CONSTITUTIONAL DEVELOPMENT IN NIGERIA

British rule began in Nigeria in 1861 when Lagos became a British colony. Northern Nigeria, in 1887 came under British protection. There were three different territories: the Lagos colony. The protectorate of south Nigeria as well as the protectorate of Northern Nigeria by 1900 when Britain took over the full colonial and administrative responsibilities for modern Nigeria.

In 1906, the British government merged the colony of Lagos with the southern protectorate. On January 1, 1914, the three territories were amalgamated and Fredrick Lord Lugard became the first Governor-General of Nigeria.

The Nigerian Council of 1914. After the amalgamation of 1914, Lord Lugard constituted the Nigerian Council to join the small legislative council of the colony of Lagos already in existence. The establishment of the Nigeria Council laid the foundation for constitutional development in Nigeria.

PRE-INDEPENDENCE CONSTITUTIONS

Clifford constitution of 1922. The end of the First World War saw the introduction of many changes in Nigeria; among these changes was the replacement of Lord Lugard in Nigeria. Due to increasing political pressure on the government by Nigerian nationalists, his office in Lagos together with the colonial office in London worked to produce what was popularly known as the Clifford constitution which was adopted in 1922.

Features of Clifford constitution of 1922
1. The head of state was represented by the governor
2. It upheld the political division of Nigeria into three: Lagos Colony, Southern province and Northern province
3. It created a new legislative council to make laws to govern the Lagos colony and southern province
4. Legislative council was made up of 46 official members (Europeans), 15 non-official members and 4 elected Nigerians (3 from Lagos and 1 from Calabar).
5. It made Cameroon a part of Nigeria
6. It led to the establishment of newspapers like West African pilots, the Lagos Daily News which helped in political education.
7. It introduced elective principle for the first time in West Africa.
8. It gave rise to formation of Political parties.

Richard’s Constitution of 1946
The Richards constitution of 1946 came into existence as a result of the defects in the Clifford constitutions which was criticised by the nationalists.

Benard Bourdillon, the governor of Nigeria between 1935 1943 prepared room for constitution. He appealed to the northern leaders to join the southern leaders in the legislative council in Lagos.

This, however could not materialise till he left Nigeria in 1943 and it was his successor; Arthur Richards who continued the work and presented a new constitution in 1946 which took effect from January 1947.

**Features of Richards’s Constitution**

1. It introduced regionalism in Nigeria i.e three regions – North, East and West.
2. It created a bicameral legislation in the North with a regional assembly and house of Chief while others were unicameral.
3. It created a central legislative council for the whole of Nigeria.
4. It tried to unite the country by bringing the North and South under one legislative body.
5. The constitution still retain limited franchise for Lagos and Calabar.
6. The executive council was still one at the centre. In 1949, two Nigerians were appointed into the Executive council.

**The Macpherson’s Constitution of 1951**

John Macpherson succeeded Arthur Richards in 1948 as governor of Nigeria soon saw the need for constitutional reforms in the country. He set up a committee to review faults of the previous constitution. Consultations were made at various levels a constitutional conference was held at Ibadan in 1950. The outcome led to Macpherson constitution of 1951.

**Features of 1951 Constitution**

1. The constitution renamed the central legislative council to be the house of representatives
2. The central executive council was later known as the council of ministers
3. It established a public service commission as a controlling body for Civil servants
4. The North and West had bicameral legislative house of assembly and house of Chiefs while the Eastern had a unicameral (house of assembly) and no house of Chiefs.
5. The colony of Lagos was no longer a part of Western region but an independent area carved out of Southern protectorates
6. The council of ministers was constituted. The governor was the president with six official matters and twelve ministers, four each represented each region
7. The central legislature was made supreme.
The Lyttleton Constitution of 1954

The Lyttleton constitution emerged from the decisions taken at the 1953 London and 1954 Lagos constitutional conferences. These decision made up most of the new constitution which came into effect in October 1954.

The Lyttleton constitution thus introducing federalism as a system of government to Nigeria.

