legislature."[64] And the Canadian Supreme Court held in *Roncarrelli v Duplesis*[65] that "discretion necessarily implies good faith in discharging public duty; … and any clear departure from its line or objects is just as objectionable as fraud or corruption."[66] Strange legal aberration occurred under the unpublished 1954-1958 Constitution. The Governor announced with glee that, "acting in [his own] discretion" he had power to "define and from time to time vary the boundaries of any region"—subject to and "with the approval of the Secretary of State." It does not require a clairvoyant to see from Legal Notice 126 of 1954 that the power to make regulations under the Order in Council was granted to the Secretary of State, not to the Governor-General, because it was the Secretary of State who had the power of *final approval*.[67] 'Discretion' means "power to act in an official capacity in a manner which appears to be *just* and *proper* under the circumstances; what is just, what is judicious, and what is judicial."[68]

First, no discretion is ever subject to approval of another authority.[69] Second, the Secretary of State had no right to delegate such power because it is settled law that a donee of power (as the Secretary of State in this case) "must genuinely address himself to the matter [i.e. subject of his discretion,

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60 The power of the President to assent to or withhold his assent to a bill passed by the National Assembly is the President's involvement in legislative process granted directly by the Constitution.

61 Legal Notice is announcement not of a legislative character made in the Government Gazette. Interpretation Act 1939 Cap 89 of the Federation Nigeria, s. 3. The section specifically provided: "Government notice" "means any announcement not of a legislative character made in the Gazette." And by section 2, the Act is made applicable to all "Ordinances, orders, rules of court, appointments, notices and directions made, issued or given in Nigeria consequent upon authority vested in any person or body by Act of Parliament or Order of the Queen in Council. This is law to which British administrators in Nigeria were subject up till 1964.

62 *Emuze v. Vice-Chancellor, University of Benin* (2003) 10 NWLR (Pt. 828) 387; (2003) 30 WRN 90, 106-107.

63 *Sharp v. Wakefield* (1891) AC 173; *Ohanaka v. Achugwo* (1998) 9 NWLR (Pt. 564) 37.

64 Evans, *op. cit.,* 326.

65 (1959) 16 DLR (2d) 689, 705.

66 The Romans put it this way: *discretio legalis decernere per legem quid sit justrum* (legal discretion is to do what is just, what is judicious and what is judicial).

67 This is implicit in the statement of the Governor-General himself as declared in LN 126 of 1954.

68 Black, *op. cit.*, 419.

69 It is the general law that in a situation where the decision of a subordinate legislator can acquire a binding force upon confirmation or promulgation by another body or otherwise controls the decision of that body, "it is required to act judicially" (Evans, *op cit.,* 235-6; (*Calvin v. Carr* (198) AC 755).

and] must not act under the dictation of another body or disable himself from exercising a discretion in each individual cases."[70] And according to Edozien JSC:[71]

> It has always been the law, and consistent with commonsense and the intention of the [legislator] that where statute confers specific or special powers on any person or authority for the performance of certain acts, it is only that person or authority and no other that is contemplated in the performance of the duties under the law.

The law is applicable to all corporate bodies, public or private. As noted, the Colonial Secretary did not exercise his power concerning the division of Nigeria into electoral districts apparently vested in him by the Nigeria (Electoral Provisions) Order in Council 1958.[72] He abdicated it to the Governor-General. But that was sub-delegation which required express authorization by an instrument. He was not given such authorization by the Colonial Secretary.

> [W]here there is sub-delegation, … each instrument must be *intra vires* of every instrument above it in the hierarchy. Thus, the direction must be properly authorized by the Order, but the Order cannot be valid unless expressly authorized by the Act.[73]

And as far back as 1950, the Nigerian Court decided that "rules, being sub-delegation, can never amend an [Act] or import into it something that is not there or take from it something that is there."[74] Twelve years thereafter, the Supreme Court affirmed the earlier decision:

> A subordinate legislator [sub-delegate] must confine [itself/himself] within the ambit of the authority conferred on [it/him] by the legislature; but if the legislature itself over-steps the bounds of its own authority, or it did not fulfil certain conditions which were indispensable to give effect to its own legislation, then, in so far as its own legislation was ineffective, the subsidiary legislation would be equally ineffective.[75]

Accordingly, the Governor-General's decision on the electoral districts was without any legal substratum and was null and void. Moreover, Legal Notice is not law,[76] but a mere announcement. Why was Britain playing trick with the Nigerians? As a result of the British ambivalence to the Nigerians, the issue of guaranteeing the security of the minority ethnic groups was dismissed peremptorily by the Willink Commission with the wave of the hand.

3.3 Case of the Minorities

As far back as April 1916, Britain had received a Colonial Annual Report,[77] detailing the atrocity and repressive acts of ethnic-cleansing and depopulation of the indigenous areas ruled "by Fulani and Bornu States … prior to the assumption of the government by the British Crown in 1900."[78]

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70 Evans, *op. cit.,* 285.

