

# Measurement and Analysis of the Evolution of Institutions in Nigeria\*

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## Abstract

“Institutions matter” has become a generally accepted premise in development economics. The growth and development problems in Nigeria are also common knowledge. To better understand these problems a proper characterization of institutions in Nigeria is essential. Conducting empirical test of the role of institutions in Nigeria’s growth and development can prove challenging due to lack of institutional data set that span over a long time. In the event that short span data set is available, [Glaeser et al. \(2004\)](#) highlight the many flaws implicit in such measures constructed by political scientists in literature. In this paper, we construct an index of institution quality for the period 1862 through to 2011 for Nigeria, in doing so, we adopt a new method of measuring institutions, which makes use of pre-existing (*de jure*) legislations, ordinances and constitutions in constructing three institutional indicators; civil and political liberties, freehold property rights, and non-freehold(customary) property rights. These constructed indicators provide a platform for characterization and comprehensive analysis of how institutions have evolved in Nigeria.

**Keywords:** Institutions, Legislations, persistence, Economic Growth and Development

**JEL Classification:** K00, K11, N00, N1, N47, O1, O11

## 1 Introduction

In the 1950s and early 1960s, independence from colonialism infused a great deal of optimism that new self-governing African governments would be able to use newly acquired political freedoms to enhance the

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welfare of citizens and hence accelerate development. That through expanded provision of socio-economic services related to health, education and basic infrastructure, African countries (Nigeria included) could finally attain self-governance as well as economic development. In the initial stages of decolonisation, much of this optimism was fuelled by economic prospects and welfare indicators that either exceeded or compared positively with those in many countries of the developing (or third) world. Supported by favourable factors that included rising commodity prices, growing industrialisation and accelerated investment, Africa was enjoying moderate growth during this period (1960s to late 1970s).

However, the positive prospects of Nigeria (and many African countries) was halted by the notable stagnation across the continent in the late 1970s and 1980s. This severely dented the expectations that Nigeria would use its strong natural resource base to sustain the initial post-independence growth levels. This was however not the case. Weak institutions (among others) have been argued to be root cause of conflict, political capture, dictatorships, and other phenomena that have undermined the expected process of economic development in Nigeria and many African Countries ([Acemoglu et al., 2005](#); [Acemoglu, 2006](#); [Acemoglu and Robinson, 006b](#)). It is therefore expedient that the role of institutions as a key determinant of economic performance be well examined. The main obstacles to achieving this is the lack of a consensus on what a measure of institutions should entail, and furthermore, the limited time period for which the existing empirical institutional indicator are available. Agencies such as Political Risk Services, the World Bank, and Polity IV, have constructed indicators for institutions in African countries. However, the methodology employed in most of these, have been criticised ([Bollen, 1980, 1990](#); [Glaeser et al., 2004](#); [Voigt, 2013](#)), while the period covered have been too short for long-run analysis ([Kaufmann et al., 2009](#); [Gwenhamo et al., 2012](#)).

Nigeria presents an interesting case study due to its vast natural resources wealth and yet uninspiring development since the mid 1970's. The economic environment worsened with the general fall in commodity prices and the subsequent fall in world crude oil prices in the late 1970's. Growth of Per capita Gross Domestic production (GDP) has averaged 4.17% per year over the past 54 years. This number is however boosted by the past 15 years, the average growth rate was 2.76% for the years post-independence until 1999 ([Group, 2012](#)). Between 1970 and 2000, the percentage of the population living on less than \$1 a day went from 36% to a relatively high 70%, while during the same period, Nigeria obtained approximately \$250 billion in oil revenues (not including foreign payments), this amounts to about \$245 for each Nigerian citizen, but the per capita GDP has remained around the same value for the past 40 years; \$1113 in 1970 and \$1084 in 2000 ([Sala-i Martin and Subramanian, 2003](#)). There has been negative performance in just about all sectors of the economy over the past two decades, except for the financial sector, which has seen some drastic institutional reforms over the past decade. The above characteristics make Nigeria an interesting case study.

From an institutional perspective, the establishment of institutions and institutional practices in Nigeria that foster development may have been stymied by the myriad socio-political changes in the country since the entrance of the British in 1822. In addition to this, Nigeria has gone through numerous regime changes and disturbances before and after independence, changes from military to civilian rule, and ethnic and tribal conflicts. In addition, Nigeria has seen six coups d'état since independence. All these occurred between

independence in 1960 and the late 1980s. It is therefore not surprising that it was during this same period that Nigeria, like many independent African states, began to exhibit institutional limitations reflected in dysfunctional political institutions, “bad governance”, as well as wide spread corruption in the the polity (Calamitsis et al., 1999; Alence, 2004). In turn, these have contributed to a breakdown in social cohesion, resulting in episodic outbursts of ethnic conflict and political instability that severely hindered economic growth and development.

Based of this, an analysis of both the economic and political institutions in Nigeria will be conducted. A prevailing issue in such studies has been the short period for which institutional indicators have been constructed. Long-time series dataset capturing the quality of both political and economic institutions, is not only advantageous for long-run empirical dynamics, but it also provides an avenue to explore historical processes that may evolve in tandem with institutions in Nigeria (Khan, 2012). In this paper, we investigate the evolution of both political and economic institutions as key determinants of Nigeria’s economic performance. To achieve this, we make use of historical data, *de jure* legislation, ordinances and Constitutions in constructing indicators of political and economic institutions for Nigeria. This approach will help in avoiding some of the conceptual flaws found in previous measures (Glaeser et al., 2004). The indices will span the period 1862 to 2011, providing a long-run time series data, which will facilitate empirical testing of long-run dynamics of institutional change in Nigeria, and its effect of economic performance.

The indices to be constructed will be *de jure* based civil and political liberties, freehold property rights and non-freehold property rights. This follows similar frameworks used by studies carried out by Fedderke et al. (2001) and Gwenhamo et al. (2008).<sup>1</sup>

The remainder of this paper is organised as follows. In the next section, we present the literature review. Sections 3 and 4 present the methodology and results. The final section presents the conclusion and possible way forward for this area of research.

## 2 Background on Institutions

Attention has long been given to institutions and the conceptualisation the role they play in the path towards economic development. The initial idea was not so much on institutions as a whole, but rather on democracy and governance, and how these change together with the transformation of a country’s economy (Coase, 1960; North and Thomas, 1973; Bollen, 1980; Huntington, 1984). While most of the early research in political economy focused on a qualitative analysis of the role of institutions, quantitative efforts have been made as well, and this requires that institutions be quantified. This chapter is concerned with the measurements and characterisation of institutions from a historical perspective.

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<sup>1</sup>Property rights in this context deals with land property, and we will differentiate between freehold and non-freehold in the case of Nigeria. This poses some challenges to some extent due to the existence of different land tenure systems in the different regions within Nigeria until it the land act of 1978 was enacted, which introduced a federal land tenure system for the whole of Nigeria. Non-freehold property rights will often be referred to as customary land law or property rights throughout the paper.

## 2.1 On institutional indicators

Institutions are classified in various ways to give a picture of what social norms or rules these institutions characterise. According to [Jutting \(2003\)](#) institutions can be classified according to the frequency of change and its intended target. As shown in Table 1, using the target objective, the first category targets the society itself, the second is focused more on the environment. The third is focused on organisations while the fourth is targeted towards the market. This study concerns itself more with institutions focused on the environment, organisations and the market. Indicators that have been constructed in the past have focused more on the last three classifications, possibly due to the higher frequency of change of these types of institutions.

Table 1: Hierarchical classification of institutions changes

Level	Examples	Frequency of Change	Effect
Institutions related to the social structure of the society (level 1)	Mainly informal institutions such as traditions, social norms, customs. Exogenous	Very long horizon (102 and 103 years) but many change in times of stock/crisis.	Defines the way a society conducts itself.
Institutions related to rules of the game (level 2)	Mainly formal rules, defining property rights and the judiciary system. Exogenous or endogenous	Long horizon (10 to 100 years).	Defines the overall institutional environment.
Institutions related to the play of the game (level 3)	Rules defining the governance private structure of a country and contractual relationships, e.g. business contracts, ordering. Endogenous	Midterm horizon and continuous.	Leads to the building of organizations.
Institutions related to allocation mechanisms (level4)	Rules related to resource allocation, e.g. capital flow controls; trade flow regimes; social security systems. Endogenous	Short term horizon and continuous.	Adjustments to prices and outputs, incentive alignments.

Source: Williamson(2000) via Johannes Jutting OECD, July 2003

Quite a number empirical indicators of institutions exist in literature. A commonly employed indicator is the cross-national time series index by Polity IV (this is an updated version of Polity III). The Polity IV dataset contains indicators for a number of socio-economic phenomena such as the level of democracy and autocracy, armed conflict and state fragility (constructed by [Gurr \(1970\)](#); [Jaggers and Gurr \(1995\)](#) and [Marshall and Jaggers 2012](#). The Polity IV index has been used by many studies in the area of political economy. Another set of institutional indicators is the Freedom in the World index of political rights and

civil liberties. This index is published annually by Freedom House, an organisation established in the 1940's. The Freedom House index covers 1973 to 2015. Other indicators include the Intellectual Property Rights Index of [Park and Ginarte \(1997\)](#); the Fraser Institute Index; the Political Risk Services (PRS) Index. In addition to the ones above, a few researchers have constructed their own indices of institutional quality for their studies ([Knack and Keefer, 1995](#); [Hall and Jones, 1999](#); [Kaufmann et al., 2009](#)). Hall's index is a composite index from two indices, the Global Anti-Diversion Policies (GADP) Index and the Sachs and Warner Index of Trade Openness.

Since institutions cover a wide spectrum of variables and concepts, a host of indicators exist which claim to capture institutions. Often times, what they construct is a composite index, that fails to distinguish between political and economic aspects of institutions. In addition to this, many of the listed indicators above have weaknesses that undermine findings based on them. Such drawbacks include the methodology and assumptions under which these indices are constructed, and the time span over which they were constructed.

## **2.2 On measurement issues/Short-comings**

Constructed institutional indices are often classified as either subjective or objective ([Voigt, 2013](#)). Attempts to use objective methods to construct these indicators include works by [Vanhanen \(2000\)](#) which used 'voter turn-out' and 'government and legislative composition' as measures of civil and political liberties. [Bollen and Paxton \(2000\)](#) however, argue that these objective indicators are inefficient, if not invalid, since they are constructed from proxies that have little connection with political and civil liberties. Subjective measures are therefore presented as more effective and expected to give more credible empirical results than objective measures of institutions. [Glaeser et al. \(2004\)](#) pointed out that many of the indicators used in previous studies are conceptually flawed, capturing policy and policy outcomes rather than the institution itself, as defined by [North \(1990\)](#).

Glaeser subsequently proposed that *de jure* aspects of the law should be used over *de facto* aspects in constructing indicators used to measure institutions. They argued that most *de facto* institutional changes result from changes in income levels. Furthermore, indicators adopted by many authors for empirical analysis are not complete if we consider the definition of institutions from [North, 1990](#); [Acemoglu, 2006](#) and [Voigt, 2013](#) as the benchmark. Voigt's study proposed some pragmatic methods of efficiently capturing institutions' quality and creating institutional indicators that are not conceptually flawed. These proposals are similar to those of [Bollen and Paxton \(2000\)](#), but also stress the need to capture both *de jure* (rules and legislations) and *de facto* phenomena in constructing institutional indicators. This would help get a more complete picture of the nature of institutions in the country. The absence of either *de jure* or *de facto* aspects of institutions in an index would render the indicators created only partially representative.

### 2.3 Within Country studies

The literature has few country-specific analyses in which comprehensive characterisation of the individual economy's institutional framework have been carried out. Fedderke et al. (2001) Constructed a time series set of institutional indicators for a single country, using the Bollen and Paxton (2000) methodological framework for the construction of an efficient set of subjective indicators. Indicators for political and civil liberties and property rights were constructed over the time frame spanning 1935 -1997. The same framework was adopted by Gwenhamo et al. (2012) in the their construction and characterisation of institutions in Zimbabwe. These included indicators for civil and political liberties, property rights and political instability.

In both Fedderke and Gwenhamo's studies the index for civil and political liberties as well as property rights were based on *de jure* aspects of the law. A part of the methodology employed by Fedderke involved the use of independent experts on the political, legal and economic history of South Africa and Zimbabwe as validators. These experts adjudged the constructed indicators and made suggestions for changes to ensure that the index was representative of the countries' institutions historically. This was done in accordance with the proposed guidelines of Bollen and Paxton (2000) for constructing an efficient set of institutional indicators. Other studies have used the same approach when creating indicators for countries like Mozambique and Kenya, among others (Luiz et al., 2012; Letete et al., 2013). This strategy adds to the credibility of the indicators. As far as an independent country specific institutional measure for Nigeria is concerned, no record has been found of any such study. Most studies examining institutions in Nigeria have used the established indices of institutional quality discussed earlier which were developed either by Polity IV, Freedom House or the World bank.

## 3 Empirics

The two core facets of this study are:

1. The construction of institutional indicators for Nigeria over the period 1862 - 2011, comprising indicators for civil and political liberties, freehold property rights and non-freehold property rights.
2. A comprehensive analysis of the indicators and an assessment of persistence and change in Nigeria's institutional framework with reference to these indicators.

### Data Construction

The construction methodology will follow the guidelines laid out by Bollen (1980, 1990). These guidelines have been followed in studies by Fedderke et al. (2001) and Gwenhamo et al. (2008). We also adopt a similar methodological framework for Nigeria. Each of the institutions measured will have numerous components

(sub-indicators) that capture a specific phenomenon. This approach will ensure that the relative effect of each component can be observed. Thus institutions can be properly ‘unbundled’. The sub components of the indices will be the same as those used by Fedderke et al. (2001); Gwenhamo et al. (2008) and the same weights used by them will be assigned to each component. The main reason for adopting the measures and weights used by Fedderke and Gwenhamo is for comparability between countries in the future. Information and materials used in constructing the indicators were sourced from archived material, which include legislative records, and colonial blue books in Nigeria and the United Kingdom.

The first step is the construction of the three indices, using the above stated guidelines. The second step involves the application of the adopted rating scales to the indicators. The final step of the indices construction, which is one of the key steps, involves submission of the constructed indices to the scrutiny of independent experts on the history of Nigeria’s political and legislative system.<sup>2</sup> The suggestions and recommendations made by these experts are then applied to the constructed indices accordingly. This final step is in accordance with propositions by Bollen and Paxton (2000) and Fedderke et al. (2001), and is aimed at reducing bias which has been claimed to be inherent in previously constructed indices (Bollen and Paxton, 2000; Glaeser et al., 2004).

## 4 Evolution of Institutions

### 4.1 Historical Context

Nigeria is a colonial construct born from the scramble for Africa by European powers. It consists of a highly heterogeneous territorial entity, of more than 250 tribes which inhabited the Gold Coast Protectorate, Southern Nigeria and Northern Nigeria. Prior to British colonisation, Arab traders had ventured into the hinterlands of Northern Nigeria, Portuguese traders had operated along the Lagos coasts for decades, while French and German explorers had also ventured along the River Niger in the mid 1800s.

Nigeria’s colonial history accounts for a significant fraction of its documented history. The colonial period plays an influential role in the current institutional environment in Nigeria. However, many of the political and economic realities in Nigeria today are traceable to pre-colonial times as well. For example, ethnic bias had been present in interactions between groups in Nigeria long before any form of exposure to Europeans. In the North, the *Fulani* people were oppressed and excessively taxed by the *Hausa* people (Falola, 2008). In the South-west, the King of Lagos paid taxes to the King of Benin, to avoid any form of annexation. Similar agreements were formed between the leader of the Oyo empire and many *Yoruba* Kingdoms scattered across South-west Nigeria.

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<sup>2</sup>The ratings scale was developed by (Fedderke, et al., 2001) and further polished by Gwenhamo et al. (2012), where experts such as political scientists, and professionals in the area of law and history are asked to assign weights subject to the importance the role of the phenomenon being measured.

Figure 1: Map of Nigeria's major ethnic groups



Source: Onlinenigeria.com

The societies living in regions belonging to present-day Nigeria were subjected to varied administrative authorities. Many of the polities, kingdoms and empires within Nigeria are an amalgamation of numerous social groups. A common example is the *Oyo* Empire, in South-west Nigeria, which included a host of tribes and groups. The nature of leadership over such polities differed considerably. Nigeria consists of three major tribes; *Yorubas*, *Igbos* and *Hausas*. The *Hausa* people to the North of the Niger river have a cultural heritage predominantly of Arabic influence (See figure 1). Islam was introduced in the region between the 11th and 13th century (Falola, 2009). The political system was based on Islamic law, with rulers known as Emirs and Sultans who had absolute powers over both the executive and the legislature. The rulers were supported by councils, which deliberated over matters in support of the Emir. The system was therefore hierarchical and monarchical in nature (Falola and Genova, 2009). The *Yoruba* people in the South-west of Nigeria were mostly subject to the *Oyo* empire in pre-colonial times. A monarchical system of governance was practised within most of the *Yoruba* kingdoms. Councils of community heads and representatives were also formed,



and a separate arm of government (known as *basorun*) existed to keep the Monarch (known as the *alafin*) in check.

The *Igbo* people, mostly located in the South-east and below the Niger river, practised a decentralised system of governance. Leadership positions were mostly filled by older members at different levels ranging from households, to villages, to village groups, and secret societies. The Elders ran assemblies where issues were deliberated on (Ekundare et al., 1973; Falola and Genova, 2009). Thus within this system, there was no sense of hierarchy or absolute powers, unlike in the two other regions. These were broadly the main governance systems that existed across Nigeria in pre-colonial times, although many minority groups such as the *Ibibios* and *Efiks* had their own unique societies. An amalgamation of the diverse governance systems under a single polity would prove a daunting challenge.

For all this heterogeneity, the North-South divide, based on religion, history and institutions, was the most acute. It is also worth noting that the administrative strategies of the colonial power varied across regions, and notably between North and South. The North-South divide will be one of the vantage points from which we examine the evolution of institutions in Nigeria.

#### 4.1.1 Northern Nigeria

Northern Nigeria is historically the most populated of the three main regions of Nigeria. Its inhabitants are mainly from the *Hausas* and the *Fulanis* tribes, although the distinction between the two tribes has faded over the centuries. The *Hausas* were the original settlers of the region, while the *Fulani* people, led by Usman Dan Fodio, won over the region by waging a “holy war” (or *jihad*) in 1804. This war was inspired by similar jihads undertaken by *Fulani* leaders across West Africa between the 17th and the 19th century. Dan Fodio, a *Fulani* religious thinker who became a religious and political leader, waged a jihad against the Hausa leadership to establish a society free from oppression, vice and heavy taxation for the peasantry. Following his victory, he formed the Sokoto Caliphate, one of the largest Sub-Saharan African states at that time. According to Westerlund and Svanberg (1999), “the jihad resulted in a federal theocratic state, with extensive autonomy for emirates, recognising the spiritual authority of the caliph or the sultan of Sokoto.”

The Northern part of Nigeria, was thus a well organised civilisation long before any European exposure (Robinson, 1900). Under the rule of Dan Fodio, a bicephalous system of governance was introduced, in which Usman Dan Fodio divided the caliphate into two, with his two sons as the Emirs. Under each caliphate, vassal kingdoms were ruled by Dan Fodio’s jihad flag bearers (Falola, 2009). The political and governance system remained much the same in terms of hierarchy after the jihad of 1804-1812.<sup>3</sup> The Northern States’ organised system of governance could possibly explain why the British found it difficult to bring them under its control. As a result the colonisers resorted to oppression and military action to overcome

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<sup>3</sup>It is possible that this system encouraged the invention of the system of indirect rule in the North, since a hierarchical power structure already existed. Indirect rule involved the installation of “warrant chiefs” by the British in different communities. The duties of these warrant chiefs included the enforcement of all Crown Mandates, such as tax collection, presiding over native courts, and labour recruiting. These duties included almost all colonial administration duties.

the Northern states. It may also have been the reason why the Northern States established successful trade agreements and treaties with Arab traders and traders from the Southern empires (South of the Niger river).

#### **4.1.2 Southern Nigeria**

Southern Nigeria was predominantly occupied by the *Igbos* to the South-east, beyond the Benue river, and *Yorubas* to the South-west. Both of these regions had coastal cities, and thus share a similar history of trade to other coastal cities across the continent. They were exposed to trans-Atlantic traders from the 15th century. Prior to the advent of the trans-Atlantic slave trade, commodities traded were mostly palm oil, and cocoa. This early exposure of the South to European traders might have played a role in the less aggressive exchange the South had with the British. One of the major differences between the North and the South was the existence of Southern Kingdoms which were scattered in coastal cities and throughout the hinterland as far as central Nigeria. Southern Nigeria had less organised and systematic political entities. This historical difference in political structure meant that the system of indirect rule employed in the North was less effective in the South.

The Yoruba kingdoms scattered in the South-West and below the Niger river were dominated both economically and politically by the powerful Oyo empire. Such dominance was achieved through warfare, as well as command of resources in the form of land, slaves and herds. The communities in the South-East were more egalitarian. The Igbos were the first to be exposed to British missionaries and Christianity. Writers such as Chinua Achebe have argued that the British missionaries were no different from the brutal colonialists, as both were responsible for the loss of significant aspects of what made up the Igbo community, be it culture, land or freedoms (Achebe, 1988, 2010).

#### **4.1.3 Incidence of trade**

There were significant levels of economic activity in the region for centuries before any kind of European rule. European exposure however impacted the nature and volume of economic activity to a great extent. It also had an impact on the economic heterogeneity in the different regions of Nigeria. Dating back to the 15th century, the North had the most advanced political, economic, and trade system in the region. The kingdom of Kano enjoyed the benefit of being situated along the west route of trans-Saharan trade. During this era, the city grew into one of the most powerful economies in the region. The proximity of neighbouring *Hausa* kingdoms such as Gobir, Zamfara and Zaria also helped these Kingdoms blossom. Agricultural, artisanal products and slaves were the main commodities of trade in the region. Most of this trade occurred with traders that travelled along the trans-Saharan trade route (Ekundare et al., 1973).

In the mid to late 16th century, advancement in naval technologies allowed Portuguese traders to venture to the Nigerian coastal cities, which led to a surge in trade activities in the South. During this time coastal cities such as Apa, the kingdom of Whydah, the Bights of Benin, and the Bights of Biafra became prosperous.

This marked a shift in power from the North to the South, as a lot of the trans-Saharan trade had now shifted towards the trans-Atlantic. The increased economic activities of the coastal kingdoms coincided with the rise of the slave trade in the region. Prior to the trans-Atlantic slave trade the *Yoruba* people in the South-west specialised in the production of cocoa, while the *Igbo* people in the South East specialised in the production of palm oil. These sectors shrank in size while the slave trade sector blossomed.

This gave the kingdoms that controlled the prices and customs duty on slaves substantial leverage during the time. The Oyo Empire in the South-west was especially powerful during this era, as the *alafin* (natural ruler of the Empire) had managed to gain control over the cities between the empire and the port cities. Thus during the slave era, the South-west region was arguably the most powerful in Nigeria economically. This continued until the abolition of the slave trade in the early 19th century. The end of the slave trade disrupted the source of economic revenue for the region. However, there occurred an improvement in the primary products sector, as each region reverted back to dealing in their original trade commodities. Palm oil was one of the major commodities of trade in the East after slavery, which helped increase significantly the economic power of the region.

The South-west and the North also had a thriving trade economy, with the introduction of cash-crops such as cotton and cocoa in these regions. The economic divide between the North and the South has been proposed as the main reason for the later amalgamation of the two regions (Falola, 2008). However, expenditure and revenue data for the years preceding the 1914 amalgamation show that Northern Nigeria ran a government deficit for several years, while the South ran a surplus. The British treasury was at the same time cutting financial support for administrative duties in Northern Nigeria (Carland, 1985).

Figure 2: Southern Nigeria: revenue and expenditure, 1900-1913

Year	Revenue	Expenditure	Surplus/Deficit
1900	535 902	424 257	111 645
1901	606 431	564 818	41 613
1902	801 737	619 687	182 050
1903	760 230	757 965	2 265
1904	888 136	863 917	24 219
1905	951 748	998 564	-46 816
1906	1 088 717	1 056 290	32 427
1907	1 459 554	1 217 336	242 218
1908	1 387 975	1 357 763	30 212
1909	1 361 891	1 648 684	-286 793
1910	1 933 235	1 592 282	340 953
1911	1 956 176	1 717 259	238 917
1912	2 235 412	2 110 498	124 914
1913	2 668 198	2 096 311	571 887

Figure 3: Northern Nigerian revenue (Local) and expenditure 1907/8 – 1911/12

Year	Local revenue (£'s)	Expenditure (£'s)	Surplus/Deficit
1907-1908	143 005	498 302	-355 297
1908-1908	178 444	540 644	-362 200
1909-1910	213 436	566 843	-353 407
1910-1911	274 989	565 760	-290 771
1911-192	348 366	827 939	-479 573

### British Objectives

Strategies employed in colonies often reflected the objectives of the colonial rulers. For instance, in colonies like South Africa and Zimbabwe, the British sought permanent settlement. In Kenya, the original objective was the development of trade, which turned into an objective of settlement following the construction of the Kenya-Uganda Railway (Letete et al., 2013; Jedwab et al., 2014). In Nigeria settlement was not an option as its climate was inhospitable to Europeans because of the presence of malaria carrying mosquitoes. Britain was in fact primarily interested in opening markets for its manufactured goods in West Africa and in expanding commerce in palm oil and other tropical raw materials to fuel its economic development (Robinson, 1900).<sup>4</sup> Securing trade routes in the the lower Niger and the coast required Britain and its trading companies to expand their influence into the Nigerian hinterland through diplomacy, and military might (where necessary). Territories came under British jurisdiction in three ways: by cession, by conquest and by treaty arrangements. Expansions also aimed at forestalling claims to the area by rival powers, such as France and Germany. Another stated objective of the British colonial enterprise was the colonisers' belief in "civilising" Africa. This included an enforcement of the ban on the trans-Atlantic and trans-Saharan slave trade. This agenda is particularly interesting as Britain benefited from the slave trade for more than two centuries and abolished it at a time which coincided with enhanced demand for raw materials, and the industrial revolution. Boahen et al. (1966) notes that by 1805, only two per cent of British export tonnage was linked to the slave trade.