Features of Lyttleton Constitution

1. The constitution introduced a federal system of government
2. Lieutenant governors in the region were to be addressed as governors.
3. Items in the concurrent list were to be legislated upon by the central and regional governments. When in conflict, the central legislature supersedes.
4. The constitution provided for the position of Premier as the leader of government in the regions
5. The judiciary was regionalized.
6. Lagos was removed from the Western region and was made a federal capital territory
7. The ministers were to control the departments in their ministries.
8. Revenue allocation was based on derivation e.g oil producing regions.
3RD WEEK

Independence and post-independence constitutions.

The independence constitution of 1960
On 1st October, 1960, the independence constitution was introduced. Under the constitution, the legislature would be bicameral at the federal and regional levels.

The independence constitution was a product of series of consultation and conference addressing issues such as regional autonomy, minority agitations etc.

Features of the 1960 constitution
1. The constitution introduced a parliamentary system of government
2. It established two legislative houses at both the federal and regional levels.
3. The governor-general was made the ceremonial head of state.
4. It retained the federal structure with the regions having residual powers
5. The judicial service commission was established and Privy Council in London the last court of appeal.
6. Qualifications for Nigeria citizenship were defined
7. Fundamental human rights were enshrined in the constitution
8. There was rigid constitutional amendment procedure
9. Public service commission was established for the public servants.

The republican constitution of 1963

The prime minister and the regional premiers met in May 1963 to discuss some constitutional issues. In July 1963 the conference agreed that Nigeria should become a republic with the governor general having the ceremonial power. The people did not decide the change in a referendum or plebiscite as other countries did.

Features of 1963 constitution
1. The president became the ceremonial head of state which replaced the queen a head of state.
2. The president would be elected by secret ballot by a joint session of the two houses of the federal legislature. He could be removed by impeachment of the house of representative.
3. The supreme court of Nigeria assumed position as the final court of appeal assumed position as the final court of appeal rather than the judiciary committee of the privy council in Britain
4. The tenure of the president and governors was fixed at four years.
5. It abolished judiciary advisory committee and the powers for the appointment, transfer and promotion of judges was vested on the president on the advice of the prime minister.
6. The number of seats in the Senate was increase from 44 to 56 and that of the house of representatives from 305 to 312
7. The prime minister and his entire cabinet were collectively responsible to the parliament.
8. The president appointed the prime minister to head the government of the federation.

The 1979 Republic Constitution
After the January 15th 1966 coup and the successful counter-coup in July of the same year, there were other coup attempts before the handing over of government to the Civilians in 1979.

The 1979 constitution came into being through the constitution-drafting committee and the constituent assembly. Both bodies worked to produce a draft constitution after much contribution through debate by the general public. The 1979 constitution took effect on October 1979.

Features of the 1979 Constitution
1. The constitution introduced a presidential system of government
2. National assembly was bicameral in nature, the senate had 95 members while the house of representative had 450 members.
3. There was the provision for federal courts. Supreme Court, federal court of appeal and federal high court; state courts; high courts, customary and sharia courts of appeal.
4. It made provision for separation of powers and introduced some checks and balances.
5. The governor was to be Chief executive of the state.
6. There was the provision for the establishment of one chamber state’s house of assembly.
7. It listed local governments and their functions
8. It established the public compliant commission and the code of conduct bureau

The 1989 Constitution
After the collapse of the second republic, the need for amendment in the constitution was stressed by all sections of the Nigerian society. The military region of General Ibrahim Babangida took up the task of fashioning out a new constitution for the third republic.

Features of the 1989 Constitution
1. The constitution retained a presidential system of government as in the 1979 constitution
2. The minimum qualification to occupy state and national positions such as president, governors and legislators was the secondary school certificate. Minimum ages for each were also specified
3. The federal capital territory, Abuja would not be regarded as a state but FCT
4. The constitution adopted a two party system for the whole country.
5. The constitution stated that legislators were to be part time workers who would receive sitting allowances.
6. Local governments in Nigeria were democratized and direct election of chairman and councillors was done.
7. It made provision for the independence of the judiciary.