71 *Emuze v. Vice-Chancellor, University of Benin* (2003) 10 NWLR (Pt. 828) 387; (2003) 30 WRN 90, 106-107.

72 LN 115 of 14 July 1958.

73 Keir and Lawson, *Cases in Constitutional Law* (5th Ed. Oxford University Press 1968) 36.

74 *Attorney-General v. Eronini* (1950) 19 NLR 115, 116. In *Governor of Oyo State v. Oba Folayan (Akesin of Ora)* (1995) 8 NWLR (Pt. 413) 294, the Nigerian Supreme Court held: "A subsidiary legislation derives its validity from a substantive law and does not have capacity to extend such authority," *per* Onu, JSC at 327.

75 *FRA Williams v. Dr. Majekodunmi* [3] (1962) All NLR 413, 422.

76 See p. 11, fn. 53, *supra*.

77 Annual Report No. 878, presumably an update report following the 1914 'amalgamation', quoted by O Oyewo, *op. cit.* 21.

78 Oyewo, *ibid*.

The ruthless and callous disposition of the Fulani then was affirmed by Federick Lugard in his 1902 report to the British Parliament that Fulani were "unfit [then] to exercise power" but believed that Britain could "mould them to [the] idea of justice and mercy."[79] But for the sake of humanity the request of the minority tribes given their fear, deserved a more sympathetic consideration than they received. Even their suggestion for a plebiscite was *poopooed* surreptitiously. Instead of a plebiscite, the colonial power in England and its administration in Nigeria preferred a Commission[80] to ascertain the people's wish.

Sir Henry Willink, a Conservative Queen's Counsel and an establishment man, was appointed chairman. The membership of the commission was selected by officers of the Colonial Office. The activities and report of the commission are part of the annals of the history of colonial Britain. It is enough to say that later events put the conscience and the ideals of justice and humanity of those then in government on the scale. The triumvirate of the British Government, its colonial government officials in Nigeria, and the northern oligarchy, were conscious of their plan and focused on it. The Colonial Office sent emissaries to Nigeria in June 1953 to consult with the British administration in Nigeria and with northern leaders.[81] By a strange coincidence, Willink and his men were at the same time also in Nigeria. Willink held talks with the Nigerian officials and northern leaders but, curiously, did not hold any direct talks with leaders of the agitating minority groups whose wishes the commission was meant to ascertain, in breach of the rules of natural justice.[82]

Meanwhile, Willink had had in his possession the '*brief*' of the Colonial Office which supported the northern case. So, it was possible for the triumvirate to meet in Nigeria to exchange and collate their reports and harmonize their views. Later, Colonial Office Assistant Under-Secretary Eastwood is reported to have enthused in a letter to Willink:[83]

> We are flattered that [the] commission has accepted so comprehensively the proposals in our draft brief. I hope we shall not be accused of collusion with you when shortly after your report is released…

Of course, the Willink Commission report[84] was roundly criticized and rejected by enlightened public opinion,[85] as a highly compromised product of collusion between the commission and the

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79 As at that time, Lugard's optimism was a mere pipe dream, because subsequent events have proved him wrong—even till today.

80 See, Colonial Office - Nigeria – 'Report of the commission appointed to enquire into the fears of minorities and the means of allaying them.' Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty July 1958 (London, Her Majesty's Stationery Office); Idowu A. Akinloye, "Covid-19, Curtailment of Religious Liberty and Religion-State Relations in West Africa: Nigeria and Ghana in Focus" in M. Christian Green, F. Kabata and F Sibanda (eds) *Law, Religion, Health and Healing in Africa* (African SunMedia Publishers, 2022) 53 at 56.

81 Ajayi, *op. cit.*

82 Academic and judicial opinions agree that "where an investigation does or can culminate in a determination or order which has a binding force upon confirmation or promulgation by another body or which otherwise controls the decision of that other body, it may be required to act judicially": Evans, *op. cit.,* 235-6; *Calvin v. Carr* (1979) 2 WLR 375; (1980) AC 755. In the Nigerian case of *Adigun & Ors v. AG of Oyo State & Ors* (1987) 1 NWLR (Pt. 53) 678, 708 SC, it was held that "it is implicit in the very act of denial [of fair hearing] because the denial is an injury to the right of fair hearing."