## 4.2 Civil and Political Liberties

In this section, we construct an index measuring the quality of political institutions in Nigeria covering the period 1862 to 2011. In particular, the concern is with political rights and civil liberties, which are two inseparable dimensions of democracy. These need to be comparable with institutional indicators produced in earlier studies on political and civil liberties measurement. To ensure this we follow Gwenhamo et al. (2012) who set the standard normative ideal criteria against which index rating should be done. In this context, we assess the extent to which the Nigerian legal framework (Constitutions, Acts of Parliament,

<sup>4</sup>The British initially paid little attention to the Northern region, focusing primarily on securing trade routes in the the lower Niger and the Gold coasts.

Amendments and Statutory Instruments) provides for the specific rights and freedoms. These include: 1) Voting Rights, 2) Freedom of association, 3) Freedom of assembly, 4) Freedom of expression, 5) Extent of arbitrary executive power, 6) Independence of the judiciary and the legislature, 7) Government secrecy, 8) Due process of the law, 9) Freedom of movement, 10) Academic freedom, 11) Religious freedom, 12) Residual category.

Thus, the index of political rights and civil liberties is characterised by twelve components (sub-indicators), each of which is allocated nominal points. The first eight sub-components are rated on a scale of 0-10, while the last four on a scale of 0-5.

#### 4.2.1 Outcome and Interpretation of Indices

The history of Nigeria can be categorised into two periods: non-constitutional and constitutional. During the former, laws and ordinances were enacted, though no formal Constitution was promulgated. The non-constitutional period covers the years 1862 to 1922, while the constitutional period is from then onwards. As shown in Table 4, numerous Constitutions, six regime switches, six successful coups d'état and three different government systems occurred in Nigeria post 1914. There were British settlements in the surrounding regions such as the Gold coast and Cameroons in the years prior to the 1862 British annexation of Lagos and the Crown's venture into the hinterlands. Lagos was merged with the Gold coast in 1866 and was later merged with the Gold coast settlement in 1874. During that time, Lagos was not considered part of what is now call Nigeria, but rather the Gold Coast. From 1862 to 1874, Lagos was thus part of a different sovereignty, and its resources and revenues were used for the administration of the whole Gold Coast.

Figure 4: Regimes and Constitutions 1922-1999

Year	Constitution	Regime
1922	Sir Hugh Clifford's Constitution	British
1946	Sir Richard's Constitutions	British
1951	McPherson's Constitution	British
1954	Oliver Lyttleton's Constitution	British
1960	Republican Constitution	Civilian
1963	Military Constitution	Civilian
1966	The Biafra Constitution (In the Biafra region)	Military
1967		Civil war
1979	The 1979 Constitution	Civilian
1984	Military Constitution	Military
1989	1989 Federal Constitution of Republic of Nigeria	Military
1992	Military Constitution	Military
1999	1999 Civilian Constitution	Civilian

The first British presence in Nigeria (Initially missionaries and traders) can be traced back to the early

1820s (Falola, 2008). Over time, the British population in the then protectorate increased, spreading into the hinterland during the 1840s (Falola, 2009). The original stated reason for British presence in Nigeria was to bring an end to slave trade. To this effect, numerous treaties were signed with the native authorities. Examples of such treaties include the 1852 treaty signed by the King of Lagos (Yakubu, 1985).

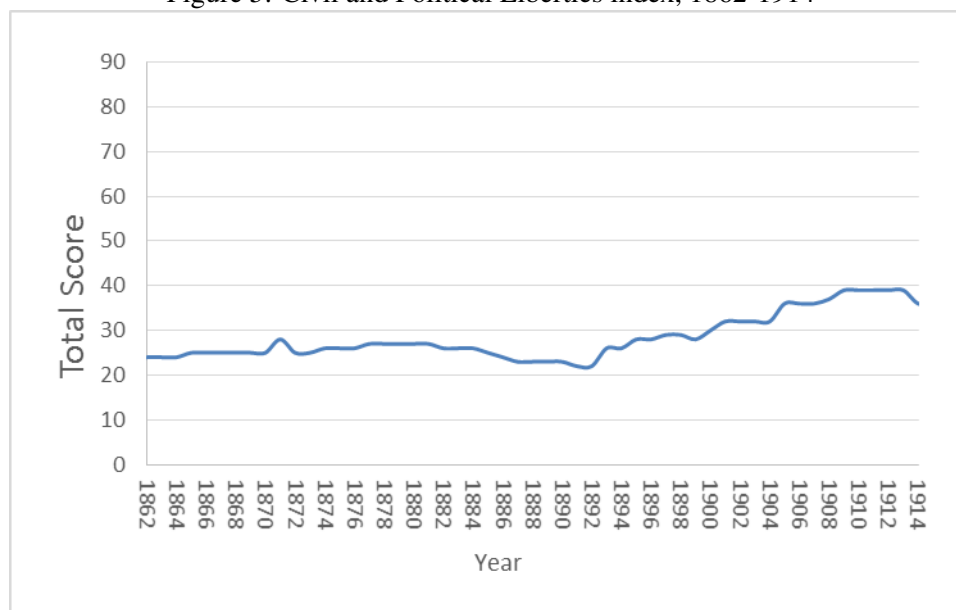
No formal written Constitution existed for Nigeria at this time (1862), to codify civil and political liberties. However comprehensive rules of conduct and institutions guiding human interactions existed. The role of the executive, the legislature and the judiciary were accounted for to a certain extent within the institutions and native customs of the majority of the ethnic groups. The assignment of duties and power however differed between groups. The assigned score for civil and political liberties is low due to the lack of provision in native law for the protection of the political freedom of citizens. This is consistent with native law in Lagos and other regions at the time, as prior to 1862 formal institutions guiding interactions between society members were scant. Nevertheless, there were certain provisions in the native and customary laws of most ethnic groups that supported a certain level of civil and political liberty (Falola, 2008).

In 1862 Lagos was ceded to the British crown by King Docemo through a cession treaty. See quote: *“In order that the queen of England may be the better enabled to assist, defend, and protect. The nature the inhabitants of Lagos, and to put to an end the Slave Trade in this and the neighbouring countries, and to the prevent the destructive wars so frequently undertaken by Dahomey and others for the capture of the slave, I, Docemo, do, with the consent and advice of my council, give, transfer, and by these presents grant and confirm unto the Queen of Great Britain, her heirs and successors forever, the port and Island of Lagos, with all the rights, profits, territories, and appurtenances whatsoever thereunto belonging, and as well the profits and revenue as the direct, full, and absolute dominion and sovereignty of the said port, island, and premises, with all the royalties thereof, freely, fully, entirely, and absolutely. I do also covenant and grant the quiet and peaceable possession thereof shall with all possible speed, be freely and effectually delivered to the Queen of Great Britain, or such person as her Majesty shall thereunto appoint for her use in the performance of this grant; the inhabitants of the said island and territories, as the Queen’s subjects, and under her sovereignty, crown, Jurisdiction, and government, being still suffered to live there.”* - Smith (1974)

and legality of the cession is debated among historians and it placed Lagos and its citizens under British colonial administration, an occurrence the natives had no say in. There was no formal provision in the law for contribution in the form of votes by natives, and most of the components of civil and political liberties such as voting rights, and freedom of association were not provided for in laws and edicts of that time. British presence and influence in Nigeria increased progressively from 1862 onwards. This can be observed from the significant changes in the political atmosphere within Lagos. The native administration of Lagos had little say in the administration of Lagos. Furthermore, the cession treaty negatively affected established ties and treaties with other Kingdoms, such as the treaty between Benin and Lagos. Numerous ordinances were subsequently passed, aimed at “providing for the better administration of Justice within Her majesty’s settlement Lagos” (Ordinance No. 5, 1865). Such ordinances minimised the role of the native authorities and pre-existing native councils. In essence, the cession treaty, and subsequent laws resulted in the replacement

of the system of governance that the natives previously subscribed to with an unfamiliar one.

Figure 5: Civil and Political Liberties index, 1862-1914



A European system of governance was first introduced in Nigeria with the March 1862 Commission which declared Henry Stanhope Freeman as the Governor and Commander in Chief of the Lagos settlement. This vested powers in him was equivalent to that of a Governor, subject to the Queen. The years following the annexation of Lagos, were mostly characterised by the “Scramble for Africa”, which lasted until the late 1880s (Pakenham, 1992). The Berlin Conference of 1886 was signalled the reversal of the anti-expansionist policy of the British Government and the endorsement of a fully fledged imperialist agenda beyond a simple clamping down on the slave trade. The hinterland saw an increased British administrative presence as a result of the strategic policy change.<sup>5</sup> During this period, military force was legislated for to ensure treaties were signed. In addition to some of the coercive treaty signings, the British government granted a trading company, the Royal Niger Company (RNC), unrestricted acquisition rights to solidify Britain’s claim over the coasts of River Niger and River Benue. Such rights, would later be presented at the Berlin Conference, to help British lay claims over Nigeria as one of their protectorates. The RNC, one of the most powerful chartered companies during colonial times, played a significant role in the imperialist expansion in Nigeria and the Gold Coast (Pearson, 1971).

Laws that were passed during this period helped achieve Britain’s expansionist goals and secure administrative rights over Lagos and its surrounding settlements: Ordinance No. 3 of 1863 provided for the laws of England to be in force in the settlement of Lagos, while Ordinance No. 5 of 1865 and Ordinance No. 8 of 1876 gave British officials jurisdiction within the Lagos settlement. One of the most significant of these was the granting of the royal charter to the RNC which gave a private for-profit company the power to make

<sup>5</sup>The administrative authority was imposed in many instances. In cases where native authority was unwilling to submit to British authority, coercion was used to enforce the submission. Hence, British administration was an enforced one in such instances.

treaties all over Nigeria.<sup>6</sup> This meant that opportunity for exploitation of such powers and profiteering was present, possibly hindering the civil and political freedoms of Nigerians. The charter was revoked in 1899, all acquired treaties and rights were taken over by the crown and a contract was signed assuring the payment of interests on the rights for 99 years. According to the ordinance payment of this interest would be the government's responsibility until 1998. This illustrates how colonial policies had long-term economic implications for the colony.<sup>7</sup>

The RNC operated along the lower Niger basin, which was a thriving commercial hub in the 1870s. However its economy was stifled by the arrival of the RNC, which eventually ended in the establishment of a monopoly for the company in the region. The success of the RNC and concurrent failure of the pre-existing economies along the Basin were greatly assisted by the Royal charter given to the company by the Crown. The years from 1886 to 1900 saw numerous administrative changes which were possibly tied to the change in the British agenda in Nigeria or the general increase in British presence in the region.<sup>8</sup> The new expansionist strategy ushered in a set of laws and ordinances which did not assist the quality of Nigerian institutions. A possible reason for this was the increased force and extensive executive powers required to achieve some of the expansionist goals. An example is the ordinance to prevent the improper disclosure of certain information, which was passed in 1893, a law which promoted government secrecy. The law was passed at a time when British administration in Nigeria was strengthening. These ordinances led to a decline in civil and political liberties in the late 1880s and early 1890s.

The extent of British expansionist success in Nigeria is captured in [Robinson \(1900\)](#)'s report on ventures in Nigeria, which stated: "*apart from our possessions in India and Burma, there is no native state or combination of states within the limits of the British empire which can compare in size, population and importance with this our latest protectorate*"([Robinson, 1900](#)). Intrinsic in this was the envisaged commercial possibilities for British exports to Nigeria's 25 million people.<sup>9</sup>

From the mid 1890s until the amalgamation of the North and South in 1914, Nigeria experienced a gradual increase in civil and political liberties. Northern and Eastern parts of Nigeria, such as the Oil Rivers, were brought under British administration.<sup>10</sup> The inclusion of these regions under British administration has a double edged effect on civil liberties. For instance, in regards to the component "extent of arbitrary executive power", the British administration meant that the former rulers who had previously enjoyed extensive levels of power and authority, were now subjected to a certain level of accountability within the legislature—spurring the increase in civil and political liberties, however the enforced removal of previous native authorities meant that civil liberties were hampered within this context.<sup>11</sup> However, given that the standard for gauging the quality of civil and political liberties, is western democracy, we see an overall rise

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<sup>6</sup>While it is plausible that the events that lead to the granting of the Royal charter was orchestrated by George Goldie, the fact remains that a profit oriented institution was bestowed such powers. This could have persistent implications for institutions in Nigeria, with such a firm favouring short-term extractive institutions over long-term growth and productive institutions

<sup>7</sup>The RNC can be traced to recent times as Proctor & Gamble, one of the biggest companies in sub-Saharan Africa today.

<sup>8</sup>Which could also be tied to the change in agenda.

<sup>9</sup>During this period, the North was still resisting British infiltration as opposed to the South.

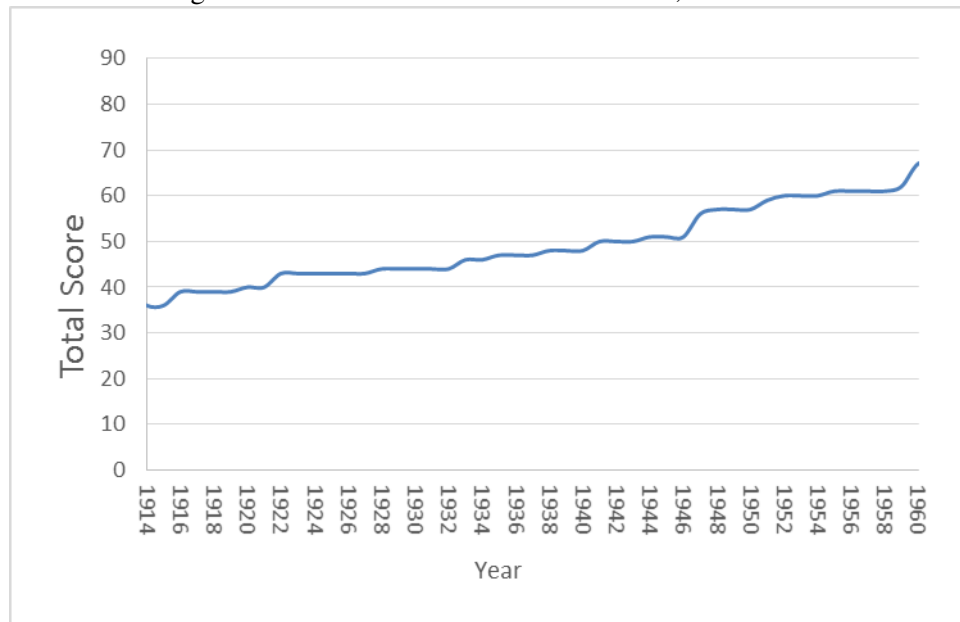
<sup>10</sup>These regions were not subject to colonial laws prior to this.

<sup>11</sup>This removal refers to the instituting of the system of indirect rule, and use of "warrant chiefs" over native authorities that have overseen such regions historically.



in the index.

Figure 6: Civil and Political Liberties index, 1914-1960



The years 1900 to 1914 were pivotal in Nigeria's history. It comprised of the forceful takeover of Northern Nigeria occurred between 1902 and 1907<sup>12</sup>, after which the British declared complete ownership of the region without any reservations. They stated that the British had every right to obtain the North through might of warfare as the Northerners had also obtained it through might of warfare. Furthermore, the amalgamation of all the protectorates to form Nigeria occurred in 1914.<sup>13</sup> With the regards to the forceful takeover of the North, the British experienced difficulty with enforcing administrative control in Northern Nigeria. This is possibly a reason for the introduction of the system of indirect rule by Frederick Lugard, the commissioner of Northern Nigeria at the time. This strategy kept the native authority system in the North intact. The chiefs in the region still exercised both judicial and executive powers, thus allowing the British to preside over the North without direct intervention.

A similar system was introduced in the South-west, where a monarchical system of governance existed during pre-colonial times.<sup>14</sup> However, the same system was unsuccessful in the South-east, where the previous system of governance differed from that of the North. In the South-east, there existed no such role for the "warrant chiefs" in the native polity.<sup>15</sup> The British could not find a suitable person to install as warrant chief, because such a role was not recognised within the native customs of the South-east.<sup>16</sup> To

<sup>12</sup>This comprised of the Hausa Kingdom and the empire under the rule of the Emir of the Sokoto caliphate.

<sup>13</sup>North, South east, South West and Lagos

<sup>14</sup>Although the British did not take the pre-existing system of governance into consideration before imposing the system of indirect rule on these regions.

<sup>15</sup>Warrant chiefs, were authorities of individuals placed in a position of authority by the British. Individuals who had no claims to such positions under customary law were often given this label. In the South-east, where the ethnicity was predominantly of *Igbo* origin, such a position was non-existent within the customs of the people, and this such an imposition was of significant disturbance within such societies.

<sup>16</sup>While no specific law/ordinance were found in the history records we accessed for Nigeria, a look at some of the history records

circumvent this, the British installed a random individual they deemed fit for the position, in most cases it was any individual that was willing and able to effectively deliver the mandates of the crown in the region. The outcome of such a strategy was instances of unrest that greatly affected the system of governance which had existed successfully before indirect rule. The introduction of hierarchy within the polity of this region, through indirect rule, has been argued to be the source of political conflict that did not exist prior (Meek, 1970). Criticisms of indirect rule in the literature, state that the system was invented primarily to allow the colonialists to renege on their administrative responsibilities, and that direct civil rule in such an instance would have been more effective (Meek, 1970; Afigbo, 1972).

In the period leading to the 1914 amalgamation, ordinances that prohibited certain freedoms were promulgated. These ordinances affected issues ranging from religious freedoms to taxes. For example, a law prohibiting involvement in “witchcraft” (or religious exercises that were unfamiliar to the British) was passed, thereby curtailing religious freedom.<sup>17</sup> Laws pertaining to labour and land taxes were also passed during this period. Instances of tax levies were generally met with a lot of contention during colonial times, even though it was not a foreign notion among natives. Most ethnic groups and tribes had some form of taxation.<sup>18</sup> Therefore, it was not necessarily the incidence of tax that caused unrest, rather it was the paying of taxes without any clear conviction of any benefits, which was not appealing.<sup>19</sup>

The amalgamation of the North and South was controversial.<sup>20</sup> The lack of understanding of the North by British imperialists due to the use of indirect rule in the North can be partly blamed for the decision to amalgamate the two regions despite their differences. The amalgamation was a joining together of two different administrations, without giving much consideration to the differences in the regions. Reasons cited for the amalgamation included: administrative and economic convenience, transportation difficulties, support for better inter-group relations, and a reduction of the burden of the North on the imperial treasury (Ekundare et al., 1973; Falola, 2008). This typifies some of the imperialist strategy across many colonies in Africa. The possible effects of such colonial policies and regulations today can be viewed within the context of theories of path dependence analysis. Overall, the strategy was presented as an attempt to shift from competition to collaboration between the regions (Carland, 1985).

Such a strategy can be linked to one of the core principle of institutional economics, in that the institutions and growth theory builds on the premise that investment increases as result of increased confidence in transactions. These transactions are significantly dependent on good institutions. In this regard ,investment in the North was minimal during colonial periods—which stems from the British passing more favourable

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for neighbouring countries like Ghana, showed that the “native jurisdiction ordinance” was the law used to introduce indirect rule into the system.

<sup>17</sup>Other promulgated ordinances included the Education Proclamation and the Law and Criminal Procedure Proclamation, to improve due process of the law. The Slavery Punishment ordinance was passed to clamp down on slavery. All this legislation led to a gradual increase in the quality of civil and political liberties.

<sup>18</sup>In the South-west for example, the King of Lagos paid taxes for “protection” to the king of Benin before Lagos was ceded to the British. In the North, the different emirates paid taxes, known as *jangali* and *mamluk*, to the caliph.

<sup>19</sup>Tax protests included those by the market women of Lagos around a reduction in the minimum taxable income, and a protest against water taxation. The protests against taxes resulted in the establishment of the Native Treasuries between 1906 and 1914 (Falola, 2009).

<sup>20</sup>British presence in the North was more pronounced than in the South, and thus their interactions with Nigerians in the South was different from the interactions they had with the North.

laws in the South than in the North. The merging of administrations, was thus an attempt to rectify some of the damage caused by the nature of institutions previously promulgated. All these occurrences, materialised with little input from the natives, as the legislature only provided for the inclusion of two Africans in the legislative council of 13 members. Additionally, the Nigerian council seemed like a provisional council, since the decisions made by the council still needed to be approved by the Governor. This highlights the extent of powers vested in the Governor.

Legislative activity increased after the amalgamation. There was a rise in political participation by natives, both officially and unofficially. Many political parties liaised together within Nigeria and the West African region in demanding increased participation by Africans in governance.<sup>21</sup> This was not the first instance of such high levels of activism, however, this was accompanied by an increase in collective action, and the growth towards a pan-Nigerian nationalist movement. This was spearheaded by Herbert Macaulay, and a growing cohort of western-educated Nigerians.<sup>22</sup>

The demands made by these parties were mostly brushed off, and when the first Constitution of Nigeria (Hugh Clifford's Constitution) was promulgated in 1922, none of the demands were factored in. Lord Lugard, then Governor of the protectorates, stated that the petitions by educated Africans were "loose and gaseous talk" (Ehindero, 1991), while Hugh Clifford, the subsequent Governor also mostly ignored the demands.

The British administration generally did not entertain demands by natives. However, the first Constitution after amalgamation included ordinances that enhanced institutions. For example, dissolving of the Nigerian council and the legislative council, and provision in the Constitution for the right to vote by all males without criminal records in the country. This was however limited to males with an annual income of a hundred pounds or more. Women were generally not allowed to vote. Furthermore, the maximum representation of just two Africans in the legislative council since 1862 was increased to four elected members in this Constitution. While this represents progress, the overall influence of natives on the decisions of the protectorate was still limited.<sup>23</sup> These changes increased the voting rights component to some extent. The powers vested in the Governor were still excessive as the Governor nominated all 15 non-official members. This new Legislative Council, however, was a more representative council as chiefs of the different communities were nominated as non-official members.<sup>24</sup> A critical omission from the 1922 Constitution was

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<sup>21</sup>In other words, the natives were demanding for a democratic system of Governance as far back as early 1900's

<sup>22</sup>Labour unions that had existed in Nigeria prior to this, were also involved the call in inclusiveness, these include; the Southern Nigeria Civil Service Union established in 1912, the Nigerian Union of Teachers established in 1931, and by 1946, about 120 unions were registered in the country. There were also three main political parties which were highly involved in the increased demand for self governance, and promotion of pan-Africanism in Nigeria. The oldest of these parties, the Nigerian National Democratic Party (NNDP) was established by Herbert Macaulay in 1923. Finally, the Lagos Youth Movement, which later became the National Youth Movement (NYM), was established in 1934, and went on to become the first pan-Nigeria nationalist party in Nigeria. While distinct political inclinations of these parties were not particularly obvious, what was however clearly and collectively stated was the demand for self governance. The only party that had a slightly more defined political position was the National Council of Nigeria and the Cameroons (NCNC), which tended towards socialism and leftist ideologies (Falola, 2008). The common element across all these parties, and many other political parties that were later formed in Nigeria was the ethnic and regional characteristics of these parties; the South-east had NCNC, the South-west had NYM and the North had NNDP.

<sup>23</sup>The council was made up of 46 members, 26 office, 4 nominated officials, 15 nominated non-officials, and 4 elected members

<sup>24</sup>These were members selected by the Governor himself, and were mostly "stooges of the government" they were thus there only in advisory capacity, but had no power to officially influence legislations.

legislation to facilitate some level of interaction between the North and South. No provision was made in the Constitution to address the then glaring divide, though the regions were being joined together as one government. This critical omission is pointed out by scholars as one of the reasons Nigeria still battles with internal political struggles between the North, South-east and South-west (Ezera, 1960; Odumosu, 1963; Falola, 1998, 2009).

The Hugh Clifford constitutional dispensation lasted until 1946. Being the first constitutional dispensation, many additions and amendments occurred during this period that led to a more comprehensive Constitution. Some of which led to an improvement in civil and political liberties in Nigeria. Examples of such amendments include the redefining of the powers of the Governor, the inclusion of more natives in the regional councils and House of Assemblies, and the vesting of adjudicative powers over natives in the native courts.<sup>25</sup> As a result, the independence of the judiciary from the executive was strengthened. This was due to the change in the powers of the Executive, as checks and balances were placed in the system, limiting the extent of arbitrary Executive power. The Governors office thus had to work with the Executive and Legislative Councils in presiding over government matters (Ehinderu, 1991). Moreover substantial changes were made in the freedom of association legislation. Finally improved freedom of assembly rights were provided for. These changes facilitated the forming of political parties and activist groups among Africans.

Nationalist political groups became more active during this period in an attempt to influence the Richards Constitution of 1946.<sup>26</sup> Several demands were made leading to the 1946 Constitution. Of particular interest is the provision that all policy issues be presided over by the Regional Executive Councils and ministers in the central government, and that the majority of members of these councils were to be natives. This made the two councils the most important bodies for constitutional development in Nigeria, placing Nigerians in a pivotal position to determine future constitutional changes. In 1948 the range of issues over which the native court had jurisdiction was also substantially increased. For example, the native courts were given jurisdiction over offences against customary law. This led to an improvement in the due process of the law in the country.

The Richards constitutional dispensation was short-lived because many of the demands by activists and political groups were not implemented. Native representation in the executive council was not expanded, with only four native members allowed. This led to increased protests and the submission of a memorandum to the British Secretary of State in 1942 demanding that; “*in the pursuit of freedom, justice and true demo-*

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<sup>25</sup>The native authority and native administration ordinance of 1927, 1932, 1937, 1941, 1945, which finally culminated in the native court ordinance, which granted native court's jurisdiction over the natives alone, while the supreme court had jurisdiction over all.

<sup>26</sup>The Constitution was denounced by nationalists, but at the same time, it resulted in the coming together as a united front, of most of the different political parties, demanding for a more democratic Constitution. This was unfortunately accompanied by the emergence of tribal nationalism as well, resulting in disagreements between representatives of different tribes. hence inhibiting the effectiveness of the united front. The tribal nationalism that was displayed after the passing of the Richard's Constitutions is exemplary of the nature of interrelations between the three different regions (North, South-east and South-west) of Nigeria and the political atmosphere in the build-up to the promulgation of the independence Constitution (Ezera, 1960). Tribal nationalism in the mid 1940's was characterised by division among Nigerians who were torn between tribal and national allegiance, fortunately in most instances during this era, national allegiance took precedence. The existence of ethnic allegiance is however indicative of how relations between these regions were in the past. Such allegiances have been cited as a reason for the civil (Biafra) war in the 1960's and is still one of the identified sources of political disturbance in Nigeria today (Reynal-Querol, 2002; Fearon and Laitin, 2003).

