

Is Nigeria's dark colonial past relevant in understanding the divided nation of today?

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Present-day Nigeria is home to the most populated country of black origin in the world¹ with 160 million belonging to either Christianity or Islam². Nigeria is also a nation that boasts ethnic diversity with over 250 different ethnic groups bearing their own language and ancestral religions, and it is also the sixth highest exporter of oil in the world³. Whilst there is much to celebrate, one cannot ignore Nigeria's dark past. A country founded by the British Colony in 1914 through amalgamation, it is no surprise that shortly after Nigeria was subject to a bloody civil war, corruption, terrorism and a rife North-South divide of Northern Muslims and Southern Christians. In modern times, it is often the trend for imperialist western countries to point the finger at 'developing' countries, highlighting their backwardness and outdated ways⁴ without truly understanding the reasons behind cultural differences and the underlying causes of socio-political injustices. This article attempts to deconstruct the many misconceptions that stem from a lack of historical hindsight and retrospect through the lens of a post-colonial critique.

Things Fall Apart – 1914 Amalgamation

“Since the amalgamation of the Southern and Northern provinces in 1914, Nigeria has existed as one country only on paper. It is still far from being united”⁵

The birth of Nigeria's problems ironically began with the birth of the nation. In 1914, Southern and Northern African provinces were merged by the British to form Nigeria. Prior to this unification, both provinces had been distinctively different in terms of cultural practices, ethnicity and tradition and as a result, the process of unification was somewhat undermined. Several academics maintain that such a unification should never have occurred⁶. Davis and Kalu-Nwiyu who state “nation building is no simple process”⁷

¹ Ogunbado, Ahmad Faosiy 'Impact of Colonialism on Religions: An experience of South-western Nigeria' Journal of Humanities and Social Science Vol 5 Issue 6 (2012) p1

² Sampson, Isaac Terwase 'Religion and the Nigerian State: Situating the de facto and de jure Frontiers of State-Religion Relations and its Implications for National Security' Oxford Journal of Law and Religion Vol 3 No. 2 (2014) p311

³ Workman, D. (2017). *Crude Oil Exports by Country*. [online] World's Top Exports. Available at: <http://www.worldstopexports.com/worlds-top-oil-exports-country/> [Accessed 10 Apr. 2017].

⁴ BBC News. (2017). *David Cameron calls Nigeria and Afghanistan 'fantastically corrupt'* - BBC News. [online] Available at: <http://www.bbc.co.uk/news/uk-politics-36260193> [Accessed 10 Apr. 2017].

⁵ Bello, My Life, 160

⁶ Tamuno, Tekena 'Separatists Agitations in Nigeria since 1914' The Journal of Modern African Studies Vol 8 (1970) p569

⁷ Thomas J. Davis and Azubike Kalu-Nwiyu, 'Education, Ethnicity and National Integration in the History of Nigeria: Continuing Problems of Africa's Colonial Legacy' The Journal of Negro History Vol 86, No.1 (2001) p1



highlights the imperialist assertion of the British in grouping such diverse communities of people together. The implication here is that Britain's practice of indirect rule in colonial Nigeria "perpetuated separate ethnic and local identities"⁸ amongst the people. The colonial experience meant that Nigeria was not a nation consisting of a defined community when it finally gained independence in 1960⁹ – Nigeria was merely a territory that accommodated ethnicities with their own separate heritage, language and culture. It came as no surprise that ethnic groups such as the dominant Yoruba and Igbo from the Christian South, and Hausa-Fulani from the Muslim North would clash¹⁰. Since amalgamation, Nigeria was destined to be a divided nation as even today ethnicity is equated with one's loyalty to custom and tradition and this affiliation to ethnicity has divided the nation.

Legal Transplants – A deceiving metaphor

*"The magnitude of the transformation has led to changes which not only affect the traditional institutions of customary law but also seriously question the basis of customs and the values underlying the traditional way of life"*¹¹

Under the British colony, Nigeria adopted a hybrid legal system where English, Islamic and customary law applied and this was ingrained into the constitution under Section 45 (1) of the Interpretation Act¹². However, the English system was dominant, as Islamic law was perceived as archaic and not apt enough to run a nation. Under British rule, several laws derived from African custom were deemed repugnant, perceived as lacking equity and justice.¹³ Lawan, commenting on the legal administration stipulates that English law was introduced with the view that it would raise the colony "to a higher plane of civilisation"¹⁴. The idea that Western governance is the anecdote to almost 'taming' a 'developing' country raises several questions about the belittling attitude of the west¹⁵ - In Britain's attempt to introduce 'civilisation' to the nation of Nigeria, they indirectly devalued the status of the country¹⁶.

⁸ Ibid, p2

⁹ The Nigerian Independence Act 1960

¹⁰ Heerten, Lasse 'The Biafran War in Britain: An Odd Alliance of late 1960s Humanitarian Activists' Journal of the Oxford University History Society (2009) p1

¹¹ Asiedu-Akrofi, Derek 'Judicial Recognition and Adoption of Customary Law in Nigeria' The American Journal of Comparative Law Vol 37 (1989) pp 5571-593, p593

¹² The Interpretation Act

¹³ Asiedu-Akrofi, Derek 'Judicial Recognition and Adoption of Customary Law in Nigeria' The American Journal of Comparative Law Vol 37 (1989) pp 5571-593, p581

¹⁴ Lawan, Mamman 'Islamic Law and legal hybridity in Nigeria' Journal of African Law (2014) pg 2

¹⁵ William Easterly, 'Can the west save Africa?' (National Bureau of Economic Research 2008)

¹⁶ Joireman F, Sandra 'Inherited legal systems and effective rule of law: Africa and the colonial legacy' Journal of Modern African Studies vol 39 p 571-596, p578 (2001)

Asiedu-Akrofi speculating on the impact of an English legal system in Nigeria observes that English lawyers' attitudes towards African law and custom was not one of "adaption but contempt for a worthless thing"¹⁷. Additionally, he continues by adding that many felt that African law should be "abandoned and replaced by European Law"¹⁸. A clear hierarchal structure of submission was established to the extent that even the civilians of Nigeria genuinely believed that Western ideals are the standard, and anything else is somewhat primitive. This form of 'Post-colonial mentality' trickled down to the psyche of many Nigerians, particularly in the South¹⁹.