83 See Ajayi, *op. cit., Nigerian Tribune* 20 November 2014.

84 CMND 505 of 18 August 1958.

85 Michael Vickers lamented that on the eve of independence, Nigeria became "not a nation triumphant but rather a nation betrayed." Vickers and David Anderson, both of Oxford University, noted Britain's penchant to rig election on the eve of its departure from a colony. Anderson added: "I would be surprised if they had not done so." And it did.

government. But Nigeria's Governor-General James Robertson doffed his hat to Willink and his team:

> [T]heir Report would be of great value at the forthcoming conference in London [1958]…

It truly was. In a language noted for its bluntness but smacked of arrogance, veiled and subtle blackmail, Colonial Secretary Oliver Lyttleton told Nigerian delegates to the London Conference:

> The conference seemed to have two choices: On the one hand to abandon the quest for independence in 1960 and instead to put the question of new states to the test at the next election or series of plebiscites next year followed by a fresh conference thereafter to consider whether new states should be created and, if so, what provision for them was needed; on the other hand, to accept that there was to be early independence and no new states could be created now or as a result of next year's election so that the *present structure*[86] of the Federation would continue in existence, at least, until after the strains of independence had been taken…

And that is why we Nigeria is where it is today. A gift of Trojan horse from Britain!

3.4 The Bogey of Fear

A Constitution is about the ordering of the system of government. It can be changed as occasions demand. But the main problem which the 1954-1958 Constitution has created for both the beneficiaries and the victims of the present structures is *fear*[87]—fear of *domination*, the fear of *exploitation*,[88] and the fear of *Subjugation*. And the facts and realities of this are in recorded history. Some of the fears are real; others are imaginary. But they were—and still are—there!

Fear is a universal phenomenon common to human and animals. It is like a scarecrow which scares people about the uncertainty of the future. Human beings have no choice but to live with it. The *fear* of the North is deep-rooted; so is that of the minorities and others. The change of the system scares the day-light out of the elite of the North. But for how long will it continue? First, Fear of domination can be traced back to 1953 and was first expressed in an advertorial in a Nigerian newspaper by a vocal member of the northern oligarchy, Tanko Yakassai.[89] He explained that the North objected to the opposition party's motion in Parliament for early independence because of the *fear* of *domination* of the civil service by the South, especially the Yoruba, and because the entire North at that time had only a graduate.

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86 The "present structure" is the un-conventional 'Federation' imposed by 1954-1958 Constitution (unpublished) in which the North (a federating region) is larger in landmass, population with a permanently built-in majority representation in Parliament than the East and West put together, and became the prototype for the Nigeria Independence Act 1960 and the subsequent Constitutions.

87 Fear! dictionaries define 'fear' as 'feeling' or 'emotion' or 'anxiety', with one of them adding that "all these nouns refer to emotional reaction caused by the presence or imminence of danger, evil, harm or great misfortune" (*American Heritage Dictionary*, 480).

88 In its edition of Monday, 29 November 2021, the *Nigerian Tribune* came out with the startling statistics of the generation and sharing of the Value Added Tax (VAT)—i.e., tax added to the price of goods and services — (also called sales tax) showing what each state generated in January-August 2021 and what each received as "statutory allocation." It shows that Lagos, Rivers and Oyo States had subsidized the other 33 states during the period. The statistics revealed the mind-boggling percentage (%) allocation of 5,972% as against ₦598 million generated by Zamfara, and not less than 660% allocated to any northern state, of its generated VAT.

89 S.A. Tanko Yakassai's advertorial in *Nigerian Tribune*, Thursday, 31 December 2020, 14.

Second, the South were particularly irked by the fact that as early as 1912 before the 'amalgamation', the British Administration in the North was kept afloat with an annual grant-in-aid of £100,000 (One hundred thousand pound) sterling between 1912-1918,' [90] which Britain later unburdened on the rich and buoyant West. The situation has not materially changed, having regard to the statistics on generation and sharing of VAT and other facts.[91]

The South is asking for the restructuring of the 'Federation' foisted on the country by the iniquitous 1954-1958 Constitution which forms the basis of the Federation, and that the spoilt-child sense of dependence on the South by the North should stop; the feeding-bottle culture should be expunged from the Nigerian Constitution and laws of the country and replaced by an equitable distribution of wealth of the nation. The present system is nothing other than the *exploitation* of the South by the North with little hope of redemption. Third, the demand of the minority groups is legitimate, even now. Looking back on their recorded history,[92] especially the minorities in the North, they are just asking for the creation of separate regions or states for *fear* of the repeat of their previous suppression, repression and ethnic-cleansing in a federal Nigeria after the departure of the British colonial power. Dealing with the menace of *fear* will not be easy. It will need a great deal of courage, patriotism and realism.[93]

Now, about the *system*; if there was no *fear*, there would not have been any problem about the *system* of governance in the country. Fear is the scarecrow to the system. But from Nigeria's short experience in working the 1951, 1960 and 1963 Constitutions, the federal system of governance best preserves the distinctive peculiarities of all ethnic nationalities or tribes in the pluralistic nation and, by that, their traditional rights and privileges, including their languages, cultural identity and distinctiveness. Nigeria can benefit immensely from the American federalism.[94]

If any ethnic group within a federating state chooses to preserve their ancient lifestyle, they are free to do so. What the federal system of governance prevents is the overbearing and extensive power concentrated in one single body and the control of the life, rights and liberty of all citizens in a Federation vested in one government. The great benefit of federalism is that it limits the powers of each level of government. Powers are distributed between a central government and [sectional] federating states or regions—the states looking exclusively after the personal life (family, education, health, and general welfare) of the local people. Federalism is the elixir for the ills of a plural community.