*cracy, West African colonies should be guaranteed complete self-governance within the next five years”* (Ehindero, 1991). This resulted in the promulgation of the Macpherson Constitution of 1951<sup>27</sup>.

The Macpherson Constitution was pivotal in the progress towards self-governance. It was the first Constitution that was influenced mostly by Nigerians.<sup>28</sup> It sought to address three main issues. Firstly, it aimed to preserve and strengthen the unity of Nigeria, by implementing policies that gave greater autonomy to the three regions. This included extending the range of subjects over which the regional assemblies deliberated, as well as allocating each region its own revenue. Secondly the Constitution sought to create a larger legislature with more native representation and wider powers for members. Finally the Constitution was geared towards giving Nigerians full responsibility for the creating of laws and policies, and monitoring institutions to ensure compliance with those laws. The Central Executive Council, Regional Legislative Houses and House of Chiefs (North and West) were established as a result of this Constitution, resulting in a federal system. The stated aim of the administration was to enable a smooth joint government both centrally and regionally, in support of which the Federal Constitution of 1954 (the Oliver Lyttleton’s Constitution of 1954) was promulgated.

The promulgation of the Federal Constitution led to changes to many branches of government, including the Regional Assemblies, which were given the authority to pass legislation. The Governor no longer had absolute power over the Executive Council, and Regional Executive Council powers were given to the premiers. This impacted the extent of arbitrary executive power, as responsibilities were now divided in such a way that all powers were no longer vested in the Governor. It was also the first Constitution that had voting rights (without income restrictions) for natives embedded in it, although women were still not allowed to vote. The Federal constitutional dispensation was short-lived. The increased responsibility of natives in the administration, and the inevitable handover of government that was pending caused rapid constitutional amendments. It was during this constitutional dispensation that legislation giving the women of South-East Nigeria voting rights was passed in 1955. By 1959 provision had been made in the Constitution allowing all women of Southern Nigeria voting rights. This is reflected in the increased score for the voting rights component of *cvpl*.<sup>29</sup> The independence Constitution was promulgated in 1959.

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<sup>27</sup>The objective of the Macpherson Constitution were; first, the preservation and strengthening of the unity of Nigeria, which was provided for in the Constitution, through increasing the autonomy of the three different regions (North, South East and South west), and by increasing the legislative responsibilities and the financial autonomy for each region (the regional assemblies). Second was to create a larger and more representative legislature with wider powers both at the central and regional levels, and third, to give Nigerians a full share to bear in the making of laws and shaping of policies for Nigeria, by making Nigerians the majority in the House of Representatives. These were all by local demand (Ehindero, 1991; Lynn, 2006). These demands were not quite met by the British administration, and as a result, the dispensation of the 1951 Constitution was short-lived.

<sup>28</sup>50 of the 53 members of the constitutional Conference of 1950 were Natives, making it the most representative Constitution at the time.

<sup>29</sup>The tax payer condition was placed on voting rights for women in the 1955 legislation, but was not mentioned in the 1959 legislation. It is also interesting to note that up until recently, tax payment in Nigeria was not well monitored at all.

Figure 7: Civil and Political Liberties index, 1960-2011

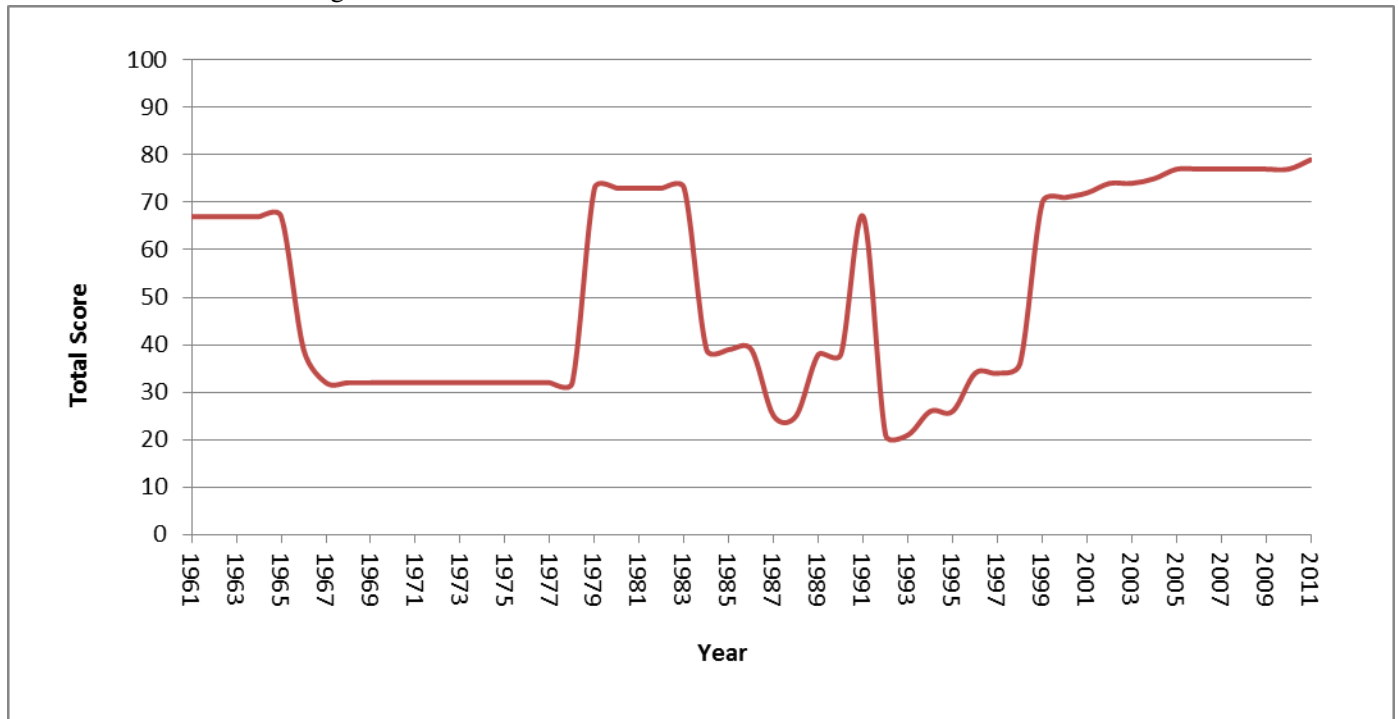


Figure 9 plots the state of civil and political liberties from independence onwards. During this era, three separate Constitutions were drafted for the three different regions, the Federal Constitution however, took precedence in the case of conflict.<sup>30</sup> The republican Constitution of 1963 was the sixth Constitution of Nigeria, and it replaced the independence Constitution. The main change was the removal of the British Queen's role in Government and replaced by the president as the head of state.<sup>31</sup> Many argued however that the fundamental foundations of the Constitutions were grounded in British law, that it was not a Constitution completely independent of British influence, and hence not a representative Constitution (Odumosu, 1963; Awolowo, 1966; Falola, 2008).

Traces of British administration were indeed evident in the new republican Constitution.<sup>32</sup> Protests centred around the lack of provision for a clear separation of the Judiciary from the Executive, and the introduction of a parliamentary system of governance. The republican Constitution was nevertheless a significant improvement on the previous Constitution in a few ways: It provided for the observation of some fundamental human rights, including the right to life, the right to liberty and the right to freedom from inhuman treatment. It also made significant progress in the country's move towards self-governance.<sup>33</sup> Like many of the

<sup>30</sup>The indices we construct in this paper however only considers the federal Constitution.

<sup>31</sup>This adds to the complex nature of the system of governance in Nigeria.

<sup>32</sup>This was an example of the path dependence *lock-in* associated with institutions, in this particular Constitution, the executive powers, and opportunities for expropriation embedded in previous Constitutions had not been removed, spelling an institutional environment, that encourages the same extractive policies pursued by the British colonialists.

<sup>33</sup>Three main open conflicts preceded the coup d'état; the federal election crisis of 1964, western regional crisis of 1965 and the army take over in January 15 1966. This can be said to be the cause of the coup d'état, but it can also be argued that, given the structure of Nigeria and her government system, it was only a matter of time before such occurred.

previous Constitutions, the republican Constitution was also met with significant resistance.

These protests were the background to the coup d'état leading to the first period of military rule in 1966. Nigeria would go on to experience three more episodes of military rule, with shorter periods of civilian rule, between 1966 and 1999 (See Figure 4). Military rule brought about changes both in the legislature and the government system. A military Constitution was promulgated during military rule, which instituted laws and regulations that resulted in a significant overhaul of the institutional environment of Nigeria. The initial laws that came with the first military rule included:

- Decrees that suspended all civilian government offices, including the Office of the President, Prime Minister, Parliament, Regional Governors, Premiers, Executive councils, and Regional Legislatures
- Decree No. 1 of 1966 further modified certain provisions of the regional and federal Constitutions.
  - It gave the Federal military government power to make laws for the whole country. In addition, promulgated laws could not be questioned by the court of law. The military government therefore had absolute legislative power
- Legislation establishing three arms of government: the supreme military council, which was the highest policy making body; the federal executive council, which executed policy enacted by the supreme military council, and the advisory judicial committee (Ehinder, 1991).
- One of the most pivotal of the enacted decrees, decree No. 34;
  - It stated that as from 24th of May 1966, Nigeria was no longer a federation, but rather a republic, with Lagos the capital territory.
  - It reduced the three arms of government to two, such that they were deemed the national military government and the executive council only.<sup>34</sup>

The three other phases of military rule occurred in 1983, 1985 and 1992. These were arguably more oppressive than the first military rule. This was evident in the laws that were passed during these phases. These laws curtailed many political and civil liberties.<sup>35</sup> An example of such laws is the “Newspapers proscription

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<sup>34</sup>The existence of the third arm of Government in the form of the advisory council was for all intensive purpose, just a technicality, as in reality, the role was for aesthetics mostly, and thus the council lacked the necessary jurisdiction to influence instituted policy. Therefore, there were technically only two arms of Government.

<sup>35</sup>Examples of such laws include: Decree No.1 of 1984; suspension and modification of the Constitution decree, which suspended the civilian Constitution and put in its place the military Constitution; Decree No. 1 of 1986; the treason and other offences (Special Military Tribunal) decree; the Newspapers proscription and prohibition from circulation decree of 1994; the minimum standard and establishment of institutions decree of 1993, which were oppressive and halted some previously provided public amenities; The education decree—brought a stop to free primary, secondary and tertiary education, and many more.

and prohibition from circulation decree of 1994”, which would have curtailed the freedom expression, and reduced the overall score of civil and political liberties. In the case of the second military rule, the stated purpose of the laws and amendments were to achieve a strong federation with higher levels of separation of powers than was provided for in previous Constitutions. After the initial failed transition of 1992, and the fourth military rule, a time-line for the transition from military to civilian rule was re-instituted, after which some of the more oppressive decrees were relaxed. This encouraged the resurgence of political parties by the late 1990’s. Banned newspaper publications were allowed back in circulation, leading to greater freedom of expression. This is depicted in the data by the steady rise in scores for this indicator from 1993, and the sharp jump in this score between 1996 and 1998.<sup>36</sup> Although we document and discuss minor institutional changes during the military regimes, it should be clear that the fundamental philosophy of a military regime is to do away with the existing constitutional democracy. Therefore, most or all aspects of the civilian or democratic constitution is either suspended or completely done away with, and replaced with military decrees. It is within this context that the minor changes documented during these regimes should be interpreted.

Nigeria experienced a few short periods of civilian rule in-between the military regimes of 1966-1999. The first was in 1979<sup>37</sup>, which is often referred to as the “second republic”. While short-lived, significant changes came about as a result of this civilian regime. The civilian Constitution of 1979 was promulgated, in which a presidential system of governance was adopted. In the previous parliamentary system, the Governor held the role of ‘Head of state’ and the Prime minister held the role of ‘head of government’. This would inevitably lead to conflict, as executive authority was vested in one and exercised by the other (Ehinder, 1991). The presidential system however, vested the power of head of state in the president, and by so doing, removed the conflict of authority that existed in the previous Constitution. The president now fulfilled the role of both head of state and head of government. The president however did not preside over the legislature, ensuring a certain level of accountability within the system, thus enhancing the quality of civil and political liberties.

The numerous transitions between civil and military rule between 1966 and 1999, is evident in the sharp volatility in scores. This was because of the repeated transitions between the military Constitution and the civilian Constitution. The episodes of civilian rule saw the promulgation of institutions which ensured a more inclusive system of governance. For example, the Land use decree, and the Public Complaints Bureau. A few other rights were also provided for, including free education, the right to life, the right to property, freedom of peaceful assembly, personal liberty and others.

In 1999, the current civilian Constitution was promulgated at the same as the transition back to civilian rule. This meant that a significant portion of the Constitution was dedicated to repealing decrees in the previous Constitution. For example Decree No. 63 of 1999 repealed the treason and other offences (Special Military Tribunal) Decree of 1986, resulting in an increase in civil and political freedoms.<sup>38</sup> The *cvpl* index reflects

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<sup>36</sup>This was because the military head of state died in 1998, ushering in a less oppressive government, which fast-tracked the transition to civilian rule. In this regard, the National Electoral Commission decrees were passed in 1998 and 1999, in preparation for the upcoming elections.

<sup>37</sup>This was short-lived, as another military regime soon ensued

<sup>38</sup>Other decrees were annulled and ceased to have effect with the promulgation of the 1999 Constitution, some of which were; the treason and treasonable decree of 1993, transition to civil rule (Lifting ban on politics) decree of 1996, the Constitution suspension



these increased freedoms from then until 2011. The continued increase can be traced the Child's rights Act and money laundering Acts of 2002 and 2003, which had an influence on the due process of the law as reflected in the residual component. Furthermore, an increase in academic freedom in 2004—with the passing of the compulsory free basic education Act and compulsory free universal education Act of 2004, all resulted in the continued increase.

In the overview, we highlighted a few important aspects of the economic history of Nigeria, differentiating between the North, the South-east and the South-west. The evident differences in the histories of the different regions has played a significant role in determining the types of institutions that were established. In some instances, this led to the British objective at a particular period in time being quite different in the North and South. Such differences are related to the nature of economic sustenance, resistance, and political systems in place pre-colonial times. The evolution of civil and political liberties in Nigeria has highlighted this North-South divide explicitly exemplified by the different institutions and ordinances promulgated in the regions. The evolutionary impact of such institutional differences can be summarised briefly, in that, the North had a well-functioning system of governance which needed to be brought under the authority of the British. This powerful system of governance was built on the economy of slave trade. The clamping down of slave trade was thus the first step in destabilising the Northern caliphate (even though this was not the objective of ending slave trade). However, as mentioned, the North had been losing the slave trade market to the South for several years preceding the British clampdown on the trade. In this regard, the Northern system had already been weakened, but this region proved more difficult to control than the less organised South. It was because of this that the North faced more oppressive control measures by the British.

## **4.3 Property Rights in Nigeria**

### **4.3.1 Methodology**

The sub components of the property rights index category are based on the work of [Waldron \(1988\)](#). This section is only concerned with land property, because other property rights such as intellectual property rights were almost non-existent in most African Countries until the Trade-Related Aspects of Intellectual Property Rights (TRIPS), agreement was passed by the World Trade Organisation (WTO), in 1994. We will also distinguish between freehold and customary property rights. This aims to help deduce the interaction between informal institutions (land rights that existed prior to arrival of the British) and formal institutions. Following Waldron's proposition for characterising ideal property rights, we employ the same methodology as [Fedderke et al. \(2001\)](#) and [Gwenhamo et al. \(2008\)](#) The components of the two indicators are listed below, with the first component assigned a weight of 20 points, the next four components, a weight of 15 points each, while the last two components are given a weight of 10 points each. A score of zero for any of these sub components means a total lack of that right in the Constitution of Nigeria of that year. A full score shows that the Nigerian Constitution of that particular year catered for the component fully.

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and medication decree of 1993 and many more.

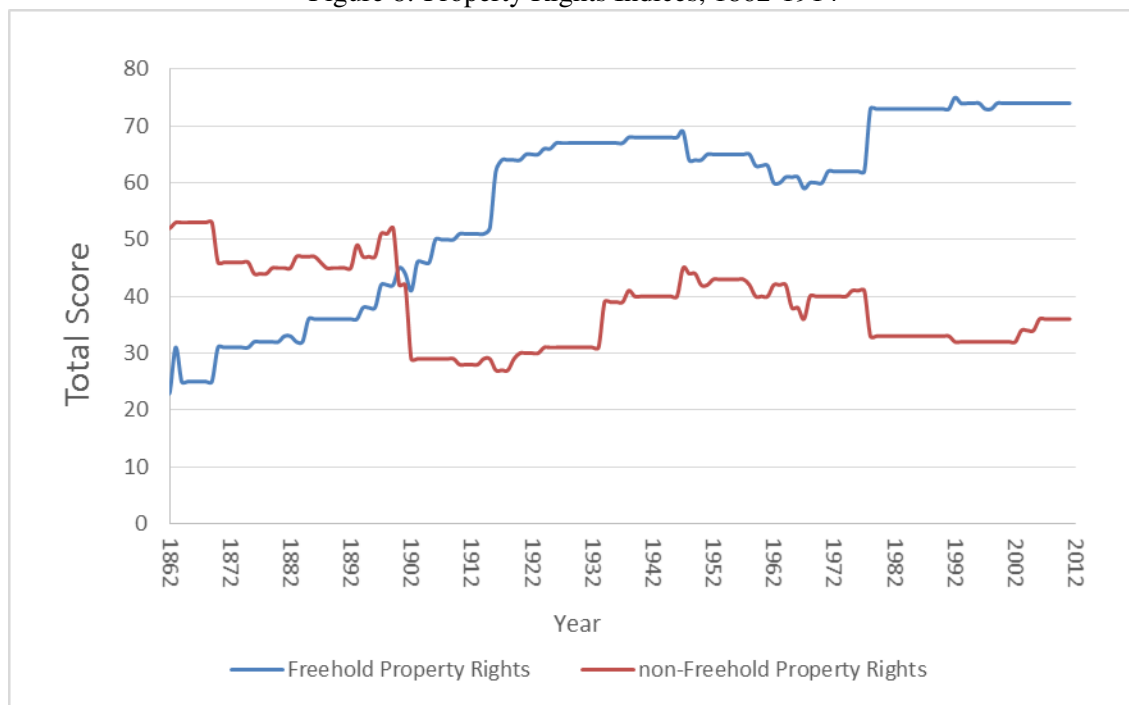
The components for both freehold and non-freehold property rights are: (1) Right to possess, (2) Right to use, (3) Right to manage, (4) Right to capital, (5) Right to security, (6) Incident of transmissibility, (7) Liability to execution.

### 4.3.2 Outcome of the ratings

Indigenous laws were how Africa and many other non-European regions maintained social order prior to the influence of colonial powers. European law brought about a second strand of laws, resulting in a dualistic legal system of most colonised nations (Merry, 1988). The property rights framework of most colonised sub-Saharan African countries have customary land rights coexisting with Western-based freehold rights (Acemoglu et al., 2001).<sup>39</sup> The next two sections discuss these two facets of property rights in Nigeria.

An assessment of the evolution of property rights in Nigeria needs to be done in the context of political institutions and the overall British agenda in Nigeria. In discussing the goals of the British in Nigeria, we touched on the clamping down on slavery, facilitation of trade, and securing of administrative rights throughout the region through treaties to facilitate the extraction of resources for trade. The British endeavours in Nigeria was quite different from that of some other regions of Africa. British ambitions in Nigeria did not require the acquisition of land, and thus the administration did not establish strong institutions pertaining to property rights as happened in other African countries. While the evolution of property rights in Nigeria will be an interesting story, the civil and political freedoms index will give a more accurate picture of the influence of British activity in Nigeria.

Figure 8: Property Rights Indices, 1862-1914



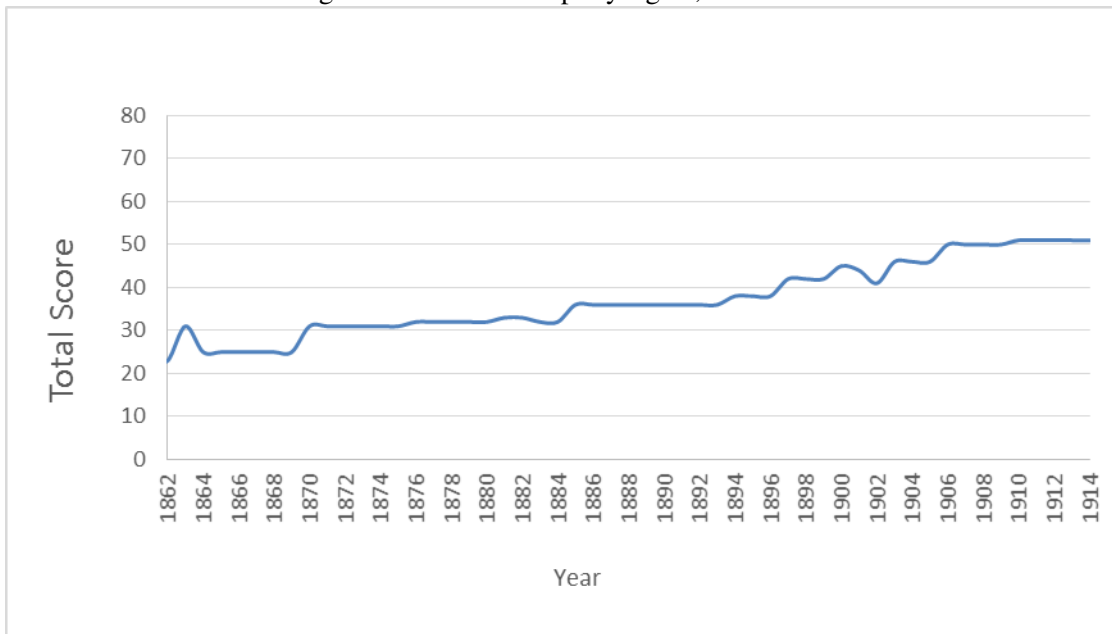
<sup>39</sup>It must be noted that the origins of the dualistic nature of Nigeria’s legal system might differ from that of a country like Kenya, given one fundamental difference between their colonial histories: Kenya was a settler colony while Nigeria was not

### 4.3.3 Freehold property Rights Interpretation

The emergence of English land law in Nigeria can be traced back to the 1862 treaty of cession signed between the king of Lagos and the British colonialists. This was the first documented establishment of any kind of immovable property rights by British colonialists in Nigeria. The interpretation of this particular treaty and the validity of the rights that ensued has been debated by scholars ever since (Elias, 1951).

In Figure 8, the property rights index under both customary and freehold tenure systems is plotted for the years 1862 to 2011. Figures 9, 10 and 11 show the scores in the index of freehold property rights for the periods 1862 to 1914, 1914 to 1960, and 1961 to 2011 respectively. For an accurate reading of the scores assigned to the freehold property rights index and its components, a few caveats must be noted to address some possible concerns. The time of initial exposure to the British differs in different parts of Nigeria. Therefore some of the laws we take into consideration were only administered in a certain regions of the country at a particular point in time, and not the country as whole. A good example would be the cession treaty signed between King Docemo and British colonialists in 1862, which gave “administrative rights” over Lagos to the British.<sup>40</sup>

Figure 9: Freehold Property rights, 1862-1914



In 1862, there was no provision in the land law of Nigeria for absolute ownership of land. There was also no provision for transactions in land, provision was merely made for transferability according to customary

<sup>40</sup>Although debate exists in literature over whether or not it was just administrative rights handed in the treaty, or administrative and property rights as well. For most of the time of colonial rule in Nigeria, the treaty was taken as both administrative and property right.

The Northern part of Nigeria, which was predominantly Muslim, had Islamic land laws in effect in as well, but this was also not in effect throughout the North either. Moreover, the focus is on the formal written laws pertaining to Nigeria and how they impact on both freehold and customary land rights.

The treaty applied to the “Lagos Colony” alone, the resulting laws are assumed to apply to Nigeria in its entirety.

law. The system of administering land disbursement and ownership during this period differed across tribes. For instance in the Northern part of Nigeria the Emir was “guardian” over the land, and was responsible for disbursing of property to members of the community. In the South-west the chiefs fulfilled this role, while in the South-east, family heads were responsible for this. The consistent principle across many of the customary land laws was the right to possession of land within the customs of most tribes. The sale of land was not provided for, and was indeed unacceptable in the customary land law. This is reflected in the summation of the property rights components score for freehold property rights in 1862 (23 out of 100).

In 1863, an ordinance was passed, which provided for the appointment of commissioners for the purpose of ascertaining the rightful owners of land within the settlement of Lagos (Ordinance No. 6 of 1863). This helped improve the level of security of land ownership, and hence, property rights. Between 1870 and 1890 the British embarked on an aggressive venture to establish the British as the most prominent western colonial power in the region in order to lay claim to Nigeria at the Berlin Conference of 1885. It was during this period that the RNC was given a Royal charter.<sup>41</sup> The signed treaties and British rights in Nigeria were used at the Berlin conference to lay claim over Nigeria.<sup>42</sup>

The majority of the treaties involved promised protection, the right to trade, and direct or indirect control of the Kingdom, often similar to the treaty of cession between the King of Lagos and the British in 1862. An example is the Gallwey treaty between the British and the Benin kingdom, which was signed under British persuasion (or coercion). This treaty allowed for exclusive trading relations (as understood by the Benin council), as well as the abolition of the slave trade and the practice of human sacrifice (as understood by the British). Many of the treaties signed during the period were plagued with a lack of proper understanding of the terms by both parties (The African contingent did not understand the terms). The British however, were swift to punish any leader who failed to comply with the terms of the treaty. In many instances, the non-complying rulers were exiled.<sup>43</sup> This strategy highlights the British goal of gaining administrative control of Nigeria, and how they set about to achieve it.