In Southern Nigeria where the English legal system dominated, many southerners welcomed the legal system because with it came education, opportunity and jobs²⁰. However, what you often find with legal transplants is that it fails to acknowledge the social context of an environment²¹ and particularly with Nigeria being so culturally and ethnically diverse, many problems soon ensued. This is why Perju contends that it is paramount that "the relationship between laws and its outside environment or culture is central to the transplants debate"²² – expanding on Perju's comments it was not long before Northern Muslims would resist a legal system that contradicted their own system and way of life. Many felt excluded and a culture of 'us' against 'them' ignited²³.

A Culture of Corruption?

In May 2016, David Cameron former Prime Minister of the UK attended an anti-corruption summit alongside The Queen, where he described Nigeria as "fantastically corrupt"²⁴. Cameron's comments remain highly problematic and succinctly reflects imperialist western attitudes towards 'developing' countries where the West are the saviours and 'developing' nations the victims that need saving²⁵. Whilst there is no disputing that corruption remains rife in Nigeria with some portion of accountability resting on its government, an historical perspective suggests that the prevalence of corruption in Nigeria was inevitable, considering its colonial context.

¹⁷ Asiedu-Akrofi, Derek '*Judicial Recognition and Adoption of Customary Law in Nigeria*' *The American Journal of Comparative Law* Vol 37 (1989) pp 5571-593, p587

¹⁸ *ibid*

¹⁹ Nnam, M '*Colonial mentality in Africa*'. (1st ed. Lanham, Md.: Hamilton Books) (2007)

²⁰ Fn2, p8

²¹ Kevin E. Davis and Michael J. Trebilcock '*The Relationship between Law and Development: Optimists versus Skeptics*' *The American Journal of Comparative Law*

²² Perju, Vlad '*Constitutional Transplants, Borrowing and Migrations*' *Boston College Law School* Vol 1, (2012)

²³ Edward W. Said, *Orientalism* (25th edn, Knopf Doubleday Publishing Group 1988)

²⁴ Fn4

²⁵ Daniel Jordan Smith, 'Corruption, NGOs, and development in Nigeria' [2010] *Third World Quarterly* <http://dx.doi.org/10.1080/01436591003711975>

Colonial Period

'To be white was to be rich and to be black was to be poor'

It is important to infer that like most 'developing' nations Nigeria is the product of colonial domination. Consequently, it is common to find theorists placing the root of political corruption on the "debauchery of colonial rule"²⁶. British colonial rule in Nigeria amounted to the unrestricted, autocratic and authoritarian rule of British colonial officials who sought to monopolise trading firms in Nigeria. A system was put in place whereby the only roles available to most Nigerians in the colonial economy were "menial ones"²⁷ such as peasant farmers. Osoba contends that both the colonial authorities and the Nigerian Elite "presided over a fraudulent and corrupt accumulation system"²⁸ which exploited Nigerian farmers through an unequal form of trade.

Despite the newly found collaboration of the Nigerian bourgeoisie elite and British colonists, from the Richards Constitution of 1946 to the Independence Constitution of 1960, the British remained superior to their Nigerian Bourgeoisies counterparts who were nonetheless considered to be, "no more than a junior or subordinate partner in this power-sharing arrangement".²⁹ Finally, when British colonists left Nigeria they handed down authority to the Nigerian elite. Osoba concludes stating that since the Nigerian elite could now "attempt to solve their central problem of dearth capital"³⁰ they began broadening their "accumulative base through exploiting...the public wealth of the state which was previously unavailable to them"³¹. The baton was passed down and fraudulent behaviour seeped into Nigeria and its citizen's. The limited amount of control the Nigerian elites had and the capital famine prior to Independence is believed to have "profoundly affected their attitude to the use of state power and the state treasury when they acceded supreme power before and at independence"³². When a nation has been deprived for so long from economic, socio-political influence when they finally obtain it there is bound to be disarray and an 'every man for themselves' mentality – this unfolded in Nigeria.

The colonial era was a period of wanton exploitation of Nigeria by the British Empire. Nigerian elites replicated the exploitative measures taken by the British and this manifested

²⁶ Ibid

²⁷ Fn 20, p

²⁸ Fn 36

²⁹ Fn 21, p4

³⁰ ibid

³¹ Ibid, p6

³² Ibid

on a devastatingly large scale. In modern times the country has become 'famous' for its '419' scam emails³³, a series of political money laundering scandals³⁴, and a corrupt government. Although these statements may not be far from the truth many will be unaware of Nigeria's history and its journey since amalgamation. When David Cameron makes generalised statements about a country once ruled by his own, it not only perpetuates a one-story narrative³⁵ of Nigeria and Africa as a continent, it also hinders any real perspective on such sensitive issues.

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³⁴ Tran, M. (2017). *Former Nigeria state governor James Ibori receives 13-year sentence*. [Online] the Guardian. Available at: <https://www.theguardian.com/global-development/2012/apr/17/nigeria-governor-james-ibori-sentenced> [Accessed 13 Apr. 2017].

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