4. Conclusion

Unarguably, Nigeria attained independence on 1 October 1960 with two devastating issues central to peace, stability and co-existence of its about 300 tribes making up the nation. The issues are *fear* and the *system* of governance. The honest question that all Nigerians should ask themselves and frankly and sincerely answer is: *Do we want to live together as ONE nation*? If our answer is 'Yes' (as I expect it to be), then, Nigeria must go back to her pre-colonial history and retrace her steps. The country should not for ever cry on spilled milk, blaming the British for all her misfortunes.

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90 Oyewo, *op. cit.,* describes the parlous state of the North as laborious in raising revenue by direct taxation of its population.

91 See statistics on the generation and "statutory allocation" of VAT proceed in fn. 75 above.

92 See 14, *supra.*

93 A dictionary gives an illustration of the "fear of the dark, spider, flying". See *Oxford Advanced Learner's Dictionary,* 565). How long will man or people run away from *darkness*, spider or flying in aeroplane?!

94 A comparative study of the American and Nigerian federal systems is contained in Emiola, *Social Contract and the Governance of Nations:* "Federalism: Anchor of Unity" (44-46) and "Electoral Process" (40-44) —taken in that order.

More than half a millennium ago and before the British came to the Southwest sub-region of Africa, some of the independent African nations within 'Nigeria' had had cross-border dealings with one another, including even inter-state marriages. How then and why has the country gotten to this situation of anomie? It is noted in this article that in its territorial ambition—described by Oyewo[95] as desire for "sphere of influence" to exclude other European powers—the British did employ devious legal means to foment acrimony and cause division and disaffection among African territories now Nigeria. The role of Fredrick Lugard has been duly noted in this regard. Part of the solution, however, is persuading the Fulani to forget the idea of being a superior race born to rule Nigeria forever. That would be a helpful starting point, because it is why every suggestion of restructuring Nigeria has always been resisted by the ruling elite of the North. It would be wisdom for them to know that no race in Nigeria—or anywhere in the world—is superior to the others. (It is wisdom that the Americans prefaced their declaration of independence from Britain also with the declaration that "all men are born equal"—and fought a civil war to defend that statement).

Federalism has been examined *in extenso*, including its origin from the family system which all Africans, and indeed most nations of the world, are still practising. Even the notion of a monolithic North has become a mere dream. Already, the 'North' has been split into three autonomous zones and 19 states, with the Middle Belt no longer in hands and gloves with the rest of the core North. Even if ear is banished and true federalism embraced, Nigeria as the most populous black nation and the hope of black peoples throughout the world, need attitudinal change—a sort of "moral rearmament". Nigeria must revive the interpersonal relation and amity among the erstwhile nations within Nigeria before the British came to act as the bull in a china shop. Regional organizations such as Economic Communities of West African States should be replicated and strengthened. In the Nigerian context, however, focus needs be shifted to, at least, three main aspects of our social life: *confidence building* (such as projected by the National Youth Service Corps programme initiated by General Gowon); encouragement of more frequent and intimate inter-personal and social relationship among Nigerians. There is no doubt that inter-marriage across ethnic/tribal frontiers has gone a long way in bridging gaps and building confidence among people. Joint ventures and business partnerships, if pursued, would certainly be additional feathers to the national cap.

Religion is Nigeria's sore thumb. Why? All religions leaders—Christians and Muslims—have a divine duty to deescalate religious bigotry and radicalism. It is an ill-wind. Leaders should be honest enough to teach and emphasize what religion really is: that religion is a *personal* relationship between the *individual* believer and God. It is a *covenant binding each person* as a human being to his Creator. That is why every religion, including traditional religions—should accept the inevitability and certainty that every individual as a person—and not as a group of believers—will stand before God and answer for all that he did on earth on the day of judgment.

Nigeria needs a society that is fair and just, and guarantees to its citizen's freedom from fear. Every Nigerian must consider himself/herself as an agent of positive change. In the words of wisdom of Adam Holz, a Canadian teacher and evangelist: "Look forward in *Faith* instead of backward in *Fear*". Applying Holz's theory of "Faith not Fear", it is believed that Nigeria can collectively be made a nation in which no one is oppressed but enabled to achieve his full potential for the common good of the nation. So help Nigeria, oh God!

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95 Oyewo, *op.cit*, 20.