The RNC played a significant role in this British agenda. Although the company was a private entity, it was also working for the British government. In 1900, all land rights owned by the RNC in the Northern provinces were bought by the Crown.<sup>44</sup> The Niger land transfer Act of 1900 then transferred the land rights to the Governor in the trust of the British Queen, and thus made the property ‘Crown lands’.<sup>45</sup> The transaction between the Crown and the RNC was controversial because it gave the company 50 percent of

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<sup>41</sup>A royal Charter, gave the holder the power to administer, make treaties, levy customs and trade in all territories in the basin of the Niger and its affluent. This could also have been in an attempt to obtain rights to land, and sign treaties on behalf of the crown

<sup>42</sup>It should be noted that not all the treaties were peaceful agreements. , In numerous cases, tribes or cities that resisted British advancement were coerced by might of warfare and forced to sign treaties (Falola, 2008).

<sup>43</sup>King Ovonramwen of Benin, King Jaja of Opobo and Chief Nana Olomu of Itsekiri are a few examples of the many forced exiles that occurred during colonial rule

<sup>44</sup>Recall that the company had been given a royal charter, thus although the rights to land given by the chiefs were for private use, and between the RNC and the Chiefs, it was also inadvertently with the crown as well.

<sup>45</sup>Crown lands: lands and all rights in and over lands which at any time or after the commencement of the “1906 crown lands management proclamation” are vested in or held in trust for, or otherwise belong to his Majesty, including lands owned by the RNC, acquired through treaties entered into with local chiefs and rulers. The Niger Lands Transfer Act was further adjusted between 1903 and 1909, with an aim of providing for a better management of Crown lands. Ordinances were also passed declaring certain lands as unsettled lands thus giving the Governor vested rights over them.

mining royalties for 99 years. Although the royal charter was later revoked all commercial rigs and networks were retained by the RNC for 20 years following the revocation. For those 20 years, the RNC operated as a monopoly and this may have inhibited the rise of other trading companies within the region (Pearson 1971). During the same period (1870-1890), other ordinances that impacted the quality property rights were passed. An example includes the public lands Ordinance (Ordinance No. 8 of 1876), which regulated the acquisition and vesting of land for public services and empowered the government to acquire land for public purposes.<sup>46</sup> Any land acquired through this means became state land. This diminished the security of property, as the administration could deem any particular parcel of land as compulsory for public purposes and acquire it from the owner with compensation but without consent.<sup>47</sup> After the Berlin Conference, the right to possess land within the English freehold system was strengthened, as British administration of Nigeria was now official. More kingdoms across Southern Nigeria came under British administration between 1891 and 1899. Included among these areas were the territories obtained from the RNC.

The land tenure system in Nigeria underwent a number of changes in the early 1900s. The Lands Registry Proclamation was enacted in 1902, which vested certain land rights in the Commissioner, including the power to regulate the sale, leasing and management of lands.<sup>48</sup> The 1902 Public Lands Proclamation declared all land in the North as “public lands”, over which the Governor had ultimate title by right of conquest. The only restriction was that natives could not alienate the land to non-natives, however these non-natives could acquire property from the state. This restriction had a significant impact on the land tenure system, and the quality of freehold property rights. One implication of the Public Lands Act, was that British persons and natives could now own property in Nigeria.

In 1910 the Land and Native Rights Proclamation became the first comprehensive land proclamation dealing with the system of land tenure in Nigeria. Two major concerns necessitated this proclamation. First, the European traders wanted a more secure land tenure system involving freehold tenure or at least a long leasehold tenure on favourable terms. Second, the land tenure system left intact under the indirect rule principle needed examination, especially since it encouraged land taxation which was viewed as oppressive to rural communities.<sup>49</sup> It was later substantially re-instituted by the Land and Native Rights Ordinance No. 1 of 1916. This Ordinance placed the whole protectorate under the administrative control of the colonial government. It required the Governor’s consent for all land titles. The Ordinance recommended due regard to pre-existing customs, and legislated exclusive land rights for title holders against all persons other than

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<sup>46</sup>Public lands is defined as; land left entirely at the free disposal of the natives to use and enjoy according to the rules of native laws and customs, it was land that could be acquired for use by federal, state or local governments.

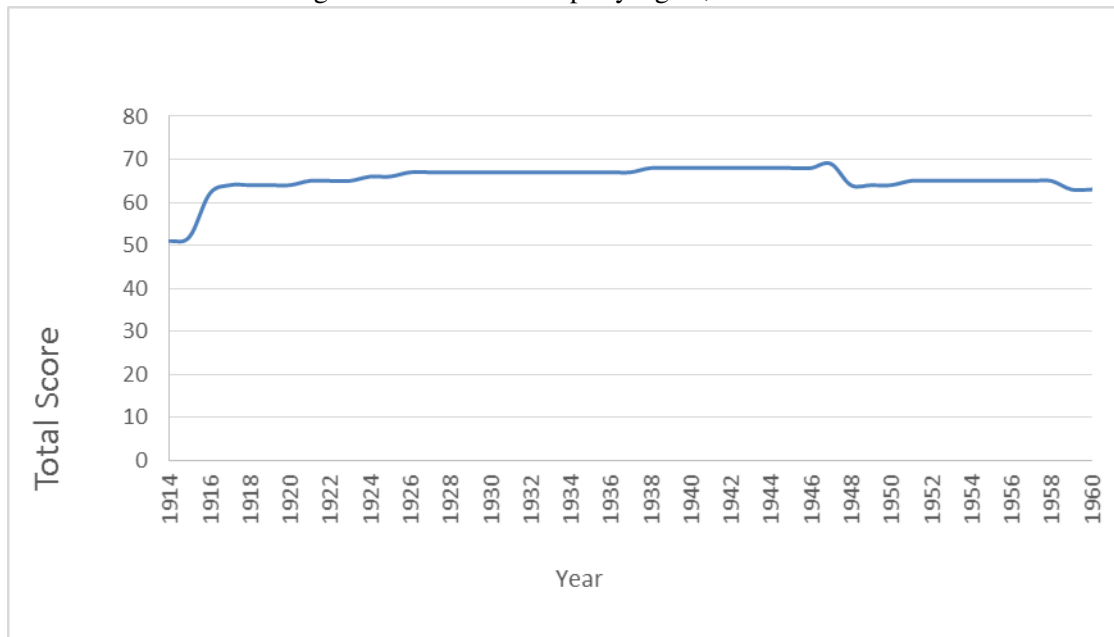
<sup>47</sup>This did not apply to customary land, that is, this could not be enforced on land that belonged to communities or societies. It was however fully enforceable to land deemed as Crown land

<sup>48</sup>Meaning the commissioner had unwavering powers to certain land and easements and allotment of such lands as well; the proclamation of 1902 giving the high commissioner the power to certain parts of Nigeria “unsettled districts”, and hence be able to make use, sell, and allot such lands as so pleased

<sup>49</sup>Land tax and other forms of taxation in this regard, was referring to the tax system that were in place pre-colonial times. The issue with this was, some of the taxes under native authority were oppressive to certain tribes and kingdoms, and indirect rule, and the collection of the tax revenue from warrant chiefs, meant the British administration was taking advantage of a possibly oppressive tax system. Additionally, the introduction of indirect rule may have worsened this, as the percentage of the tax revenue returned to the native authorities was determined by level of “organisation” of the polity. This level of organisation was arguably an arbitrary condition, whereby weaker/less organised states received a smaller percentage of accrued tax revenue, while the stronger states received a larger percentage. Such a system was in place until it was abolished in 1948 (Okauru, 2012).

the government (private ownership was non-existent in native land tenure). Finally, it recommended that the Government be entitled to revoke land titles for “good cause” and take ownership or dispose of this land while providing compensation for land acquired for “public purposes”. Almost all the recommendations were acted upon. In addition, all rights of control and authority over lands by both Muslim and non-Muslim chiefs were passed to the government.

Figure 10: Freehold Property rights, 1914-1960



The introduction of leasehold in the land tenure system occurred in 1912, as part of the Land and Native Rights proclamation amendments (Ordinary Gazette, No. 1 Jan 15 1912). Prior to this, there was no provision in the land law for a time span over which rights of ownership to land was valid making this a step towards a western land tenure system.<sup>50</sup> No major changes were made in the Land tenure system occurred between 1916 again until 1947 when the Arotas Act was instituted.<sup>51</sup> This was the first to deal comprehensively with the concept of freehold rights in land ownership<sup>52</sup>. The Arotas Crown Grant Act was later repealed by the Registered Lands Act of 1965. Subsequently, the Crown Grants (Township of Lagos) Act (No. 18, 21 and 27 of 1947), the Glover Settlements Act and the Epetedo Lands Act, were all promulgated, following a reorganisation in the government.<sup>53</sup> These were instituted to help check the credibility of land rights granted on behalf of the Crown and the effect of such grants on privately owned

<sup>50</sup>This was mainly due to the fact that land was mostly allocated according to native rights, and thus there was never really any demand for increase in duration of right over land by the natives

<sup>51</sup>An ‘Arota’ in this case is an individual that has attached himself to the household of a chief, and hence occupies land under the umbrella of the chief.

<sup>52</sup>In this regard, the concept of freehold was alien to the native and customary law, and thus it was impossible for the cession treaty of 1862 to equal a freehold interest in the land involved in the treaty.

<sup>53</sup>The survey department and land department were separated into two different government entities, this was in attempt to collect data on land titles and embark on a property rights system the bolsters security in land ownership which can be easily diminished by lack of proper titling of land

land. The Crown Grants Act was specific to Lagos , while the Epetedo Lands Act was concerned with Native land rights.

The Town and Country Planning law, which was effected throughout Nigeria in 1948 had a negative impact on freehold property rights.<sup>54</sup> It allowed for the acquisition of land for “development purposes” but the lack of a clear definition of “development purposes” left room for ambiguity, which could be easily exploited. It also allowed the government to allocate the acquired land to any individual for whatever use. Although acquired land was compensated for, there was significant reduction in the land owner’s ability to manage the land, and arguably a reduction in security in rights over owned land. However, the Land Tenure law of 1962 may have helped resolve some of these issues, since it moved administrative duties and control of title registration from the office of the Governor to the minister of Land for the State or locality concerned. Such a law allowed for some level of accountability in the acquiring and distribution of land.

Figure 11: Freehold Property rights, 1961-2011

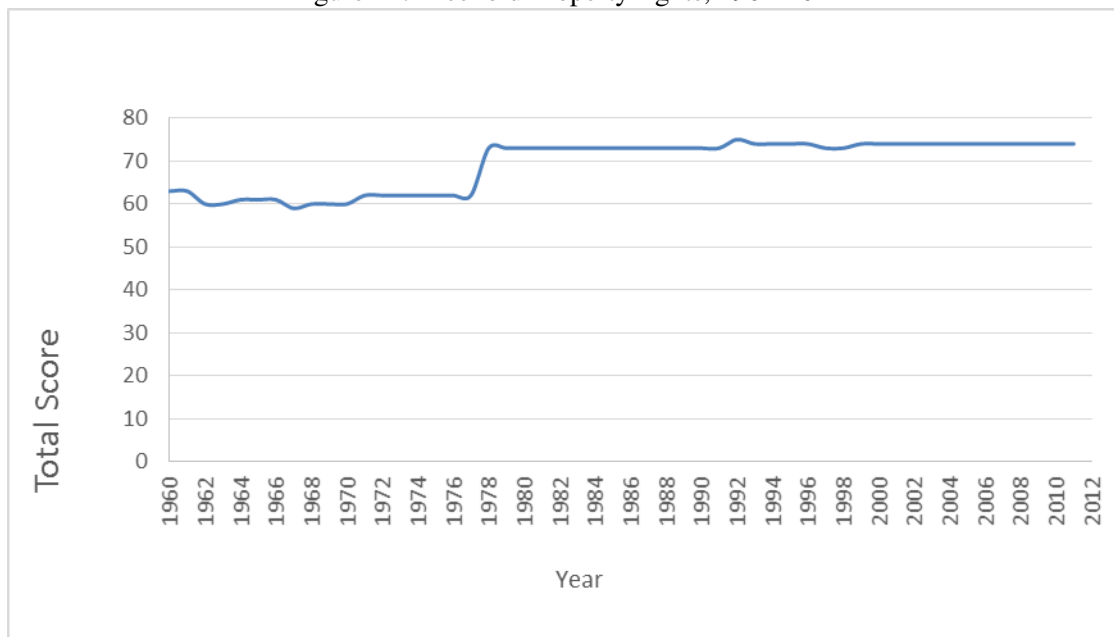


Figure 11, shows the freehold property rights index for Nigeria for the period 1960 to 2011, the promulgation of the republican Constitution of 1963, and the volatile political atmosphere in Nigeria between 1966 and 1967, led to numerous constitutional amendments. These included the suspension of the civilian Constitution and promulgation of the military Constitution. A few amendments were introduced that impacted the quality of freehold property rights. For example, the Requisition and Other Powers Decree of 1967—which gave the head of the military government the power to designate any person as a requisitioning authority during an “emergency”. This authority could requisition land, transport or any other privately owned articles. This was a drastic law, curtailing the right to manage property, and security of property. The right to capital was also curtailed, even though the State Lands (Compensation) Decree (Decree No. 38 of 1968)

<sup>54</sup>This was first instituted in Lagos in 1928, then country wide in 1946 and later brought under state jurisdiction in 1959 under the federal structure.

provided for a means by which compensation can be obtained, its objective was questionable, as there was a time limit for compensation claims. The decree was amended in 1969 so that in the case of non-compliance property may be seized and taken possession of by the authority. All these led to a reduction in the quality of freehold property rights.

The 1910 Land and Native Rights Proclamation remained relatively unchanged until 1978. The Land Use Act No. 6 was passed in 1978, introducing a new system of land tenure which applied to the whole country. The impact of the land act on Northern and Southern Nigeria was different. This is because in Southern Nigeria, customary land tenure system was the more prominent system, while the Land tenure system in the North was already similar to the British Land tenure system.<sup>55</sup> It was upon this foundation that the 1978 Land Use Act was based. Lastly, the new act did not abrogate the land tenure law of 1962.

The Land Act of 1978 is the most comprehensive land tenure law in Nigeria to date. To better understand what this act entails, a good understanding of the events that preceded its promulgation is essential. Four main concerns with the system of land tenure led to land reform in the years preceding the passing of the Land Act. Firstly, land speculation was causing a drastic rise in the value of land. Secondly, the government had difficulty acquiring land for public use. Thirdly, a formal system of land administration was needed, especially in Southern Nigeria. Lastly, land tenure (leasehold) was set at 25 years which inhibited investment in long-term projects that would benefit the economy. This was thought to be detrimental to farmers and entrepreneurs investing in ventures that would require guaranteed occupancy for longer than the maximum leasehold tenure (Omotola et al., 1986).

The vesting of land in the State was a significant aspect of the new Act.<sup>56</sup> The State now had the legal title to all land within its borders, and the Governor was not obligated by law to give rights to land to any citizen.<sup>57</sup> This gave the Governor excessive power and reduced the right to possess land.<sup>58</sup> Another major aspect of the Act was the provision for private interest in land, this was referred to as the right of occupancy (ROO) in land. The Land Law Act addressed the high rate of land-related litigation in the absence of proper titling. Previous rights to land were recognised by this law. However, after this law was passed, allocation of land through the native system would not be recognised without a certificate granting ROO. Thus native authorities lost their powers to allocate land. Furthermore, the private interest in land implies that allodial acquiring of land was no longer possible.<sup>59</sup> What was now provided for in the the tenure was partial or

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<sup>55</sup>This was due to the 1910 and 1916 Land Proclamations

<sup>56</sup>This land act was the first land to govern Nigeria in its entirety. There had been significant differences between property rights governing the South and the North due to differences in colonial administrations. The dualistic nature of the legal system meant customary land tenure and English land tenure were both operating in tandem in post-colonial Nigeria, leading to apposite differences between laws governing property rights in land within the country.

<sup>57</sup>Nigeria was a federation now, divided into numerous states, each with its own government, and Governor. Only federal lands were excluded from the lands vested in the states

<sup>58</sup>The land being held in trust by the Governor, was formerly held in trust by the Chief or community heads. This meant that, these Chiefs and community heads could no longer allot land parcels to community members. Within the context of Nigeria, these may have been a good thing, as native leaders had developed habits of rent-seeking in land allocation, incentivised by the increased marketability of land in Nigeria.

<sup>59</sup>Allodial meaning - Absolute ownership

Private interest in land is in respect to communal land, which is never really belongs to a private individual, but rather the community, and the individual only get the right to use the land and possess it within the community.



modified ownership of land.<sup>60</sup>

The laws had a number of institutional implications. Prior to 1978, the term “non-native” was not only in reference to foreign persons in Nigeria, but included Nigerians outside of their region of origin. Such a classification was borne from the customary law, where communal land allocation was practised, and non community members were considered aliens or “non-natives”. Within the land act, Nigerians could no longer be classified as non-natives in their own country. This reduced institutionalised segregation and regionalism that had previously existed in the law, and allowed Nigerians to acquire ROO in land in any state, regardless of their state of origin. In the North, where customary rights of occupancy in urban areas were held, these rights were automatically turned into statutory rights of occupancy. This however did not remove the Governor’s ability to revoke rights to such land. The North-South divide in the evolution of Nigeria’s institutions was again evident in this development.

The Act allowed for the confiscation of land without compensation, to address the lack of economic progress in the land sector in the South. Absolute ownership of land in urban areas was no longer provided for either under customary law or in fee simple. The holder of land title was however still the proprietor of land. “Long usage” became applicable in Nigeria, and the interested party only needed to apply to the local government for customary right of occupancy to gain alienable right to the land. Statutory rights of occupancy could also be applied for, which, with the Governor’s approval, would allow use of the land for non-agricultural purposes. These last aspects of the act, were positive, as they provided for improved titling in land, although the confiscation provision would have been detrimental.

Minimal changes have been made to property rights and land law in Nigeria since the 1978 Act. Litigation over land titles have however increased as many individuals still try to claim ownership over land via customary law. Amendments to the Land Use Act is difficult as it was embedded in the Constitution. Nevertheless, further property rights laws were enacted. These included the Federal Lands Registry Decree, enacted in 1992, the Voluntary Transfer of Certain Properties to the Federal Government of Nigeria Decree, Forfeiture of Assets (release of certain forfeited property) Decree, Lands (Title vesting) Decree, Recovery of Public Property (Special Military tribunals) (Amendment) Decree of 1994. These affected property rights to some extent. For instance the 1994 Recovery of Public Property Decree may have been responsible for increased litigation and the significant reduction in scores for the right to manage, right to capital and right to security of property in the Freehold Property Index.

The more recent law regarding land tenure in Nigeria was the re-certification of certificates of occupancy act of 2003, which was first implemented at the federal level, and later instituted at the state level by several states. This came about in an attempt to have better documentation of titles in land.

#### **4.3.4 Non-Freehold Property Rights Interpretation**

Customary land law in Nigeria differs significantly from statutory land law. This makes the separate construction of the two important, to capture the evolution of the two sides of Nigeria’s dualistic property rights system. To adequately present the outcome, a few caveats should be noted. Nigeria is a collection of

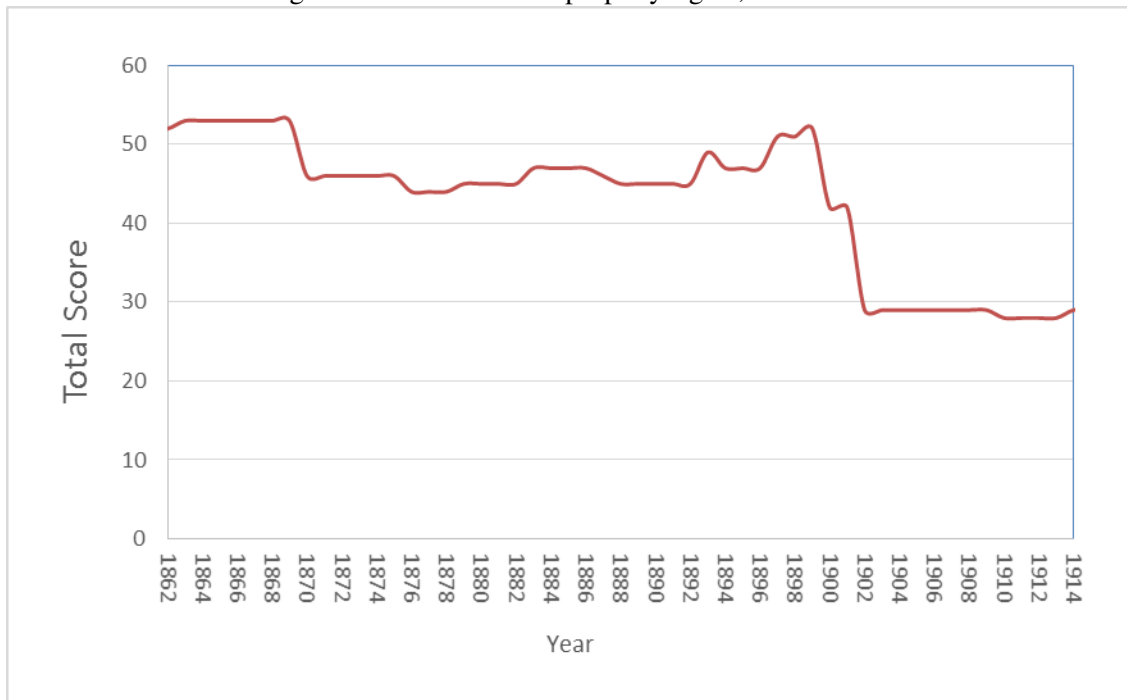
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<sup>60</sup>Meaning, the title holder can only own the right of occupancy, and no more

hundreds of tribes with significant differences in norms, cultures and edicts. However the customary laws governing property rights are similar among tribes. Although a case can be made for significant differences between Northern and Southern Nigeria. A lot of the differences can be attributed to the approach used by the British when signing treaties and promulgating land rights. The south had interactions that were more peaceful in nature while the North experienced less peaceful interactions. This resulted in more drastic and somewhat oppressive land tenure laws in the North.

The prominence of this divide makes a commanding case for its consideration, and we will identify institutions that exemplify the North-South divide throughout the evolution of customary land rights in Nigeria. Since it is not documented in the same manner as statutory law, determining the state of customary land law prior to the influence of British land tenure requires the use of historical accounts, sociological, and anthropological evidence. We consider the cultures and norms pertaining to land within the major tribes of Nigeria in determining the initial state of customary land law. There are three major tribes in Nigeria, *Yoruba*, *Igbo* and *Hausa*. While smaller ethnic groups exist, such as the *Ibibio*, *Efik*, and *Ijaw* the differences in their land-tenure systems are not pronounced (Kuruk, 2004).

Figure 12: Non-Freehold property rights, 1862-1914



Figures 12, 13 and 14, depict the evolution of non-freehold property rights. The score for this starts at 52 out of a possible 100 in 1862 (see Figure 12). In 1862, the system of land tenure in most of the region was communal in nature. Although the means of enforcing these regulations may have differed, the goal and purpose were similar. For instance, it was common practice among the *Yoruba* and *Igbo* tribes that once an individual becomes a member of the community they become subjects and beneficiaries alike of the customs of these tribes and hence obtained the right to land. The two however differ in that with the *Igbos*, the family

head or oldest member of the group oversees land allocation and holds the right to property on behalf of the community, while for the *Yorubas*, the chief fulfils this role (Elias, 1971).

The assigned score of 52 at base year is made up as follows: every member of a native community had the right to possess land according to the laws and custom of that community, thus the right to possess item scores 16 of a possible 20. Although individuals had the right to do as they please with the land allocated to them, administrative responsibilities over land in the community were mostly vested in the community heads such as the Emir's of the North, the Chiefs in the South-west, and family heads in the South-east. Thus the right to manage is limited, with a score of 8 out of a possible 15. There was no right to capital during this period, as there was no provision in the customs of most communities for the selling of land.

Between 1863 and the 1890s numerous treaties were signed between local traditional leaders and British colonialists.<sup>61</sup> A number of Ordinances were introduced to consolidate British control. For example the public Lands ordinance of 1876 provided a legal means for obtaining land rights.<sup>62</sup> This was particularly relevant for the acquisition and vesting of land for public services as it empowered the government to seize for public service. The property distribution ordinance of the colony of Lagos of 1879 is another example of a law aimed at British acquisition of land. In many cases, the treaties transferred administrative duties and prerogatives of the Kings and chiefs to the colonial administration. This led to the local and customary authorities often times losing their ability to govern property.

In cases where no such positions existed among the native authority, an individual from the masses was placed in such a position, as a warrant or paramount chief (linked to the British system of indirect rule).

The spread of British administration into the hinterlands continued into the late 1890s, leading to the land registry proclamation of 1900, which helped facilitate some titling in land. In addition to this, the Land Proclamation of 1900 and the 1903 sanction thereof provided that no interest in land could be acquired from natives without the approval of the commissioner.<sup>63</sup> This legislation was essential in protecting Nigerians against land expropriation, and influenced Nigeria's property rights outlook over the next century.<sup>64</sup> However in the same year, the Niger Lands Transfer act was promulgated, which vested all land rights obtained by the RNC in the Crown.<sup>65</sup> This may have undermined prior efforts to improve property rights for natives in Nigeria.

Between 1900 and 1910, land proclamation acts were passed pertaining to the acquisition of land for public use and the management of Crown lands in the country.<sup>66</sup> The Public Lands Proclamation No. 13 of 1902 was instituted, which declared all lands in Northern Nigeria public land, vesting the title to all lands in the

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<sup>61</sup>In many instances, the community heads were oblivious of what sort of agreement they were getting into. The RNC was also involved in a lot of the treaty signings, enabled by the possession of the Royal Charter.

<sup>62</sup>This was later re-instituted as the public lands acquisition act of 1917

<sup>63</sup>It also provided that grants and concessions in land had to be certified by the government to be official. This was aimed at protecting natives from exploitation by Europeans.

<sup>64</sup>Nigeria ventured on significantly different colonial path from countries such as Kenya, South Africa, Zambia etc., that experienced a much more oppressive set of laws pertaining to land and property

<sup>65</sup>Most of these land were obtained via treaties for trade and investment purposes

<sup>66</sup>Crown Lands refer to: All lands and all rights in and over land which is at any time or after the commencement of the "1906 crown lands management proclamation" vested in or held in trust for, or otherwise belong to his Majesty. Lands which the RNC acquired through the various treaties it entered into with the locals

North in the Governor. Subsequent laws were promulgated which declared some of the land as “unsettled land”, making the land available for acquisition for public use.<sup>67</sup> These had a negative effect on customary land law. It introduced the English concept of private ownership of land (i.e. the right for free alienation, which was contrary to native land law). The exclusivity provisions were very foreign to customary land law. Lord Lugard though aware of this pivotal change in the native law, stated that “*it was a natural evolution and was an inevitable tendency which was bound to occur with or without the concurrence of the new legislation*”(Ehinder, 1991).

The 1910 Land and Native Rights Proclamation disrupted the structure of communal land ownership in Nigeria. For example, the Governor’s consent was required for all title. This was however applied with due regard to pre-existing native customs regarding land. This raised the question of which would hold precedence should there be any form of disagreement over ownership. Additionally, an individual or community with title or right of occupancy to land had exclusive rights to the land against all persons except for the government. This introduced the concept of “private ownership” to the property rights system of Nigeria. Although undermining the power of the head of a native community, this law increased the land owners right of use and management of their property.

In general, the act only slightly increased the customary rights of use and enjoyment of property by natives, while undermined the power of Chiefs, Emirs and community leaders within the native authority. One important implication of these developments was the provision for free alienation of land in the land tenure system, which was not previously embedded in customary land law.<sup>68</sup> The Unsettled Districts Act was exercised in conjunction with the Public lands act by the government, which declared many districts of Nigeria as unsettled, and therefore belonging to the Crown.<sup>69</sup>

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<sup>67</sup>Unsettled land refers to land that has been occupied by any native, and has not been allocated to any individual within a community, or if allocated, has not been tilled for a long period of time. These same lands were later taken over under the “Niger Lands Transfer Ordinance 1916” by the government. They are mainly strips of land on both sides of the Niger River.

<sup>68</sup>Land was meant to be kept within the community and “strangers” were not supposed to obtain land from the community.

The British alluded that such changes to land law, although drastic was a natural evolution that needed to occur with or without the concurrence of the new legislation.

<sup>69</sup>This is interesting because, although the focus of the British in Nigeria, was not of land acquisition, but rather the acquisition of administrative rights over the native authorities, a different approach emanates briefly here, occurring just before the Southern and Northern protectorates were joined together to form the Protectorate of Nigeria as a whole.

Figure 13: non-Freehold Property rights, 1914-1960

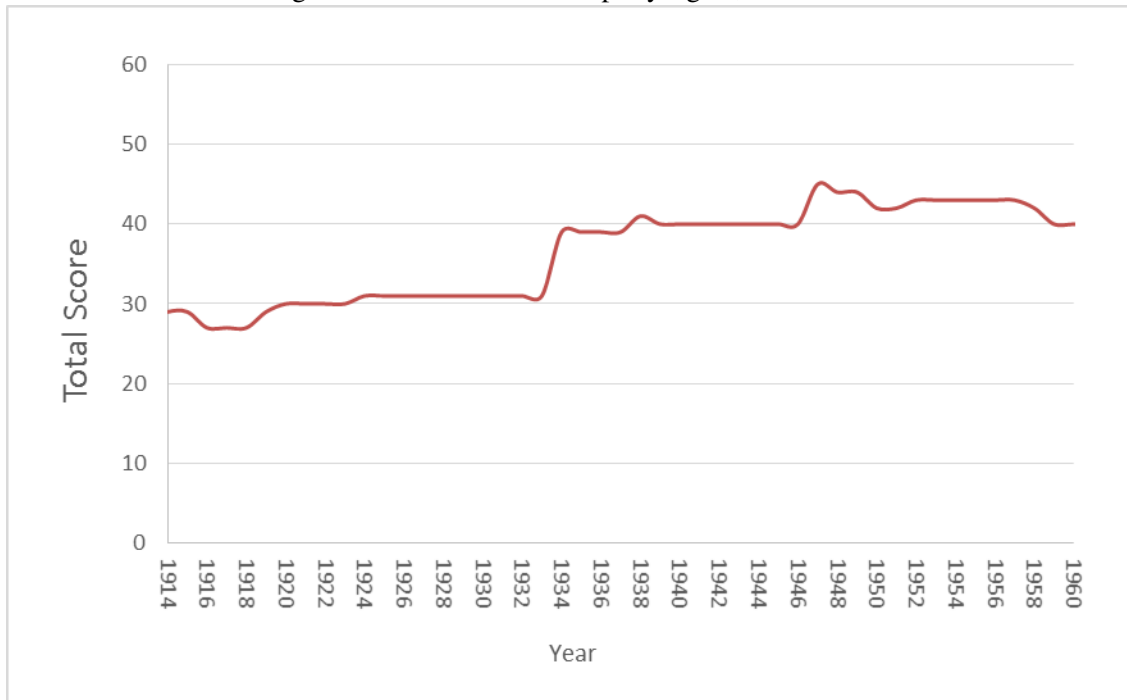


Figure 13 above shows the evolution of the index of customary land rights from the time of amalgamation until independence. The first land law to be passed during this period was the Land and Native Rights Act of 1916, which put into effect the 1910 Land Act, and would become the foundation upon which land law in Nigeria would be built over the next half century.<sup>70</sup> In addition to these Amendments, improvement to laws were introduced relating to the right to capital, and land titling.<sup>71</sup>

In 1947 the Crown grants Act was passed. It was one of three acts (including the Arotas Act of 1947 and the Epetedo Lands Act of 1965) that provided for the supremacy of customary land law (and the titles to land thereof) over English freehold (title vested in land granted under the Crown grants).<sup>72</sup> One possible reason why such a law was passed may have to do with the poor titling in customary land rights and the possibility of expropriation in such instances. On the contrary, customary law was possibly undermined by the provision for acquisition of communal land by non-community members.<sup>73</sup> This would inherently inhibit the provision in customary law for the right to possess land, as land that was meant to stay within a certain community would now be owned by individuals from outside, limiting the right of future generations

<sup>70</sup> Amendments to the original act were made with acts passed in 1916, 1919, 1924, 1927, 1928 and 1932, affecting the right to manage, the right to possess or right of occupancy of natives.

<sup>71</sup> Examples of such land legislation are the land registration (amendment) ordinance of 1920, and the change of titles (amendment) ordinance of 1921, the land registration Act of 1924, the land (perpetual succession) ordinance of 1924 and the Registration of Titles Act, No. 25 of 1935 etc.

<sup>72</sup> This is very significant, since it was pivotal in determining the nature of the treaty between King Dosumu (Docemo) of Lagos and the British in 1862, and hence many other treaties signed in similar manner thereafter.

<sup>73</sup> These were not necessarily foreigners from outside Nigeria, but an individual from outside of a certain community or tribal sect was considered a stranger, and hence could not obtain land or right of occupancy of it therefore within the specified location.

to possess the land.<sup>74</sup>

In 1958, the Communal Land Rights law was promulgated. It provided for the appointment of chiefs and local government councils as public trustees for communal land. It also allowed anyone appointed by traditional authorities to fulfil this role as the trustee. An institution such as this bridges a gap between customary and statutory land law, and possibly reduced the speculations and corruption that came with transactions in land. It also helped curb possible abuse by communal heads, and chiefs using communal land for personal gain (Crook, 1986). The promulgation of the town and country planning law of 1959, which provided for the acquisition of land for “development purposes” watered down the positive effects of the former law. There was no explicit definition of what a “development project” was, and its determination was left to the discretion of the authorities. Such a provision would provide an avenue for land expropriation, and hence had a negative impact on customary property rights.

Figure 14: non-Freehold Property rights, 1961-2011

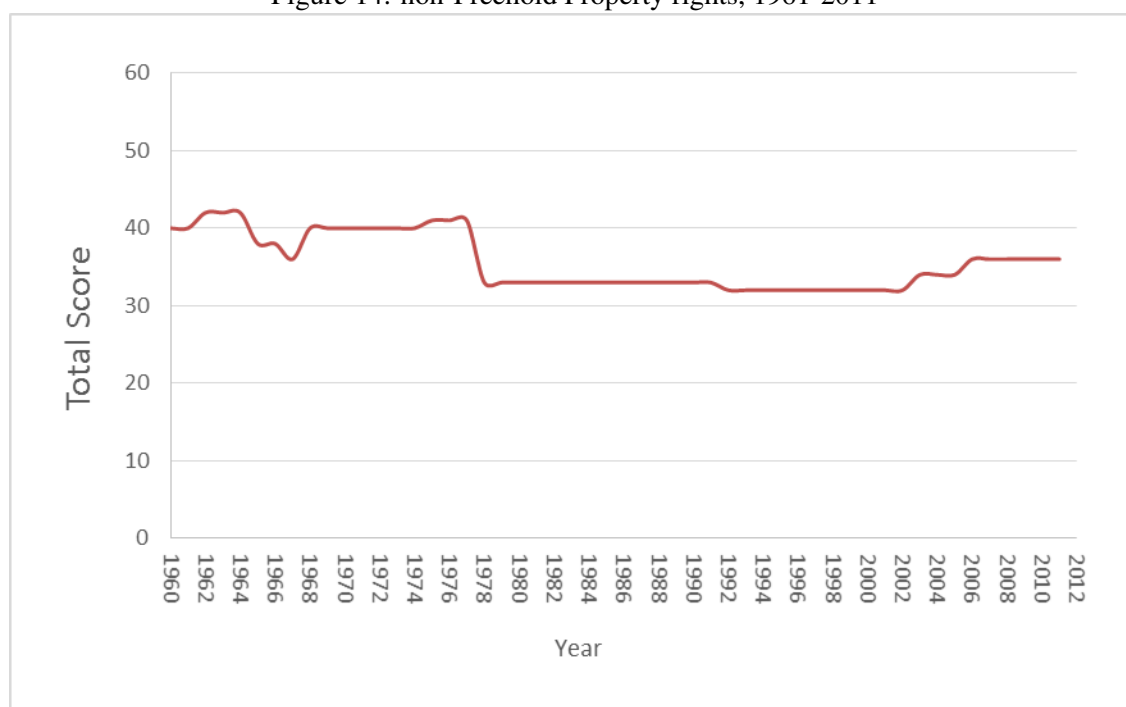


Figure 14 shows the customary property rights index from 1960 until 2011. During this period, many of the land tenure laws were instituted by the military regime. A majority of these laws undermined customary property rights in Nigeria. The component “right to security” was negatively affected, as laws such as the “Requisitioning and Other Powers” Decree were instituted under the military regime.<sup>75</sup>

The 1978 Land Act was passed to promote a tenure system that would address land titling in both customary and statutory land law, curb excessive litigation, and empower customary title to land with the access to

<sup>74</sup>Similar laws like this were promulgated in settler colonies, which were exploited for land expropriation by white settlers.

<sup>75</sup>Other similar laws were instituted between the years 1960 and 1978. Such includes the “acquisition of land by aliens” edict was passed in 1971, further curtailing rights to security of property, and right to usage of property.

capital that should come with land ownership. The ability to use land as collateral was almost non-existent in customary land rights. The land tenure system changes of the 1978 Land Act was designed to help circumvent these problems in land tenure in Nigeria, and hence was a necessity at the time. However, the act has not been as successful as anticipated. In the Land act, property rights in land—which was termed right of occupancy (ROO) under the new act—were either expressly granted or deemed granted. Land allotted according to customary law was termed “expressly granted ROO”, while ROO to lands that were previously allotted through native customs were maintained and rights to such lands were termed “deemed granted ROO”(Omotola et al., 1986). This was an attempt to reduce customary rights to property, and increase freehold rights to property. What transpired however was hesitance by customary land owners to transfer their rights into freehold property rights. This was because the land would no longer be held in trust by the community, but rather they would have a leasehold on the property, which would now be held in trust by the state.

The powers of the chiefs were undermined by the provision for local government freedom of land occupation in the new act. This gave the local government the power to acquire land for public use. Such a law allowed for the revocation of customary title to land. Furthermore, alienable interests were still not provided for in this act.<sup>76</sup> Finally, the Land Use Act still did not provide for absolute ownership of property.

Laws pertaining to customary land tenure have been sparse since the land act, as the it was fully embedded in the Nigerian Constitution, and amendments to the act would mean a constitutional amendment. Only two land laws concerning non-freehold property rights that have been promulgated since the Land use Act. These were the forfeiture of assets decree of 1994 and the Re-certification of Certificates of Occupancy Act of 2003, which increased the right to security in land through improvement of titling in land.

## 5 Comparative Analysis

As discussed earlier, a number of institutional indices—that are typically measured for the post-1960 period, exist in the literature. We compare the civil and political liberties index with similar indicators from the Freedom House index, Vahannen Index and the Polity IV series. Of the three, Polity IV span is the most extensive, covering 1960 to 2011. We also compare the property rights indices with those constructed by the Heritage Foundation and the Fraser Institute. To this effect we establish the correlation between those measures and ours for the overlapping periods, by determining the non-parametric Spearman correlation coefficients (See Table 2). There is a high and significant level of correlation between the civil and political liberties index and the Polity IV, with a correlation coefficient of 0.7337. The coefficients of correlation between the Freedom House Index for political freedoms and civil liberties and the civil and political liberties index is -0.4804 while the correlation between out freehold property, non-freehold property and their property rights index are -0.2741 and 0.1402 respectively.

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<sup>76</sup>After the act was passed, the use of land could not be changed, that is the initial usage of the land had to remain the same for the owner to maintain ROO to it.

Table 2: Comparative analysis with other measures

	<i>fhpr</i>	<i>nfhpr</i>	<i>cvpl</i>	<i>polityIV</i>	<i>frhpfr</i>	<i>frhcl</i>	<i>fipr</i>	<i>filpr</i>	<i>vanid</i>
<i>fhpr</i>	1								
<i>nfhpr</i>	-0.5623***	1							
<i>cvpl</i>	0.6836***	-0.4051***	1						
<i>polityIV</i>	0.2059	0.0041	0.7337***	1					
<i>frhpfr</i>	-0.2741	-0.1402	-0.6844***	-0.8666***	1				
<i>frhcl</i>	0.0762	-0.3312**	-0.4804**	-0.6762***	0.7210***	1			
<i>fipr</i>	0.5772**	0.3391	0.4604	0.1922	0.0963	-0.2216	1		
<i>filpr</i>	0.7140**	0.3786	0.7292***	0.3786	-0.1059	-0.362	0.9261***	1	
<i>vanid</i>	0.1057	0.054	0.7750***	0.8344***	-0.7400***	-0.5531**	0.0662	0.1864	1

\*\*\*, \*\* and \* indicates 1%, 5% and 10% significance levels respectively. *CvPL* – civil and political liberties, *FhPR* – freehold property rights and *nFhPR* – customary (non-freehold) property rights, are the constructed indicators. Periods: *Polity* from 1960-2011, is the political institutions index from the *POLITY* series; *frhpfr* & *frhcl* from 1973-2010, are the political freedoms, and civil liberties indices from the freedom house index; *fipr* & *filpr* form 1970-2010, are the property rights indices from the Fraser Institute; *vanid* from 1960-2004, are the Vanhannen index of democracy and *WGI* from 1996-2011, are the World Bank Governance indicators.



The correlation between these property rights indicators are however not significant. For the property rights indicator, the measure of freehold property rights shows a correlation of 0.5772 and 0.7140 with the Fraser Institutes' property rights index. The latter is however not correlated with the non-freehold property rights indicators. The Vanhannen index for democracy was constructed using an objective approach. It is evident that this measure is highly correlated with out civil and political liberties index, with a coefficient of 0.775. Furthermore, the customary land rights index, was not correlated with any of the other measures in literature, which further highlights the need to separate the two measures of property rights, when measuring institutions. In addition, all the three indicators are also correlated. The correlation between customary land law and civil liberties is lower than the correlation between freehold property rights and civil liberties indices, with a correlation coefficient of -0.4051 for the former and 0.6838 for the latter. The correlation coefficient between the two property rights indicators is -0.5623. The implications of this last relationship is the negative nature of correlation between the two, with improvements in one associated with deterioration in the other. The overall picture is one of significant correlation between out measures of freehold property rights and civil and political liberties, and many of the other measures that already exist in literature. What this shows is that, the indicators we have constructed, using a different methodology, is comparable to previously constructed indicators in literature. It further gives validity to the construction methodology, especially since the indicators go as far back as 1862.

## **6 Conclusion**

At the beginning of this study, we adopted the premise that the numerous changes in government and high levels of political instability experienced by Nigeria since independence would have influenced the country's growth patterns. We further argued that a good understanding of the hysteresis of institutions in Nigeria will provide a sound framework for analysing these patterns, which should be done by stressing the important role that institutions play in a country's development trajectory. In achieving this objective we constructed a new dataset relating to institutions in Nigeria. These include an index for civil and political liberties, an index for freehold property rights, and an index for non-freehold property rights. These indexes cover the period 1862-2011.

A comprehensive discussion of the ordinances used in constructing these indices then ensued, in which pivotal institutions were examined. We then discussed how such ordinances affected a the institutional environment in Nigeria. In doing this a few interesting observations are made. Colonialist's strategies differ in different countries. In the case of Nigeria, colonisation was not one of land exploitation as was the case in many other African colonies, but rather one of administrative exploitation. The ordinances passed by the colonial government, created an institutional system that facilitated resource extraction from Nigeria. Such a governance was exemplified by the system of "indirect rule" established earlier on in colonial Nigeria. The indirect rule highlights the North-South divide, which is one of the prominent attributes of the evolution of institutions in Nigeria. Institutions promulgated in North, were often more oppressive than those promulgated in the Southern protectorate, and this had anti-development implications for the Northern region. The

system of indirect rule is an element of this discriminatory approach, since it came about as a solution to problems encountered by the British in establishing a British polity in the North.

An interesting facet of institutions that is often ignored is the political interactions between societies prior to the advent of the British, which deserves consideration. There had already been instances of conquest, forced allegiance and tax treaties between different kingdoms prior to the arrival of British colonialists. An example is the payment of homage by the Kings of Lagos to the rulers of the Benin Kingdom, and the Benin king's administrative rights over Lagos, without necessarily occupying Lagos. The results of such interplay are made obvious in different parts of the country where prior to colonial influence, the system was more communal. Colonised Nigeria was forced to subscribe to the indirect rule system, and switch to a system of governance in which a few elites could hold administrative rights over the majority. Such properties are evident in the constructed index, where the components such as the independence of the judiciary from the executive, arbitrary executive power, and government secrecy have very low scores for most of history.

Rights pertaining to land in Nigeria, show a slightly different picture: This is shown by the interplay between freehold and non-freehold property rights. Ordinances promoting freehold rights to land often conflict with customary land law. These land tenure laws promulgated in Nigeria were not necessarily oppressive as was the case in most African countries. In many instances, laws aimed at protecting natives from land exploitation were passed. For example, the Land Acts of 1910 and 1916 included laws protecting natives from land expropriation. This was the case, mainly because the primary British objective of securing administrative rights over the area had already been achieved during this period. There was no consistent land tenure system for the whole of Nigeria during colonial times. As a result, land law in Nigeria was not as advanced or comprehensive, and hence transactions in land involved numerous litigations. This diminished the ability to use land as collateral and undermined the potential for productivity.

Construction and analysis of this dataset has shed light on the development and evolution of institutions in Nigeria. We observe the influence of the British in Nigeria and show that their focus was on administrative control via the system of "indirect rule" in Nigeria. The dataset created can be used for a wide range of economic analysis.

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## Appendix

Table 3: Time Line of the Legislation for the *de jure* civil and political liberties index

Period	Legislative History of the Economy		The Principle and Provision of the Ordinance/Law	Comments:
1861	Lagos is ceded to British crown by Akintoye's son, King Docemo, other reports states,	the British seize Lagos from King Docemo and establish the Lagos Colony		
1862	The First legislative and Executive councils in established Lagos			
1863	Ordinance No. 3	An ordinance to provide that the laws of England shall be in force in the settlement		
1865	Ordinance No. 5	An ordinance to amend Ordinance No. 9 of 1864, Entitled "An Ordinance to provide for the better administration of justice within Her Majesty's settlement Lagos"		
1866	Lagos settlement is merged with other British possessions in West Africa			

1874	Gold coast colony formed to include Lagos			This could mean that enforcement of anti-slavery practices were better achieved in the Lagos colony, and the British jurisdiction over this colony would now increase, and hence some basic human rights would be better enjoyed
1876	Ordinance No. 8	Rules of interpolation applicable to certain terms and provisions usually adopted in ordinances and rules of court		
1877	Ordinance No. 14	An ordinance giving the governor permission to export prohibited products, during the period for which it was prohibited		
1878	Ordinance No. 10	An ordinance for better regulating the policing of towns and populous places and promoting the public health		
1879	The United African Company is started by George Goldie			
	Constabulary ordinance of 1979	An ordinance instituted to regulate the police force, (possible to instate new constables in the police force)		



1882	The united African Company changes its name to the National African Company			
		Ordinance No. 4 An Ordinance for the promotion and assistance of Education in the Gold Coast..		
		Ordinance No.5, an ordinance to give the Governor of the Gold coast(which included Lagos) the necessary power, to detain and deport certain political prisoners		
1883		Ordinance No. 4 An Ordinance for the promotion and assistance of Education in the Gold Coast..		
		Ordinance No. 6, An ordinance repealing the Gold Coast (including Lagos) Native Jurisdiction Ordinance of 1878		
		Order in Council No. 1 of 1883, putting to effect the extradition treaty between Great Britain and Songa signed in 19 June 1872		
1884	The establishment of the Oil Rivers Protectorate			

		Ordinance No. 7 of 1884, an ordinance to provide for the more speedy remedying of errors committed by the District Commissioner in the exercise of their jurisdiction in criminal matters		
		Ordinance No. 16, an ordinance to control recruiting in the Gold Coast colony for services of foreign states		
1886	Lagos Colony is separated, the National African Company becomes the Royal Niger Company, upon receipt of a royal charter from the British Government		This gives a private institution jurisdiction over government power, opening up avenues for exploitation of such	
		Change of governorship of Lagos		
1887		Proclamation, revoking the appointment of the district commissioner for the district of Lagos	Change of office	
1888		Order assigning a few officials to dissolve the office of DC, and appoint a new person	Change of office	
1889		Order revoking the appointment of Alvan Milson as DC of Lagos, and appointing Edmund peel	Change of government office	

		Commission appointing Hon. George Chardin Denton as acting Governor of the Logos colony	Change of office	
1890	British claim territories in northern Nigeria through the Anglo-French agreement.			
1891		An Ordinance to prevent the improper disclosure of certain information	This is related to the information bill (that repealed this secrecy bill).. Thus is inhibits the access to information right..	
	Sir Claude MacDonald developed an official governing structure for the protectorate	This made Sir Claude the first consul General for the protectorate. The territory was later renamed the Niger coast protectorate in 1893,		
1892	The Gallwey Treaty is signed between the British and the King of Benin	An order in council exempting S.S. Teck from the payment of light dues	The said individual was exempted from paying light dues, unlike other individuals	
1893	Oil Rivers Protectorate becomes the Niger Coast protectorate			
		An ordinance promoting the revision of the statutory laws, (since they seemed spent or have not been used for a while... and hence were no longer relevant)	Could this be deemed imposition of British law over customary law?	

1894	The town of New Oyo was bombarded and brought forcibly under British rule	this followed similar bombardments in Ijebuland and forced take over in 1881		
1897	The name Nigeria is officially adopted	An ordinance to amend the travelling ordinance of 1885	The detail of this ordinance isn't given, but it either promotes or curtails the freedom of movement	
		Order in council, allowing the agent for the "royal Niger company" to recruit men in the colony under the foreign recruitment ordinance		
1898	Observance of Local laws regulations, 1898			This law will be a positive and upholding law for the political and civil liberties of the natives, as it sought to have colonial settlers follow (to some extent) the already existing regulations (customary law)
1899	Establishment of the Protectorates of Southern and Northern Nigeria			

	<p>An examination of the education system (Primary ) was carried and it was found that the quality was not up to par, but the report concluded that the change of social norms (Christianity over ancestral worship and superstition) was of more importance than proper education, as education in itself would be worse than useless if the social way of life was not altered at first.,</p>	<p>Note that, there were no secondary schools present in the protectorate at this point in time</p>	<p>This can be looked at as diminishing the rights of the people to education in a way</p>	<p>The fact that there was no secondary education still, and reports were fine with the low quality of education is a negative, but</p>
1900	<p>The royal Niger Company's Charter is revoked, and combine the Niger coast protectorate with the nearby areas resulting in the Declaration of the Protectorates of Southern and northern Nigeria,</p>			

	The Slander of women ordinance			
	<p>An examination of the education system (Primary ) was carried and it was found that the quality was not up to par, but the report concluded that the change of social norms (Christianity over ancestral worship and superstition) was of more importance than proper education, as education in itself would be worse than useless if the social way of life was not altered at first., the government introduce a scheme where industrial education would be combined with primary education in many places throughout the protectorate</p>	<p>Note that, there were no secondary schools present in the protectorate at this point in time</p>	<p>This can be looked at as diminishing the rights of the people to education in a way</p>	<p>The introduction of initiatives to make the primary and industrial education a joint effort is a positive.</p>

	Legislation regarding the jurisdiction of the Supreme Court.	The supreme court in the protectorate was given the same power as the supreme court in Britain.	This would have many implications for the "due process of the law" though the jurisdiction in legislation was at par with the British supreme court, we don't expect that in application the practice would be at the same level as the British supreme court	
		Laws of the Lagos colony were applied to new territories (implying that the territory had been claimed by the crown) Egba and Ibadan		
1901	Proclamation prohibiting slave dealing, with severe penalties sanctioned. This came into operation 1st April	This was made applicable to the whole protectorate by order No. 9 of the 26th November 1901		This has got to affect every sphere of civil and political liberties
		The native council ordinance		
		Very Important powers were given to the commissioner, such that he can set up a council or court near the scene of offence, and render judgement right there and then.		This has certainly got to tamper with the due process of the law, as
1902		The foreign jurisdiction ordinance		
		The native labour ordinance	This might imply that labour laws differed between natives and foreigners	

1903		The native labour ordinance, the legislative council ordinance, Ife and Yoruba land jurisdiction ordinance		
		The education proclamation		
	The Ordeal, Witchcraft and Juju proclamation	This proclamation was passed in an attempt to curtail the deaths and suffering that supposedly came as a result of superstition.	The proclamation thus provided that any one found presiding over such a trial (practising superstitious exercises or witchcraft) will be liable to 10years in prison, and if death occurred, ,would be liable to trial for murder, there was also a penalty for those assisting or participating at any of the above stated practices	This will certainly inhibit the freedom of association and religious orientation .
		The lands registry amendment proclamation		
1905		Acts and proclamations of 1902 and 1903 were sanctioned		
		Proclamation mending the law of criminal procedure, making it a faster procedure (lessening long delay on carrying out sentences)		This implies an improvement in the due process of the law
	The slavery amendment	Proclamation defining more exactly the penalties to which a non-native will subjected for slave dealing. And for any discrimination between a non-native and freed slave		This results in better civil liberties generally, and it seeks to avert slavery and discrimination amongst natives



1906	Merging of the colony of protectorates of Lagos with the Protectorate of Southern Nigeria	Proclamation of "the Niger lands transfer" act		
	Cancelling of the letters patent of 1886 Constitution the colony of Lagos, and revoking of Orders in Council that provided for the administration of the Lagos and southern Nigeria protectorates, a promulgation of letters patent joining the two together to make the colony of southern Nigeria, 1st of may			
	Eight new schools were opened, and a few were also opened the previous year			This bolsters the right to education by individuals in the country
		Proclamation of "the crown lands management" act		
1907		Yoruba land jurisdiction ordinance		

		Education: a new code for the education system was designed, which allowed for the allowance of grants for vernacular primary schools		This makes education, though already a right, much more accessible to the natives of the colony
1908	The Ordeal, Witchcraft and Juju ordinance	This ordinance prohibited the worship of Spoon		This was definitely curtailing the freedom of religious orientation
1909	Forming of the Niger Trader's association in September, and the founding of King's College.			
1910	Order under the provincial courts proclamations of 1908	This order, delegated to the chief justice some powers previously vested in the high commissioner under certain sections of the proclamation		This upholds the "independence of the state from the judiciary" section of civil and political liberties
1911	The Ordeal witchcraft Ordinance	This ordinance prohibited certain forms of Juju worship		This would curtail the religious freedom
1912	Sir Frederick Lugard is appointed governor of the protectorates on Nigeria			
	Copyrights acts came into operation in Northern Nigeria			

	Commission appointing Sir Frederick John Dealtry Lugard G.C.M.G, C.B., D.S.O., to be the Governor and Commander in chief			
1914	Amalgamation of Northern and Southern Nigeria			
	Formal Inauguration of Colony and protectorate of Nigeria, and			
	Invasion of Cameroon by Nigerian Troops			
	Outbreak of war with Germany			
1915	Education Ordinance			
1916	Conquest of Cameroons completed			
	Completion of railway bridge over River Niger at Jebba			
1917	The education (amendment) ordinance			

	The deposed chief removal ordinance			The question of who does the "removal" is very important, if this is being done by the colonial officials, and not being initiated/endorsed by the natives, then we have the case for suppression, at the same time though, although case can be made for a reduction of arbitrary executive powers.
1919	Termination of the present war ordinance			
1919	The education ordinance			
1920	Illiterates protection (amendment) ordinance		This helps maintain the rights of the illiterates, though they may not have proper knowledge of legislation	
1921	The British nationality and status of aliens act, 1914 fees (amendment			
	The change of titles (amendments) ordinance			

1922	Political franchise	The legislative council order in council provides for the inclusion of 3 unofficial member from Lagos and one unofficial member from Calabar in the council	This may have implications for the extent of the influence of the Judiciary on the legislature	
	Great Britain received mandate from League of Nations in respect of Portion of German Cameroons			
	Sir Hugh Clifford's Constitutions of 1922	A new Constitution was introduced	Leading to the 1922 Constitution.docx	
	Voting rights	Every male was allowed to vote (both native and British nationals) but women were still not allowed to vote, (convicts were not allowed to vote)	· Adults with annual income of £100 or more could vote, Convicts of any crime punishable by death or more than one year's imprisonment could not vote (conviction must be from any competent British court), People of unsound mind could not vote	
1923	The colonial church council incorporation ordinance			
	Establishment of Legislative Council with Jurisdiction over the Colony and Southern Province of Nigeria			

	The education ordinance			
1925	Visit of Prince of Wales			
1926	The education ordinance			
	The Makurdi-Kaduna section of the Railway is opened			
1927	The education (northern province) (amendment) ordinance			
	The income tax (colony) ordinance			
1928	The native authority (amendment) Ordinance			
1929	The labour ordinance			
	The Zaria-Kaduna_namoda section of the Railway is opened			
	The education (colony and southern & northern province) (amendment) ordinance			
	The colonial development act	This was enacted upon realisation of the appalling state of welfare in many developing (colonial) countries, including Nigeria.		

	Riots at Aba	This lead to the review of the local administration in the southern province		
1930	Opening of Kano-Nguru section of the Railway			
1931	Income tax (colony) (amendment) ordinance			
	Non-native income tax (protectorate) ordinance			
1932	The labour (amendment) ordinance			
	Opening of Benue Bridge at Makurdi			
	The native administration (legal proceedings) Ordinance			
1933	The forced labour ordinance			
1935	The Lagos township (voters list) ordinance			
1936	Forced labour Ordinance			
	Land development (provision for roads) ordinance			
	Income tax (amendment) (colony) ordinance			
	The slavery Ordinance			

	The native authority (amendment) Ordinance			
	Change of title ordinance			
1937	the non-natives income tax (protectorate) (amendment) ordinance			
	The native authority (colony) ordinance			
1938	The labour (amendment) ordinance			
	The colonial development welfare act (from 1929)	This act, though passed in 1929 was not really acted upon until Nigeria was allocated 23 million pounds towards to fund initiatives from this act		Though there isn't a category for such in the index, an improved state of welfare in the country, can only but help with the civil and political liberties enjoyed by its citizens. Thus an increase in the residual category suffices
1939	The colony taxation (amendment) Ordinance, the non-native income tax (protectorate) (Amendment) Ordinance			



	Division of the Southern Province into the eastern and western provinces			
	The outbreak of the second world war			
1940	The income tax ordinance			
	The direct taxation ordinance			
	The prohibited Juju order		Reduce the practise of Juju worshipping	This impacts the freedom of religious association
	The world war	Nigerian troops took part in the Italian East African campaign (1940-1941)		This is significant for Nigeria, due to the increase in Nigeria's exports of minerals during and after this period, Nigeria's total trade activities sped up after then jumping from about a total of 18million pounds in 1939 to about 69 million pounds in 1947 and by 1952 it was at 242 million pounds

1941	The native authority Ordinance (power to native authority to make orders)			
1943	Income tax ordinance	Deduction for passages rule	This deals with taxes charges for then people pass through certain properties belonging to the CROWN?	
	The Second World war	Nigerian of the 81st and 82nd divisions take part in Burma campaign		
	Evidence and power of attorney act			
	Native authority Ordinance	Recognition of native authority, appointment of native authorities for western provinces not set out in westerns provinces (application of Ordinance) Order 1943		This will definitely impact the due process of the law, and the extent of arbitrary executive power
	Treaty between the Nigerian Government and the Government of the Spanish territories if the Gulf of Guinea			
1944	Forced labour Ordinance	Forced labour (eradication of "Kashin Yawo") regulations		
	Income tax ordinance	Conditions of exemption of the income bodies of persons formed for the purpose of promoting social or sporting amenities		

1945	Native authority Ordinance	Appointment and establishment of officials		
1946	The system of indirect rule was introduced	During this era, most other parts of Nigeria apart Lagos had the supreme courts and native courts handling all court issues	The system of indirect rule in a way helped "native courts" deal with most courts issues by natives in manner that's most suitable since these courts were mostly under the jurisdiction of natives	This would help enhance the due process of the law
	Native courts	The native courts had jurisdiction over marriages, succession, land claims, but their jurisdiction was limited and only applicable to Africans,	This means that the supreme courts, and English courts (operating under English law) had jurisdiction for all the same afore mentions issues over both British nationals and natives, while native courts only had jurisdiction over native	The implications of such a dual legal system is that one sect of people can be found guilty for a crime while a different sect (British nationals) within the same constituency would walk scot free. This certainly hampers the due process of the law. Of great importance is also the fact that educated natives were not allowed to be a part of the native court system.

	Nigerian troops were also involved in the second world war,			This is significant for Nigeria, due to the increase in Nigeria's exports of minerals after this period, Nigeria's total trade activities sped up after then jumping from about a total of 18million pounds in 1939 to about 69 million pounds in 1947 and by 1952 it was at 242 million pounds
	10 year development plan	The 10 beginning of the 10 year development plan		
1947	The Liquor Ordinance	This had more to do with equality than with liquor control, the ordinance stated that "its an offence for an person holding a license to sell liquor to the public to refuse to sell to any person on account of his race, colour or creed	This was meant to step up equality within the system,	This would enhance the freedom of association and the freedom of expression, an possibly the freedom of movement

	Sir Richardson's Constitution came into effect on the 1st of January		The most vital change in the Constitutions was the provision that all questions of policy shall be decided and all action directed by executive councils in the regions and council of ministers in the centre and that in each of these councils there will be a Nigerian majority.	The implication is that the executive councils and the council of ministers are at the corner stones of the Constitution. Thus getting the Nigerian political atmosphere closer to a "for a people by the people" ideal
		One major element of the new Constitution was that the legislative Council now had jurisdiction over the whole of Nigeria, and a majority of "non-official" members (natives) , and the setting up of house of assemblies in each region		
1948	The first university in Nigeria was registered	University College at Ibadan		This was a big stride in education
	The native courts ordinance	The native courts jurisdiction was increased, and in essence given power to effect judgement on offence both against the native law, and the criminal code,	Though some of the cases may be "too technical and intricate" for the native courts (as native lawyers were still a part of the adjudicators) they were given the power to execute judgement in such instances	This certainly enhances the due process of the law, in this particular case, it was a case being presided over by the Emir of Gwandu

	The native courts ordinance	There was also considerable expression that the statute criminal law be universally applied in Nigeria	This would mean, English law would sweep out native and customary law in Nigeria	
	Administration	Progress was made towards the self-government, that is a government for the Nigerians by the Nigerian	Training and selection of qualified natives was being carried out to possible meet this goal, a declaration was also made that "no non-Nigeria should be appointed to a senior service post unless no suitable and qualified Nigerian was available, and in such case, a comprehensive plan for the training and selection of candidate"	65 Nigeria's were appointment during this year to senior service positions, this was in addition to the already existing 172 Nigerians
1949	Major donation of 382,000 pounds was made towards education	University College at Ibadan		
1950	Evolving by devolution into a federal system	This was deemed a difficult process for Nigeria, since such a transition had never been performed in any country until it was done in Nigeria (The other existing federal systems were built the surrender of power by already existing states to the federal government for the benefit of all such countries include USA, Canada, Australia)	The government of Britain (her majesty) made it clear that, the goal of the federal system was to strengthen the unity of Nigeria through the development of each of (the then existing 3) regions along their individual characteristics. This goal was of "greatest importance" to Her Majesty's Government	As we all know, this exercise would be later seen over the years, as one in futility, as ethnic and tribal violence have rampaged Nigeria from right after Independence until the present day

1951	The McPherson Constitution of 1951		A lot of the new laws and orders in council that had to deal with central legislature and regional house of assemblies, and the first Major election in Nigeria were in imputed into the law this year	
	The native courts ordinance	The native courts ordinance of 1948 was repealed, and the power of the native courts in relation to the criminal code, and native laws and customs was defined		
	Voting Rights	The right to vote was embedded in the Richardson Constitution of 1951, allowing that British person, and British protected persons that paid taxes the right to vote (note that this didn't include women)		
	The publication ordinance	This required that 2 copies of every book and newspaper published in Nigeria must be sent both the chief secretary and the library of the University College, Ibadan		
1952	The first meeting of the new regional and Central Legislature took place	The British parliamentary delegate attended the first budget session of the House of Representative (HOP)		

	This was the first time regional laws were enacted	The Northern region enacted the Native authority (definition of functions) law	This gave a more precise definition to the functions of Chiefs and others appointed to the offices of Native authorities	This would have an effect on the "The Extent of Arbitrary Executive Power" section of this index
1954	Oliver Lyttleton's Federal Constitution of 1954	"The Federal Constitution of 1954, came as a result of the constitutional crisis in 1953. Two conferences aimed at the amendment of the Constitution were held in 1953 and 1954. This resulted in important changes surfacing in the 1954 Constitution. This was the first federal Constitution, which made Nigeria a federation with 3 regions, Lagos being the capital. Two legislatures were created, and the executive and the concurrent Provided for superiority of federal over regional laws, should there be conflict between the two (this was a bold move towards central government). Governor no longer presided over the executive council, Premier's took over presiding of regional executive councils		
1955	Voting Rights	Women in the South Eastern Nigeria obtained voting rights given they were tax payers		
1959	Voting Rights	Women in all of southern Nigeria obtained voting rights given they were tax payers		



	Start of the First Republic (Nnamdi Azikiwe)			
1960	Petition of rights law			
1960	The Independence Constitution of 1960			
1961		<p>Nigeria Became independent on 1st of October 1960. The British parliament thus no longer had power to legislate for Nigeria. There were four parts to the Constitution, that is there were four sub-Constitutions, these regional Constitutions were contained in schedules to the “order in council”. The Constitution of the federation, the Constitution of the west, the Constitution of the north, the Constitution of the east, the Midwestern was added in 1964. Important pointers in the 1960 Constitution; Nigeria remained a monarch, the Queen of England was still the queen of Nigeria</p>		
1962		<p>Nigeria became a full independent country within the commonwealth. A British high commission was established to conduct relations between the two entities. Governors no longer had power to execute in discretion, but in on advice of council (in this case ministers/premier’s)</p>		

1963	Public Health law			
1963	The Republican Constitution of 1963	<p>This was similar in many ways to the independence Constitution. The main characteristics or important pointers in this Constitution. The Queen ceased to be the queen of Nigeria, her functions were taken over by the president. The president was now the constitutional head of state, questions of the autochthonous nature of the Constitution were raised. Some argue since it was a Constitution for the people of Nigeria by the people of Nigeria, it was technically autochthonous. Some argued that it wasn't because it was enacted by the legislature (which had all its basis in British legislature) after repealing the Nigerian constitutional order in council of 1960. Other important pointers in the 1963 Constitution; It had five separate but dependent Constitutions</p>		

	The Republican Constitution of 1963	<p>One federal Constitution, One for the 3 regions (East, west, north), and the Midwestern Constitution that was passed by the federal parliament tin 1964 Jan 11. Each of these Constitutions were enacted under different legislative authorities. Further introductions in the Constitution of 1963 Parliamentary system of government. No clear separation of judicial power from the executive. Fundamental rights were guaranteed in the Constitution (details);</p> <p>Right to life, Right to liberty, Right to freedom from inhuman treatment. Insulation of certain matters (disciplinary and removal of members of civil service) from control of ministers</p>		
End of the First Republic, Beginning of First Military Rule (Yakubu Gowon)				
1966	Constitution (Suspension and modification) Decree No. 1, 34	This decree, suspended certain sections of the republican Constitutions, and modified certain provisions of the federal and regional Constitutions as well		This decree came on the back drop of the first (of many) military coup d'état. It occurred a mere 5 years after Nigeria gained independence

	Constitution (Suspension and modification) Decree No. 59	This is classified as the second military rule, it suspended Decree No. 34, and promulgated Decree No. 59, hence Decree No. 59 was a revocation of Decree No. 34		
1967	Requisition and other powers decree	The decree establishes that the head of the Military Govt may during any emergency period, by notice designate any person as a requisitioning authority. The person is empowered to requisite land or means of transport. The person is also given the powers for the requisition of articles other than land or vehicles and the acquisition of ownership thereafter. It also provides for the payment and amount of compensation for requisitioned articles and a limitation of time for claiming such compensation, except in cases where compensation is excluded		This decree cuts across both property and civil rights. It tampers the security of property, and the extent of arbitrary executive power under civil and political liberties

	State creation and transitional provisions decree No. 14	This came under the second Military rule: This came on the back drop of protest against Decree No. 34 of 1966 (the first military rule), Decree No. 59 of 1966 was passes to revoke the decree. Nigeria was now a federation again This happened on the 28th of may 1967. It contained four regions. It divided Nigeria into 12 states, and led to the declaration of the “independence of the republic of Biafra” 30th may 1967 This lead to the Nigeria civil war, between secessionists and federal military government. The war lasted until 13th Jan 1970	The civil war being referred to is known as the Biafra war,	During the course of this civil war, many human rights, and most civil and political liberties that were meant to be enjoyed my Nigerians was compromised, and this should be reflected in the index
1968	The state lands (compensation) decree No. 38 1968	The decree deals with the compensation payable under section 24 of the principal Act 1958 (Cap. 45) (which deals with the state lands sold or leased under that act). The decree established that in computing compensation payable account shall be taken of any building, installation or crops on the land consumed		This should help with the due process of the law, and help make sure that proper compensation is given for government acquired property
The Third Military Rule				

1975	The Third Military Rule	<p>This commenced July 3rd 1975 Came as a result of the overthrowing of General Yakubu Gowon Accusations included, lack of indecision, accessibility and insensitivity to the peoples demands There was a reorganisation of the arms of government, though it still had three arms The supreme military council This consisted mainly of military officers except for state military governors The federal executive council The national council of state Nigeria was later divided into 19 states on Jan 1976</p>	<p>This came on the back drop of the overthrowing of the previous regime, and can be classified as the 4th regime in Nigeria within 15years of its independence, all occurring without the vote of the Nigerian Citizens.</p>	
	Voting rights	<p>Women in all of Northern Nigeria obtained voting rights given they were tax payers</p>		<p>Finally all women in Nigeria (paying taxes) are now allowed to vote.</p>

1976	Division of Nigeria into states	The reigning Military regime divided Nigeria into 19 states,		This was in an attempt to foster fusion of the federal and at the same republican system in Nigeria, where the uniqueness of the different pre-existing regions was being celebrated while pushing towards more generic goal of unity among all the different entities that made up administrative Nigeria
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1978	Land Use Decree No. 6	The decree vests all land comprised in the territory of each state (except land vested in the federal government or its agencies) solely in the Military Governor of the state. He would hold the land in trust for the people, and be responsible for the allocation of all land in urban area. in non-urban areas however (which is similar to land far away from the community) such responsible with be conferred on the local government. provisions are made to establish state committee's with the community having member representatives in them. such a committee would handle land disputes, and compensations in case of revocations.		It is interesting to know that the decree/land law of 1978 did not abrogate the provisions of the land tenure law of 1962.
End of First Phase of Military Rule (four Military head of states), Beginning of Second Republic (Shehu Shagari)				
1979	The 1979 Constitution of the Federal republic of Nigeria	Nigeria adopted a parliamentary system upon its independence in 1960, and kept the parliament intact when she became a republican state in 1960, and in 1979 a presidential system of government was adopted		This Constitution was promulgated in conjunction with the shift from Military to civilian rule
1981	The Constitution of the Federal Republic of Nigeria (adaptation of the public order act)			



1982	Revenue Allocation act			
	End of Second Republic, Beginning of Second Phase of Military Rule (Muhammadu Buhari)			
1984	Constitution (suspension and modification) Decree No. 1			
1985	Constitution (suspension and modification) Decree No. 17			
1986	National Security Agencies Decree No. 19			
1987	Participation in politics and elections (prohibition) decree			
1988	Constituent assembly decree No. 14			
1989	National electoral commission (amendment) No. 8, 37			
	The Constitution of the Federal Republic of Nigeria (promulgation) decree No. 12	Promulgation of the Federal Constitution		

	Transition to civil rule (political programme (amendment) decree No. 25			
	Constitution (suspension, modification, amendment)			
	Minor offences (miscellaneous provisions) decree			
	Participation in politics and elections (prohibition) (amendment) decree			
	Transition to civil rule (lifting of ban on politics) decree			
1990	Educational (National Minimum Standards and Establishment of Institutions) Act			
	companies and allied matters decree No. 1			
1991	Elections (registration, etc. of voters) decree			

	Participation in politics and elections (Miscellaneous provisions) decree			
1992	Group of Newspapers (proscription and prohibition from circulation) decree			This would inhibit the freedom of expression
	National primary education commission decree			
	Participation in politics and elections (Miscellaneous provisions)(amendment) decree			
	Transition to civil rule (disqualification and prohibition of certain presidential aspirants) decree			

	Proposed End of Second Military Rule, and Beginning of Third republic, this never materialised after election results were annulled by the Military, Thus marking the End of the Second Military Rule, and Beginning of the Third Republic (which lasted only 3months) (Ernest Shonekan)			
1993	Education (national minimum standards and establishment of institutions) (amendment) decree			
	National electoral commission (dissolution) decree			
	National primary healthcare development agency decree			

	Newspapers (proscription and prohibition from circulation) decree, later repealed in the same year			
	Political parties (dissolution) decree			
	Transition to civil rule (disqualification and prohibition of certain presidential aspirants) (repeal) decree			
	State executive councils, etc. (dissolution) decree			
1994	Newspapers (proscription and prohibition from circulation) decree			
1995	"National Human Rights Commission Decree			
	National Humans rights commission decree			
1996	Political parties (registration activities) decree			
	Transition to civil rule (lifting of ban on politics) decree	Repealed in 1998, reinstated in 1999, and later amended in 1999		

1997	state government (basic constitutional and transitional provisions) decree,			
	National electoral commission (repeal, etc.) decree			
1998	Political parties (registration activities) decree			
	End of Third Military Rule, Beginning of the Fourth Republic (Olusegun Obasanjo)			
1999	1999 Constitution of the federal republic of Nigeria	Promulgation of the Constitution		
				Due process of the law
2000	"Corrupt Practices and Other Related Offences Act			
2001	Electoral act			

2002	Economic And Financial Crimes Commission (Establishment) Act			
	Money Laundering (amendment) act			
	Electoral act			
	Banks and other Financial institutions (amendment) Act			
2003	Corrupt Practices and Other Related Offences Act			
	Child's Right Act			
	Money Laundering (prohibition) act			
2004	Compulsory free basic education act			
	Economic And Financial Crimes Commission (Establishment) Act			

	Extradition treaty between the government of Nigeria and the government of South Africa, (ratification and enforcement) act			
	Compulsory free universal education act			
	Money Laundering (prohibition) act			
2005	Federal High court (amendment) act			
	Monitoring of revenue allocation and to local government act			
	Electoral act			
2006	International convention on civil liability for Oil pollution damage (ratification and enforcement) act			
2007	Electoral (amendment) act			
2008	Fiscal responsibility act			



2011	Freedom of information act	This bill, declared that citizens had the right of access to any government information, and should be provided to them upon request		This will increase the government secrecy index
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Table 4: Time Line of the Legislation for the *de jure* property rights index

Period	Legislative History of the Economy	The Principle and Provision of the Ordinance/Law	Comments:
1861	Treaty of Cession	This treaty hands over the ownership of Lagos and all its territories to the crown, thus "allowing" colonial officials to enact English legislature within the territory. The conflict comes in wit the existing legislative environment when the treaty was signed. English law was not existent in Nigeria when the treaty was signed, meaning territorial Lagos was on being handed over to the crown on the same communal bases that land was given to community members in Customary Nigerian (Yoruba) land tenure system.	This is probably one of the most significant treaties in the legislative and colonial history of Nigeria, this has been the source of many litigations in Nigeria over the past century
1863	Ordinance No. 9	An ordinance for appointing commissioner for the purpose of ascertaining the true and rightful owners of land within the settlement of Lagos	

1870	Aggressive Imperial expansions		There was aggressive ventures by Germany, England and France into previous uncolonised areas of Africa, and in the case of Nigeria, West Africa around the River Niger during this period, this resulted in the construction of Railways, and establishing of stations in different territories across different regions in Africa. This culminated in the Berlin Conference of 1884-1885
1876	The public lands ordinance of No. 8 1876	An ordinance regulating the acquisition and vesting of land for public services, o This dealt with the acquisition of land for public purposes o It was later re-enacted as the Public Lands Acquisition Act of 1917. the act became a regional phenomenon following the introduction of the federal structure, and late a state law. This legislation empowered the Govt. to acquire land compulsorily for public purposes Compensation was paid to the expropriated owners Land acquired became state land (formerly Crown Land)	
1883	Order in Council No. 1 of 1883, putting to effect the extradition treaty between Great Britain and Songa signed in 19 June 1872		

	Ordinance No. 8	Property distribution ordinance of the colony of Lagos	This ordinance will in a way regulated the access by Non-native to native land, and provide some level of security in land ownership
1885	The Berlin Conference		The most important rule for declaring control over an African territory was the upholding of the long established practice of signing treaties of "protection"/cession with native leaders for the creation of protectorates and the effective occupation of any fully fledged colony with military forces - Toyin Falola (A history of Nigeria)
1886			The British in fear of losing trade advantages over and around the River Niger to either the Germans or French, straightened their political power over the region through the treaties and force wherever and whenever necessary
1890	Foreign Jurisdiction Act		
1891		An ordinance to regulate the navigation of the Inland waters and the management of vessels engaged therein	
		Proclamation, notifying that four kingdoms, (Igbessa, Addo, Ilaro) were now under the sovereignty of her majesty and forms part of the protectorate	

		Exemption of local steamers from payment of light dues, and orders fixing the wills and dues payable on palm kernels and palm oil shipped	
1892			
1893		An ordinance re-defining the districts within the Gold Coast (including Lagos) for purposes of jurisdictional	
1894	Egba Boundary Treaty	Proclamation declaring British sovereignty over a host of lands, territories in and around the Lagos colony	This was a proclamation, thus it wasn't given, rather it was claimed, in some instances this involved the use of military force to force the signing of treaties by chiefs and community leaders
1897		Amendment of the inland waters navigation ordinance	
		A Proclamation to change the name of the protectorate from "Niger Coast" to Southern Nigeria, and Acquisition of Lands from Natives	This acquisition came on the back drop of the pending Berlin Conference, which would only allow England to lay claim to the Niger area if they had enough land and territories acquired already
		Land registry proclamation	
		Proclamation extending the Niger coast protectorate	Laying to claims to land in the Niger area by means that may be unofficial to the natives/locals, but works within the crowns jurisdiction

1900		Land Proclamation	This proclamation provides that no interests in land shall be acquired from natives without the approval of the commissioner, this also provides that new concessions and grants should be acquired under government sanction only
	Niger Lands transfer act	This act stated "all lands and rights of the Royal Niger Company in the Northern Provinces of the protectorate on January 1 1900 shall be and are hereby vested as from January 1 1900, in the governor in trust for her majesty, her heirs, and successors"	This meant that all the rights to private land held by the RNC now belonged to the crown, and the conflicting part, is the "rights the crown/colonial official believe they obtained, and the "rights given to the RNC officials by the native chiefs.
	Native lands acquisition proclamation		
	Lands Registry proclamation	This was repealed by the lands registry proclamation No. 18 of 1901	
1901	Lands Registry proclamation	Consolidated with proclamation No. 8 of 1900	
1902		This proclamation made provision for vesting certain land and certain rights and easements in the high commissioner, and also to regulate the sale and leasing and management of such lands, rights and easements	This gave the High commissioner the unwavering right to certain land and easements, and the powers the regulate the allotment and leasing of such land, rights and easements

		Proclamation giving power to the high commissioner to declare certain parts of the protectorate to be "unsettled districts" and for other purposes relating thereto	This basically means, the commissioner can declare sectors of Nigeria s unsettled, and hence make use of such areas for their own purposes .. (whether or not there were natives living there prior)
	The public lands proclamation No. 13	All other lands in north are therefore regarded as public lands to which the Governor has ultimate title, by right of conquest	This act came in addition to the transfer of so called private lands from the Royal Niger Company to The Government as Crown Lands r
1903	Public Lands Acquisition act, Paragraph. 6		This act enabled the commissioner to acquire land required for public purposes and provides that "fair" compensation be given to the owners
1904		"Native Lands Acquisition Proclamation" sanctioned	
		Proclamation of "the Niger Lands Transfer" act	This was enacted to amend the lands proclamation of 1900
		The lands amendment) proclamation,	
1907	Northern Nigeria Lands Act, No. 9	Proclamation of "the crown lands management" act	
		Two land registration ordinances were passed	
		Oil (mining ) ordinance passed	This ordinance, though an amendment, was the first ordinance to deal with matters of crown land issues..
		The Crown Lands ordinance	
1908	Ikoyi Lands Act	Yoruba land jurisdiction ordinance	

	Crown Lands act		
1909			
1910	Notice: declaring certain portions of the protectorate as unsettled		This was for colonial purposes (if declared unsettled, then such portions can be claimed for "government's use)
	The Land and Native rights Proclamation		
1911	Notice under the "unsettled districts proclamation"	A few cases of prospectors and others entering unsettled districts "without permission"	This could either mean, these unsettled districts were being held for future suitors, or as soon as a portion of the protectorate was declared an unsettled district, it irrevocably becomes the crown's property, and trespassing on these properties was now a crime.
	The land tenure proclamation	Declaring some locations (Bauchi, Kano, Nasarawa, Muri (as districts)	This was mainly for registration purposes
1912	Amendment of the proclamation entitled "the land and native rights amendment proclamation"	This was to amend the land and native rights	
	Ordinary Gazette, No.1 15th January 1912	Introduction of "Leasehold conditions" under the land and native rights proclamation	The first official sign/introduction of Leasehold in the Nigerian Land Tenure system
	Commission appointing Sir Frederick John Dealtry Lugard G.C.M.G, C.B., D.S.O., to be the Governor and Commander in chief		
1913	Foreign jurisdiction Act		

	The Niger Company Lands acquisition proclamation	This proclamation was denied	This is a good thing for property rights, as the Niger company wasn't allowed to implement a proclamation that was probably exploitive in nature
	The public lands acquisition proclamation	This allowed the governor to acquire ANY freehold lands when required for public use	
	Notice: amending a notice from 1911 on "unsettled district"	This took out some portions of the proclamation, and replaced it in lieu of, and hence declared certain portions of the protectorate "closed" ( i.e. settled?)	If "closed" means settled, then that would be upholding property rights
1914	Amalgamation of Northern and Southern Protectorates	This led to the formation of the Nigerian Protectorate, and brought both protectorates under one administration	
	Unsettled districts proclamation	Some districts were declared unsettled,	This is quite similar to laws passed in settler colonies, and exploited for expropriation of land from natives
1915	The Lands registration Ordinance		
	The Lands registration amendment Ordinance		



1916	Land and Native Rights Act, No. 1		The 1910 land and Native rights Proclamation was substantially re-enacted by this ordinance. This proclamation formed the back bone, and foundation upon which the Nigerian land tenure system of Northern Nigeria was based for the next 50+ years (until 1978), even the Land Use Act of 1978 is based fundamentally off the the Northern Land tenure system, which is the 1916 proclamation
	Niger Lands Transfer Act, No. 2		
	State Lands Act		
	Unsettled district act		
1917	Administration (real estate and small estates) Act, No. 11		
	Native Land Acquisition Act, No. 32		
	Public Lands Acquisition Act, No. 9		
1918	Stale Lands Act		
	Crown lands ordinance of 1918		
	Survey Act		
1919	The land registration ordinance		
	The land and native rights (amendment) ordinance		
1920	The land registration (amendment) ordinance		
1921	The change of titles (amendments) ordinance		
1922	Sir Hugh Cliffords Constitutions of 1922	A new Constitution was introduced	

1923	The Crown lands ordinance		
1924	Land Registration Act		
	The Land (perpetual succession) ordinance	This ordinance had to do with the transfer of land in the case of passing away of a relative	
	The land and native rights (amendment) ordinance		
	The Land registration ordinance		
1926	The public lands acquisition (amendment) ordinance		
1927	The crown lands Ordinance		
	The land and native rights ordinance		
1928	Intestate Estate Act		
	The Right of sale (amendment) Ordinance		
	The land and native rights (amendment) ordinance		
1929	The land and native rights (amendment) ordinance		
1932	The land and native rights ordinance		
	The crown lands Ordinance		
1933	Inter-Tribal Boundaries Settlement Act, No.49		
	The land development (provision for roads) ordinance		
	Native Courts Act		
1935	Kola Tenancies Act, No. 25		

	Registration of Titles Act	This provided for the establishment of land registries for the registration of titles to land at such places as the minister may direct.	
	Crown lands (amendment) Ordinance		
1937	Forestry Act		
	The financial officers change of title ordinance		
1938	Administrator-General's Act, No. 14		
	Public Trustee Act, No. 15		
	The native lands acquisition (amendment) Ordinance		
	The land and native rights (amendment) ordinance		
1939	Interpretation Act, No. 27	This provided that subject to certain conditions, English common laws, statute of general applications, and doctrine of equity will also be in force in within the jurisdiction of the court as far as they relate to the legislative matter in question	Thus a person can lose rights in land in a Nigerian court under the rule of prescription "long usage" where as under customary land tenure, "long usage" was enough to make the original owner lose his/her rights in land, Long usage - meaning if a property (belonging to another) is used for long enough without any break, the trespasser can essentially gain ownership rights to the property
	The land and native rights (amendment) ordinance		

	The protectorate courts ordinance (jurisdiction in native land cases) Order-in-council,		
	The change of titles ordinance		
1940	The land registration		
	The land and native rights ordinance		
	The world war		This is significant for Nigeria, due to the increase in Nigeria's exports of minerals during and after this period, Nigeria's total trade activities sped up after then jumping from about a total of 18million pounds in 1939 to about 69 million pounds in 1947 and by 1952 it was at 242 million pounds
	The crown lands (amendment) ordinance		
1941	Land and native rights ordinance (1924)	Amended: land and native rights (fees) regulation, right of occupancy, exemption from plans	
	Unsettled district Ordinance	Unsettled districts declaration	
1942	Land and native rights ordinance (1924)	Amended: land and native rights (fees) regulation, right of occupancy, exemption from plans	
1943	Magistrate Courts Act, No. 24		
1945	Minerals Act		
	Niger lands transfer (amendment) ordinance		
	Recovery of Premises Act, No. 39		
	Public Lands Acquisition Act, No. 9		

	Public Lands Acquisition (Amendment) Act		
1946	Increase of Rent (restriction) Act, No. 1		
	The ex-enemy lands ordinance	It was deemed expedient that certain lands situate in the Cameroons and now vested in the custodian of enemy property be bought by the governor	This means that lands owned by "enemy" would be bought for rights purposes
	Land and native rights ordinance	That enemy land (if deemed needed) should be bought by governor and held by and administered for the use and common benefit of the inhabitants of the said territory	This gives the governor authority to buy such lands and thus making the land "native lands" giving him jurisdictions over it for leasing or whatsoever he finds pleasing
1947	Arotas (crown Grants) Act, No. 19	The same as grants made to " Arotas," an Arota being defined as any person who has attached himself to the household of a Chief and who occupies land subject to the control of such chief. (Repealed in 1965 by the "Registered Lands act 1965", relevant for Lagos state only)	It is now clear, as has been held in various judgements both of the Judicial Committee of the Privy Council and of the Supreme Court of the Colony, that the rights acquired by the British Crown under the cession of 1881 did not include the right to make a grant of the freehold in land, and, that the very conception of a freehold interest is alien to native law and custom
	Sir Richardson's Constitution came into effect on the 1st of January		
	Separation of Lands department and Survey department	One of the main roles of the lands department was to collect and correlate data on African Land tenure	

	Crown Grants (Township of Lagos) Act, No. 18	Declares and confirms the effect of certain grants of land situate within the Township of Lagos (Repealed in 1965 by the "Registered Lands act 1965", relevant for Lagos state only)	This is one of four bills published with Sir Mervyn Tews, report on title to land in Lagos. It was designed to clarify the legal position of private land holders in Lagos, by declaring and confirming the effect of certain grants made by or on behalf of the CROWN between 12th June 1863 to 18th April 1918
	Epetedo Lands Act, No. 27	Declares and confirms the effect of certain Crown grants which were subject to certain incidents of tenure operating in favour of the descendants of one Chief Oshodi Tappa, and provides for the enfranchisement of the land in question by extinguishing of those incidents of tenure.	
	Glover Settlements Act, No. 21	Declares the rights existing in land which was set aside in 1867-8 as a settlement for refugees from the interior, and provides for the investigation of claims.	
1948	Minerals (Amendment) Act, No. 8		
	Increase of Rent (restriction)(Amendment) Act		
	Native Authority Act (cap. 140 of 1948 edition)		
	Land registration		
1949			

1950	Land tenure (native authority - control of settlement) regulations		
	Native Authority (control of land) Ordinance		
1951	Land tenure (native authority - right of occupancy) regulations		
	Lands transfer Ordinance		
1952	This was the first time regional laws were enacted	S. 2, S.11	This regulated the acquisition of land from Nigerian by non-Nigerians
		The Western Region enacted the Native Lands Acquisition law	
1953			
1954	Native Authority Rules		
1955	Land and Native Rights (Amendment) Act	Control of Soil erosion	
1956			
1957			
1958	Public lands acquisition act		

	The Communal land rights (vesting in trustees) law	This law provides the appointment of chiefs or local government councils as public trustees for communal and It stipulates that where traditional authorities in any community have been declared to exist in accordance with the law, they shall be appointed by the minister as "the trustees of communal rights in respect to that community"	It will help strike a balance between customary law relating to communal land and the issues that come up with modern land speculations and corruption tendencies in country such as Nigeria. It would in essence help curb abuses by chiefs and traditional leaders who were building empires for themselves out of dispositions of communal land. such a law would help increase right of access, right of security in the property rights in Nigeria
	Recovery of Premises Ordinance		
1959	Property and conveyancing law		
	The town and country planning law	This allowed for the acquisition of land for development purposes.	This act was exploitable for corrupt purposes, as land can be acquired for so called "development" purposes and the said acquired land can be given to another individual by the government for use howsoever he individual sees fit. This is mainly because, the actual use of the land the pre-stated development purpose is not a requirement for its legal ownership by the government. Once acquired for development purpose, it no longer matters whether or not the development actually took place or not
1960	petition of rights law		



1961	Law Reform (Contracts) Act		
1962	Land tenure Law		
	Land Administration	Administrative duties, and control title registration instruments were no longer put in charge of the governor, but rather the commissioner of minister in charger of land for the state concerned	
1963	Constitution of the federation		
	Native Authority Rules	Control of cultivation of land, control of Bush-burning	
1964	Adaptation of Laws (miscellaneous provisions) Order (L.N> 122 of 1964)		
	Interpretation Act		
1965	Registered Land Act	This repeals the Arotas Crown Grants act of 1947.	
1966	Limitation Decree		
1967	States(creation and transitional provisions) Decree		

	Requisition and other powers decree	The decree establishes that the head of the Military Government may during any emergency period, by notice designate any person as a requisitioning authority. The person is empowered to requisite land or means of transport. The person is also given the powers for the requisition of articles other than land or vehicles and the acquisition of ownership thereafter. It also provides for the payment and amount of compensation for requisitioned articles and a limitation of time for claiming such compensation, except in cases where compensation is excluded	
1968	Companies Decree		
	The state lands (compensation) decree No. 38 1968	The decree deals with the compensation payable under section 24 of the principal Act 1958 (Cap. 45) (which deals with the state lands sold or leased under that act). The decree established that in computing compensation payable account shall be taken of any building, installation or crops on the land consumed	This decree cuts across both property and civil rights. It tampers the security of property, and the extent of arbitrary executive power under civil and political liberties

1969	Requisition and other powers decree(Amendment)	This established that in the case non-compliance to the requisition lawfully in accordance with the provision of the requisition decree, the authority may seize or take procession of the article.	
1970	Public lands acquisition act (amendment)	This amends the Form A of the schedule to the public lands acquisition act of 1958	This should help with the due process of the law, and help make sure that proper compensation is given for government acquired property
1971	The acquisition of Land by Aliens edict	25 year maximum allowance for leasehold land acquisition by an alien in Lagos state, while the same was 99years for other parts of southern Nigeria. Any disposition of land for a greater interest would not be approved	
1975	Requisition and other powers (amentment) decree	This decree diluted the power of the chief federal lands officer for the purpose of allowing for quicker settlement of the compensation for acquired land under the decree	
1977			A law such as this without proper monitoring can result in exploitation for negative purposes.

1978	Land Use Decree No. 6	<p>The decree vests all land comprised in the territory of each state (except land vested in the federal government or its agencies) solely in the Military Governor of the state. He would hold the land in trust for the people, and be responsible for the allocation of all land in urban area. in non-urban areas however (which is similar to land far away from the community) such responsible with be conferred on the local government. provisions are made to establish state committee's with the community having member representatives in them. such a committee would handle land disputes, and compensations in case of revocations.</p>	<p>It is interesting to know that the decree/land law of 1978 did not abrogate the provisions of the land tenure law of 1962. The act was embedded in the Constitution of Nigeria, thus making any amendments to it would involve a constitutional amendment, which would mean going through several arms of government before being approved</p>
			This is a Nationalisation of Land
1979	Land Use Decree (validation of certain edicts etc.)	<p>Some of the governors had made edicts and purpose of this decree was to regularise the situation accordingly</p>	
1990	Forfeiture of Assets, etc. (Validation) Act		
	Land Use Act (Validation of Certain Laws, etc.) Act		
	Town Planners (Registration, Ect.) Act		
1992	The military Constitution of 1989 comes into forces		

	Federal Lands registry (Miscellaneous Provisions) Decree		
	Assets (title Vesting and Validation) (Mr. J.H. Bassey) Decree		
1993	Voluntary Transfer of Certain Properties to the Federal Government of Nigeria (Amendment) Decree		
	Forfeiture of Assets (release of Certain Forfeited Property) Decree		
	Lands (title Vesting, etc.) Decree		
1995	Recovery of Public Property (Special Military Tribunals) (Amendment) Decree		
1997	Chiefs (Appointment and deposition) (Federal Capital Territory) Decree		
2003	re-certification of certificates of occupancy	Many states, followed the lead of the Federal Capital Territory (FCT), in implementing re-certification of occupancy certificates within their states, in order to have better documentation, and valid land title particulars.	this would help in the security of property rights, the ability to use certificates of occupancy, as evidence for collateral in loan application, and essentially making land a legitimate economic instrument in Nigeria

Table 5: Indices and Sub-indicators changes - Property Rights

Year	The Law	Interpretation	Non-Freehold Property Rights Index		Freehold Property Rights	
			Score	Changes	Score	Changes
1861	Treaty of Cession	This treaty hands over the ownership of Lagos and all its territories to the crown, thus "allowing" colonial officials to enact English legislature within the territory. The conflict comes in wit the existing legislative environment when the treaty was signed. English law was not existent in Nigeria when the treaty was signed, meaning territorial Lagos was on being handed over to the crown on the same communal bases that land was given to community members in Customary Nigerian (Yoruba) land tenure system.	52		23	
1863	Ordinance No. 9	An ordinance for appointing commissioners for the purpose of ascertaining the true and rightful owners of land within the settlement of Lagos	53	Right to manage up	25	Right to security up, Incidence of transmissibility up

1870	Aggressive Imperial expansions		46	Right to possess down, Right to use down, Right to security down	31	All up except Right to use and Incidence of transmissibility
1876	The public lands ordinance of No. 8 1876	An ordinance regulating the acquisition and vesting of land for public services. This dealt with the acquisition of land for public purposes. It was later re-enacted as the Public Lands Acquisition Act of 1917. The act became a regional phenomena following the introduction of the federal structure, and late a state law. This legislation empowered the Government to acquire land compulsorily for public purposes. Compensation was paid to the expropriated owners. Land acquired became state land (formerly Crown Land)	44	Right to possess down, Right to use down, Right to manage down, Right to capital up, Incidence of transmissibility up	32	Right to possess up
1879	Ordinance No. 4	Property distribution ordinance of the colony of Lagos	45	Right to manage up	.	.

1883	Ordinance No. 8. Order in Council No. 1 of 1883, putting to effect the extradition treaty between Great Britain and Songa. Signed in 19 June 1872.	An ordinance to provide for the registration of instruments affecting Land in the Gold Coast Colony	47	Right to manage up, Incidence of transmissibility down, Liability to execution down	32	Right to possess down
1885	The Berlin Conference	This marked the "Scramble for Africa"		.	36	All up except for Right to capital, Incidence of transmissibility and Liability to execution
1891	.	An ordinance to regulate the navigation of the Inland waters and the management of vessels engaged therein. Proclamation, notifying that four kingdoms, (Igbessa, Addo, Ilaro) were now under the sovereignty of her majesty and forms part of the protectorate. Exemption of local steamers from payment of light dues, and orders fixing the tolls and dues payable on palm kernels and palm oil shipped				.
1893	.	An ordinance re-defining the districts within the Gold Coast (including Lagos) for purposes of jurisdiction	49	Right to possess up, Right to use up		.



1894	.	Proclamation declaring British sovereignty over a host of lands, territories in and around the Lagos colony	47	Right to possess down	38	Right to possess up
1897	.	Lands Transfer Act	51	Right to possess down, Right to capital up, Incidence of transmissibility up	42	All up except for Right to capital, Right to security and Incidence of transmissibility
1899	.	A Proclamation to change the name of the protectorate from "Niger Coast" to Southern Nigeria, and Acquisition of Lands from Natives. Land registry proclamation. Proclamation extending the Niger coast protectorate	52	Right to security up		.
1900	Niger Lands transfer act. Native lands acquisition proclamation.	This act stated "all lands and rights of the Royal Niger Company in the Northern Provinces of the protectorate on January 1 1900 shall be and are hereby vested as from January 1 1900, in the governor in trust for her majesty, her heirs, and successors". This was repealed by the lands registry proclamation No. 18 of 1901	42	All down except for incidence and Liability to education	45	Right to possess down, Right to use up, Right to manage up, Right to capital up, Right to security up
1901	Lands Registry proclamation	Consolidated with proclamation No. 8 of 1900			44	Right to manage down

1902	.	This proclamation made provision for vesting of certain land and certain rights and easements in the high commissioner. It was also to regulate the sale and leasing and management of such lands, rights and easements	29	All down except Liability to execution	41	Right to use down, Right to security down
1906	.	Proclamation of "the Niger lands transfer" act. The lands amendment) proclamation. Proclamation of "the crown lands management" act			50	Right to possess up, Right to use up, Right to manage up
1910	The Land and Native rights Proclamation		28	Right to manage down	51	Right to possess up
1914	Amalgamation of Northern and Southern Protectorates Unsettled districts proclamation	This led to the formation of the Nigerian Protectorate, and brought both protectorates under one administration Some districts were declared unsettled	29	Right to manage up		.
1915	The Lands registration Ordinance, and the amendment				52	Right to security up
1916	Land and Native Rights Act, No. 1. The Niger Lands transfer Act, No, 2. State Lands Act. Unsettled district act		27	All down except for Right to capital, Incidence of transmissibility up	62	All up except Right to security

1917	Administration (real estate and small estates) Act, No. 11. Native Land Acquisition Act, No. 32. Public Lands Acquisition Act, No. 9				64	Right to possess up
1919	The land registration ordinance the land and native rights (amendment) ordinance		29	Right to possess up, Right to security up		.
1920	The land registration (amendment) ordinance		30	Right to manage up		.
1921	The change of titles (amendments) ordinance		.	.	65	Right to security up
1924	Land Registration Act. The Land (perpetual succession) ordinance. The land and native rights (amendment) ordinance. The Land registration ordinance	These ordinances had to do with the transfer of land in the case of passing away of a relative	31	Incidence of transmissibility up	66	Incidence of transmissibility up
1926	The public lands acquisition (amendment) ordinance		.	.	67	Right to use up

1934	.	.	39	Right to use, Right to manage and Right to security All up	.	.
1938	Administrator-General's Act, No. 14. Public Trustee Act, No. 15. The native lands acquisition (amendment) Ordinance. The land and native rights (amendment) ordinance		41	Liability to execution up	68	Right to possess up
1939	Interpretation Act, No. 27. The land and native rights (amendment) ordinance. The protectorate courts ordinance (jurisdiction in native land cases). Order-in-council, the change of titles ordinance	This provided that subject to certain conditions, English common laws, statute of general applications, and doctrine of equity will also be in force in within the jurisdiction of the court. As far as they relate to the legislative matter in question	40	Right to security down		.

1947	<p>Arotas (crown Grants) Act, No. 19. Sir Richardson's Constitution came into effect on the 1st of January. Separation of Lands department and Survey department Crown Grants (Township of Lagos) Act No. 18. Epetedo Lands Act, No. 27 Glover Settlements Act, No. 21</p>	<p>The same as grants made to "Arotas," an Arota being defined as any person who has attached himself to the household of a Chief and who occupies land subject to the control of such chief. (Repealed in 1965 by the "Registered Lands act 1965", relevant for Lagos state only). One of the main roles of the lands department was to collect and correlate data on African Land tenure, declare and confirms the effect of certain grants of land situated within the Township of Lagos (Repealed in 1965 by the "Registered Lands act 1965", relevant for Lagos state only). Declares and confirms the effect of certain Crown grants which were subject to certain incidents of tenure operating in favour of the descendants of one Chief Oshodi Tappa, and provides for the enfranchisement of the land in question by extinguishing of those incidents of tenure. Declares the rights existing in land which was set aside in 1867-8 as a settlement for refugees from the interior, and provides for the investigation of claims.</p>	45	<p>Right to possess up, Right to use up, Right to manage up</p>	69	<p>Right to security up</p>
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1948	Minerals (Amendment) Act, No. 8. Increase of Rent (restriction)(Amendment) Act. Native Authority Act (cap. 140 of 1948 edition). Land registration		44	Right to manage down	64	all down except Right to use, Right to capital and Liability to execution
1950	Land tenure (native authority - control of settlement) regulations. Native Authority (control of land) Ordinance		42	Right to possess down, Incidence of transmissibility down		.
1951	Land tenure (native authority - right of occupancy) regulations Lands transfer Ordinance				65	Incidence of transmissibility up

1958	Public lands acquisition act. The Communal land rights (vesting in trustees) law. Recovery of Premises Ordinance	This law provides the appointment of chiefs or local government councils as public trustees for communal and It stipulates that where traditional authorities in any community have been declared to exist in accordance with the law, they shall be appointed by the minister as "the trustees of communal rights in respect to that community"	42	Right to manage up, Right to security and Incidence of transmissibility down		
1959	Property and conveyancing law The town and country planning law	This allowed for the acquisition of land for development purpose	40	Right to security and Liability to execution down	63	Right to manage down, Right to security down
1962	Land tenure Law Land Administration	Administrative duties, and control of title registration instruments were no longer put in charge of the governor, but rather the commissioner of minister in charger of land for the state concerned	42	Right to security up	60	Right to possess down, Right to security down
1964	Adaptation of Laws (miscellaneous provisions) Order (L.N> 122 of 1964) Interpretation Act				61	Right to possess up

1965	Registered Land Act	This repeals the Arotas Crown Grants act of 1947.	38	Right to possess down, Right to use down, Right to manage down	59	Right to manage down, Right to security down
1967	States(creation and transitional provisions) Decree. Requisition and other powers decree	The decree establishes that the head of the Military Government may during any emergency period, by notice designate any person as a requisitioning authority. The person is empowered to requisite land or means of transport. The person is also given the powers for the requisition of articles other than land or vehicles and the acquisition of ownership thereafter. It also provides for the payment and amount of compensation for requisitioned articles and a limitation of time for claiming such compensation, except in cases where compensation is excluded	36	Right to security down		.



1968	Companies Decree. The state lands (compensation) decree No. 38 1968	The decree deals with the compensation payable under section 24 of the principal Act 1958 (Cap. 45) (which deals with the state lands sold or leased under that act). The decree established that in computing compensation payable account shall be taken of any building, installation or crops on the land consumed	40	Right to capital up, Liability to execution up		
1971	The acquisition of Land by Aliens edict	25 year maximum allowance for leasehold land acquisition by an alien in Lagos state, while the same was 99years for other parts of southern Nigeria. Any disposition of land for a greater interest would not be approved			62	Right to possess up
1975	Requisition and other powers (amendment) decree	This decree diluted the power of the chief federal lands officer for the purpose of allowing for quicker settlement of the compensation for acquired land under the decree	41	Incidence of transmissibility up		.

1978	Land Use Decree No. 6	The decree vests all land comprised in the territory of each state (except land vested in the federal government or its agencies) solely in the Military Governor of the state. He would hold the land in trust for the people, and be responsible for the allocation of all land in urban area. in non-urban areas however (which is similar to land far away from the community) such responsible with be conferred on the local government. provisions are made to establish state committee's with the community having member representatives in them. such a committee would handle land disputes, and compensations in case of revocations.	33	all down except for Right to capital, Right to security and Liability to execution	73	All up except Right to capital, Right to security down
1992	The military Constitution of 1989 comes into forces. Federal Lands registry (Miscellaneous Provisions) Decree. Assets (title Vesting and Validation) (Mr. J.H. Bassey) Decree		32	Liability to execution up	75	Right to security up

1993	Voluntary Transfer of Certain Properties to the Federal Government of Nigeria (Amendment) Decree. Forfeiture of Assets (release of Certain Forfeited Property) Decree. Lands (title Vesting, etc.) Decree				74	Right to possess down
1997	Chiefs (Appointment and deposition) (Federal Capital Territory) Decree				73	Right to manage down
2003	Re-certification of certificates of occupancy	Many states followed the lead of the Federal Capital Territory (FCT), in implementing re-certification of occupancy certificates within their states, in order to have better documentation, and valid land title particulars.	34	Right to possess up, Right to security up		.

Table A.4: Indices and Sub-indicators changes - Civil and Political Liberties

Year	The Law	Interpretation	Civil and Political Liberties	
			Score	Changes
1861	Lagos is ceded to British crown by Akintoye's son, King Docemo, other reports states	The British seize Lagos from King Docemo and establish the Lagos Colony	26	
1862	The First legislative and Executive councils in established Lagos		22	Government secrecy down, Due process of law down, Academic freedom up, Religious freedom up, Residual down
1865	Ordinance No. 5 - An ordinance to amend Ordinance No. 9 of 1864, Entitled "An Ordinance to provide for the better administration of justice within Her Majesty's settlement Lagos"		24	Due process of law up, Residual up
1874	Gold coast colony formed to include Lagos		25	Residual up
1876	Ordinance No. 8 - Rules of interpolation applicable to certain terms and provisions usually adopted in ordinances and rules of court		27	Government secrecy up
1882	Ordinance No. 4 An Ordinance for the promotion and assistance of Education in the Gold Coast.. Ordinance No.5, an ordinance to give the Governor of the Gold coast(which included Lagos) the necessary power, to detain and deport certain political prisoners		26	Independence of the Judiciary and the Legislature down

1886	Lagos Colony is separated. The National African Company becomes the Royal Niger Company, upon receipt of a royal charter from the British Government	.	23	Government secrecy down, Residual down
1891	Sir Claude MacDonald developed an official governing structure for the protectorate	An Ordinance to prevent the improper disclosure of certain information. This made Sir Claude the first consul General for the protectorate. The territory was later renamed the Niger coast protectorate in 1893,	22	Government secrecy down
1893	Oil Rivers Protectorate becomes the Niger Coast protectorate	An ordinance promoting the revision of the statutory laws, (since they seemed spent or have not been used for a while, and hence were no longer relevant)	26	The extent of arbitrary executive powers up, Government secrecy up, Residual up
1897	The name Nigeria is officially adopted	An ordinance to amend the travelling ordinance of 1885 Order in council, allowing the agent for the "royal Niger company" to recruit men in the colony under the foreign recruitment ordinance	29	Freedom of movement up

1899	<p>Establishment of the Protectorates of Southern and Northern Nigeria. An examination of the education system (Primary) was carried and it was found that the quality was not up to par, but the report concluded that the change of social norms (Christianity over ancestral worship and superstition) was of more importance than proper education, as education in itself would be worse than useless if the social way of life was not altered at first. The government introduced a scheme where industrial education would be combined with primary education in many places throughout the protectorate.</p>	<p>Note that, there were no secondary schools present in the protectorate at this point in time</p>	28	Academic freedom down
1900	<p>The royal Niger Company's Charter is revoked, and combined the Niger coast protectorate with the nearby areas resulting in the Declaration of the Protectorates of Southern and northern Nigeria. The Slander of women ordinance. Legislation regarding the jurisdiction of the Supreme Court.</p>	<p>The supreme court in the protectorate was given the same power as the supreme court in Britain. Laws of the Lagos colony were applied to new territories (implying that the territory had been claimed by the crown) Egba and Ibadan</p>	30	Independence of the Judiciary and the Legislature up

1901	<p>Proclamation prohibiting slave dealing, with severe penalties sanctioned. This came into operation 1st April. The native council ordinance.</p> <p>Proclamation No. 26 to consolidate the “House”</p>	<p>This was made applicable to the whole protectorate by order No. 9 of the 26th November 1901.</p> <p>Very Important powers were given to the commissioner, such that he can set up a council or court near the scene of offence, and render judgement right there and then. The regulation strengthens the the parental authority of the house head.</p>	32	<p>Freedom of expression up, Due process of law up</p>
1903	<p>The Ordeal, Witchcraft and Juju proclamation. Education ordinance</p>	<p>This proclamation was passed in an attempt to curtail the deaths and suffering that supposedly came as a result of superstition. The proclamation thus provided that any one found presiding over such a trial (practising superstitious exercises or witchcraft) will be liable to 10 years in prison, and if death occurred, ,would be liable to trial for murder, there was also a penalty for those assisting or participating at any of the above stated practices</p>		<p>Religious freedom down</p>

1905	The slavery amendment. Proclamation No. 7 of 1905, which reserves to the high commissioner the privilege of constructing telegraphs. Acts and proclamations of 1902 & 1903 (the Newspaper proclamation of	Acts and proclamations of 1902 and 1903 were sanctioned. Proclamation mending the law of criminal procedure, making it a faster procedure (lessening long delay on carrying out sentences). Proclamation defining more exactly the penalties to which a non-native will subjected for slave dealing. And for any discrimination between a non-native and freed slave. The newspaper provides for the registration of newspapers published in the protectorate and imposes a penalty for wilful mis-statements of facts relating to matters of public interest.	36	Freedom of association up, Freedom of expression up, Due process of law up
1908	The Ordeal, Witchcraft and Juju ordinance		37	Independence of the Judiciary and the Legislature up
1909	Forming of the Niger Trader's Freedom of Association in September, and the founding of King's College.	.	39	Freedom of association up, Freedom of assembly up
1914	Amalgamation of Northern and Southern Nigeria. Formal Inauguration of Colony and protectorate of Nigeria. The criminal procedures ordinance. The native courts ordinance	.	37	Due process of law down, Residual down
1920	Illiterates protection (amendment) ordinance	.	41	Freedom of expression up, Freedom of assembly up, The extent of arbitrary executive powers up



1922	Political franchise, Great Britain received mandate from League of Nations in respect of Portion of German Cameroons. Sir Hugh Clifford's Constitutions of 1922 Voting rights rights	The legislative council order in council provides for the inclusion of 3 unofficial member from Lagos and one unofficial member from Calabar in the council. A new Constitution was introduced, every male was allowed to vote (both native and British nationals) but women were still not allowed to vote, (convicts were not allowed to vote)	43	The extent of arbitrary executive powers down, Independence of the Judiciary and the Legislature down, Government secrecy up, Academic freedom up
1928	The native authority (amendment) Ordinance	.	44	Due process of law up
1933	The forced labour ordinance	.	46	Freedom of association up, Freedom of assembly up
1935	The Lagos township (voters list) ordinance	.	47	Voting rights up
1938	The labour (amendment) ordinance. The colonial development welfare act (from 1929)	This act, though passed in 1929 was not really acted upon until Nigeria was allocated 23 million pounds towards to fund initiatives from this act	48	Residual up
1941	The native authority Ordinance (power to native authority to make orders)	.	50	Independence of the Judiciary and the Legislature up
1944	Forced labour Ordinance	Forced labour (eradication of "Kashin Yawo") regulations	51	The extent of arbitrary executive powers up

1947	The Liquor Ordinance. Sir Richardson's Constitution came into effect on the 1st of January	This had more to do with equality than with liquor control, the ordinance stated that "its an offence for an person holding a license to sell liquor to the public to refuse to sell to any person on account of his race, colour or creed One major element of the new Constitution was that the legislative Council now had jurisdiction over the whole of Nigeria, and a majority of "non-official" members (natives) , and the setting up of house of assemblies in each region	56	The extent of arbitrary executive powers up, Academic freedom up, Religious freedom up
1948	The first university in Nigeria was registered. The native courts ordinance	University College at Ibadan. The native courts jurisdiction was increased, and in essence given power to effect judgement on offence both against the native law, and the criminal code. There was also considerable demand that the statute criminal law be universally applied in Nigeria. Progress was made towards the self-government	57	Due process of law up

1951	The McPherson Constitution of 1951. The native courts ordinance. The publication ordinance	The native courts ordinance of 1948 was repealed, and the power of the native courts in relation to the criminal code, and native laws and customs was defined. The right to vote was embedded in the Richardson Constitution of 1951, allowing British persons and British protected persons who pay taxes the right to vote (note that this didn't include women). This required that two copies of every book and newspaper published in Nigeria must be sent both the chief secretary and the library of the University College, Ibadan	59	Voting rights up, Independence of the judiciary and the Legislature up, Due process of law down
1952	The first meeting of the new regional and Central Legislature took place. This was the first time regional laws were enacted	The British parliamentary delegate attended the first budget session of the House of Representative (HOP) The Northern region enacted the Native authority (definition of functions) law	60	Due process of law up

1954	Oliver Lyttleton's Federal Constitution of 1954	<p>The Federal Constitution of 1954, came as a result of the constitutional crisis in 1953. Two conferences aimed at the amendment of the Constitution were held in 1953 and 1954.</p> <p>This resulted in important changes surfacing in the 1954 Constitution. This was the first federal Constitution, which made Nigeria a federation with 3 regions, Lagos being the capital. Two legislatures were created, and the executive and the concurrent Provided for superiority of federal over regional laws, should there be conflict between the two (this was a bold move towards central government). Governor no longer presided over the executive council, Premier's took over presiding of regional executive councils</p>	.	.
1955		Women in the South Eastern Nigeria obtained Voting rights rights, given they were tax payers	61	Voting rights up
1959		Women in all of southern Nigeria obtained Voting rights rights, given they were tax payers	62	Voting rights up

1960	Petition of rights law. The Independence Constitution of 1960	Nigeria Became independent on 1st of October 1960. The British parliament thus no longer had power to legislate for Nigeria. Nigeria became a full independent country within the commonwealth. A British high commission was established to conduct relations between the two entities. Governors no longer had power to execute in discretion, but in on advice of council (in this case ministers/premier's)	67	Freedom of expression up, Independence of the Judiciary and the Legislature up, Government secrecy up
1966	Constitution (Suspension and modification) Decree No. 1, 34 Constitution (Suspension and modification) Decree No. 59	This decree, suspended certain sections of the republican Constitutions, and modified certain provisions of the federal and regional Constitutions as well This is classified as the second military rule, it suspended Decree No. 34, and promulgated Decree No. 59, hence Decree No. 59 was a revocation of Decree No. 34	39	All down except Freedom of movement, Academic freedom, Religious freedom and Residual

1967	<p>Requisition and other powers decree. State creation and transitional provisions decree No. 14</p>	<p>The decree establishes that the head of the Military Government may during any emergency period, by notice designate any person as a requisitioning authority. The person is empowered to requisite land or means of transport. The person is also given the powers for the requisition of articles other than land or vehicles and the acquisition of ownership thereafter. It also provides for the payment and amount of compensation for requisitioned articles and a limitation of time for claiming such compensation, except in cases where compensation is excluded</p> <p>This came under the second Military rule: This came on the back drop of protest against Decree No. 34 of 1966 (the first military rule), Decree No. 59 of 1966 was passes to revoke the decree. Nigeria was now a federation again This happened on the 28th of may 1967. It contained four regions. It divided Nigeria into 12 states, and led to the declaration of the “independence of the republic of Biafra” 30th may 1967 This lead to the Nigeria civil war, between secessionists and federal military government. The war lasted until 13th Jan 1970</p>	32	<p>The extent of arbitrary executive powers down, Due process of law down, Freedom of movement down, Academic freedom down, Religious freedom down, Residual down</p>
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1975	The Third Military Rule	This commenced July 3rd 1975. Came as a result of the overthrowing of General Yakubu. Gowon accusations included, lack of indecision, accessibility and insensitivity to the peoples demands. There was a reorganisation of the arms of government, though it still had three arms. The supreme military council, this consisted mainly of military officers except for state military governors The federal executive council. The national council of state Nigeria was later divided into 19 states. On Jan 1976, women in all of Northern Nigeria obtained voting rights rights, given they were tax payers	32	Voting rights up, Due process of law down
1976	Division of Nigeria into states	The reigning Military regime divided Nigeria into 19 states,	32	Voting rights up, Due process of law down
1979	The 1979 Constitution of the Federal republic of Nigeria	Nigeria adopted a parliamentary system upon its independence in 1960, and kept the parliament intact when she became a republican state in 1960. In 1979 a presidential system of government was adopted	73	All up
1984	Constitution (suspension and modification) Decree No. 1	.	39	All down except Freedom of movement, Academic freedom, Religious freedom and Residual

1987	Participation in politics and elections (prohibition) decree	.	25	All down except Voting rights and Religious freedom
1989	National electoral commission (amendment) No. 8, 37. The Constitution of the Federal Republic of Nigeria (promulgation) decree No. 12. Transition to civil rule (political programme (amendment), decree No. 25. Constitution (suspension, modification, amendment) minor offences (miscellaneous provisions) decree. Participation in politics and elections (prohibition) (amendment) decree. Transition to civil rule (lifting of ban on politics) decree	Promulgation of the Federal Constitution	38	Voting rights up, Freedom of association up, Freedom of assembly up, Freedom of expression up, Government secrecy up, Due process of law up, Freedom of movement up,
1991	Elections (registration, etc. of voters) decree. Participation in politics and elections (Miscellaneous provisions) decree	.	67	All up except Freedom of movement, Academic freedom, Religious freedom and Residual



1992	Group of Newspapers (proscription and prohibition from circulation) decree. National primary education commission decree. Participation in politics and elections (Miscellaneous provisions)(amendment) decree. Transition to civil rule (disqualification and prohibition of certain presidential aspirants) decree. Proposed End of Second Military Rule, and Beginning of Third republic.	This never materialised after election results were annulled by the Military, thus marking the End of the Second Military Rule, and Beginning of the Third Republic (which lasted only 3months) (Ernest Shonekan)	21	All down
1994	Newspapers (proscription and prohibition from circulation) decree	.	26	Freedom of expression up, Academic freedom up
1996	Political parties (registration activities) decree. Transition to civil rule (lifting of ban on politics) decree	Repealed in 1998, reinstated in 1999, and later amended in 1999	34	Freedom of association up, Freedom of assembly up
1998	Political parties (registration activities) decree. End of Third Military Rule. Beginning of the Fourth Republic (Olusegun Obasanjo)	.	36	Freedom of association up, Freedom of assembly up
1999	1999 Constitution of the federal republic of Nigeria	Promulgation of the Constitution	70	All up except Academic freedom and Religious freedom
2002	Economic And Financial Crimes Commission (Establishment) Act. Money Laundering (amendment) act. Electoral act. Banks and other Financial institutions (amendment) Act	This is an Act to regulate the conduct of elections at all levels of government	72	Voting rights up

2003	Corrupt Practices and Other Related Offences Act. Child's Right Act. Money Laundering (prohibition) act	This is an Act to regulate the conduct of elections at all levels of government	74	Due process of law up, Residual up
2004	Compulsory free basic education act. Economic And Financial Crimes Commission (Establishment) Act. Extradition treaty between the government of Nigeria and the government of South Africa, (ratification and enforcement) act. Compulsory free universal education act. Money Laundering (prohibition) act	.	75	Due process of law up
2011	Freedom of information act	This bill, declared that citizens had the right of access to any government information, and should be provided to them upon request	79	Government secrecy up

Figure 15: Sub-components of civil and political liberties

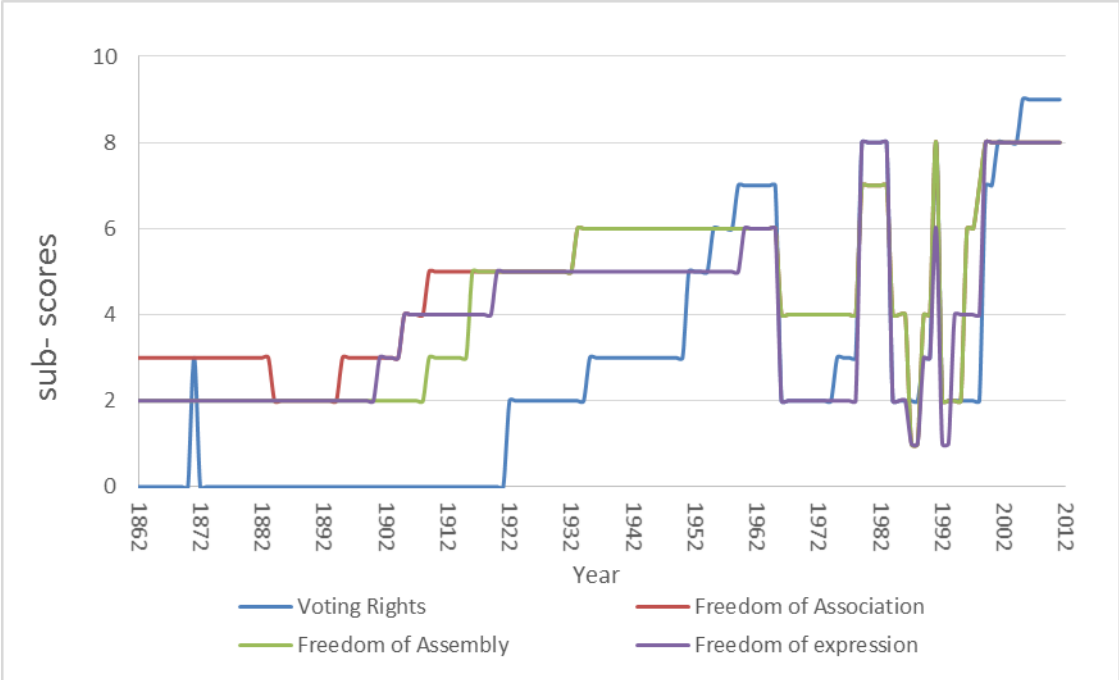


Figure 16: Sub-components of civil and political liberties

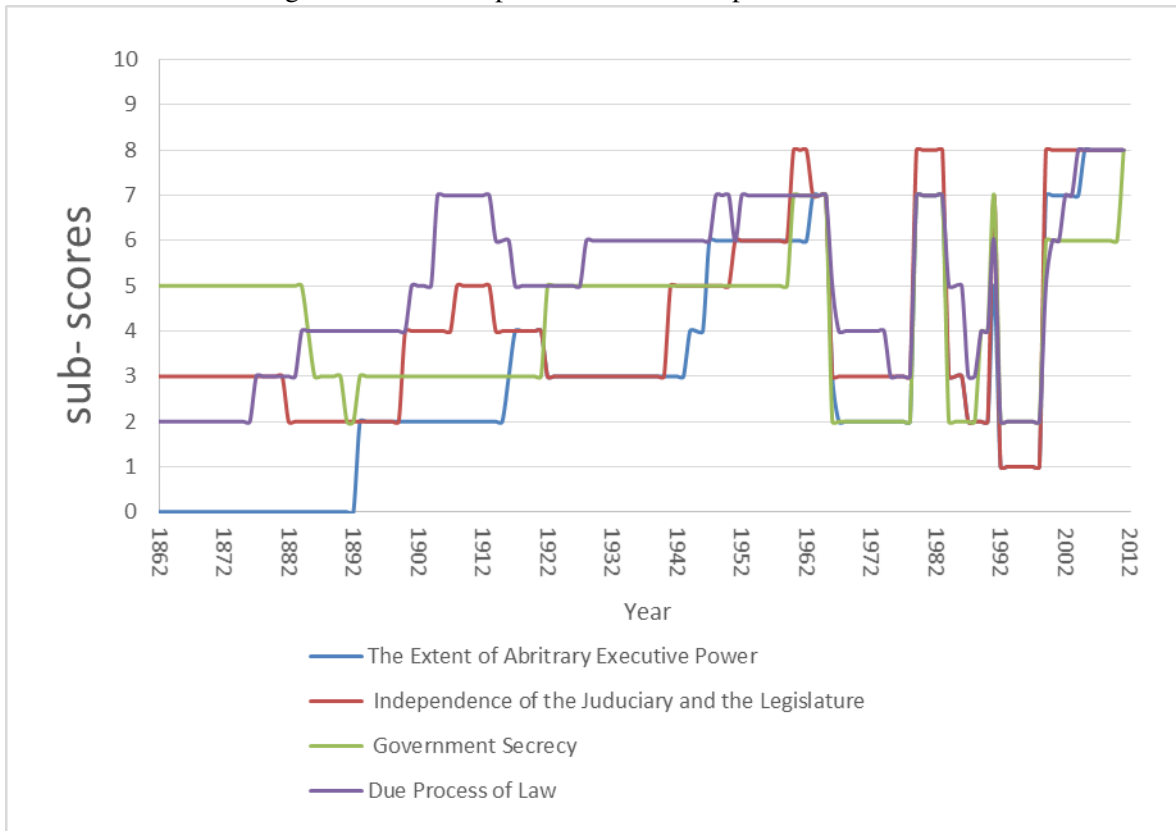


Figure 17: Sub-components of civil and political liberties

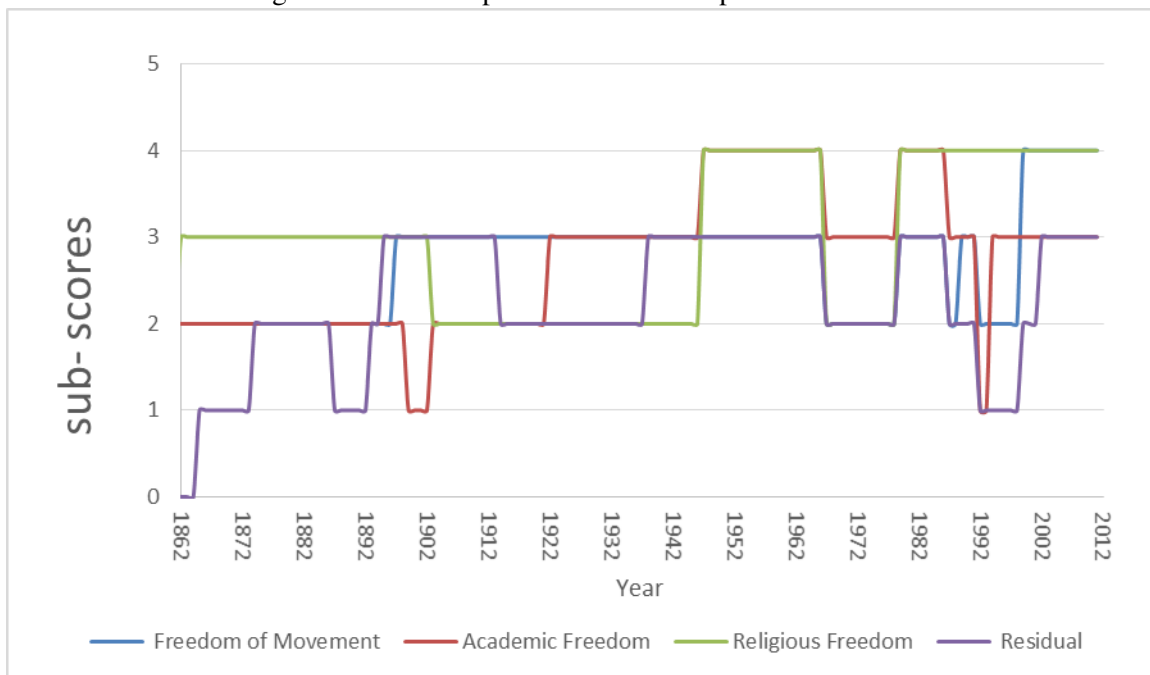


Figure 18: Sub-components of freehold property rights

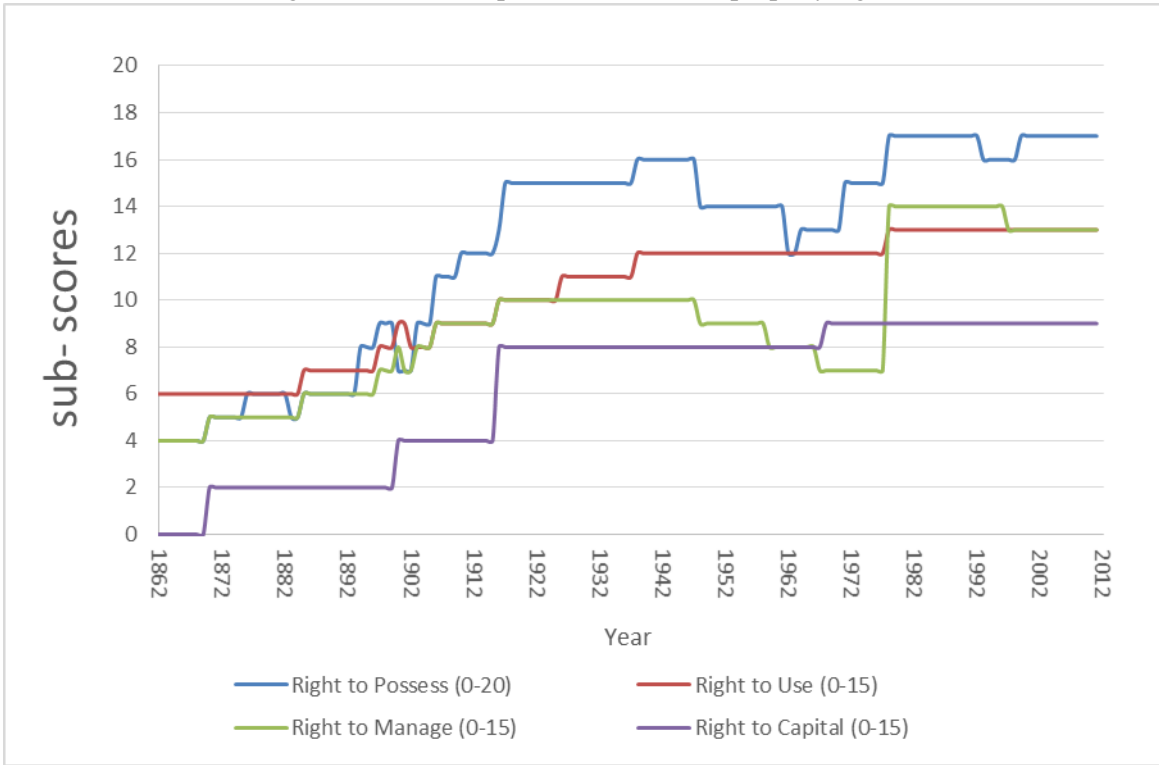


Figure 19: Sub-components of freehold property rights

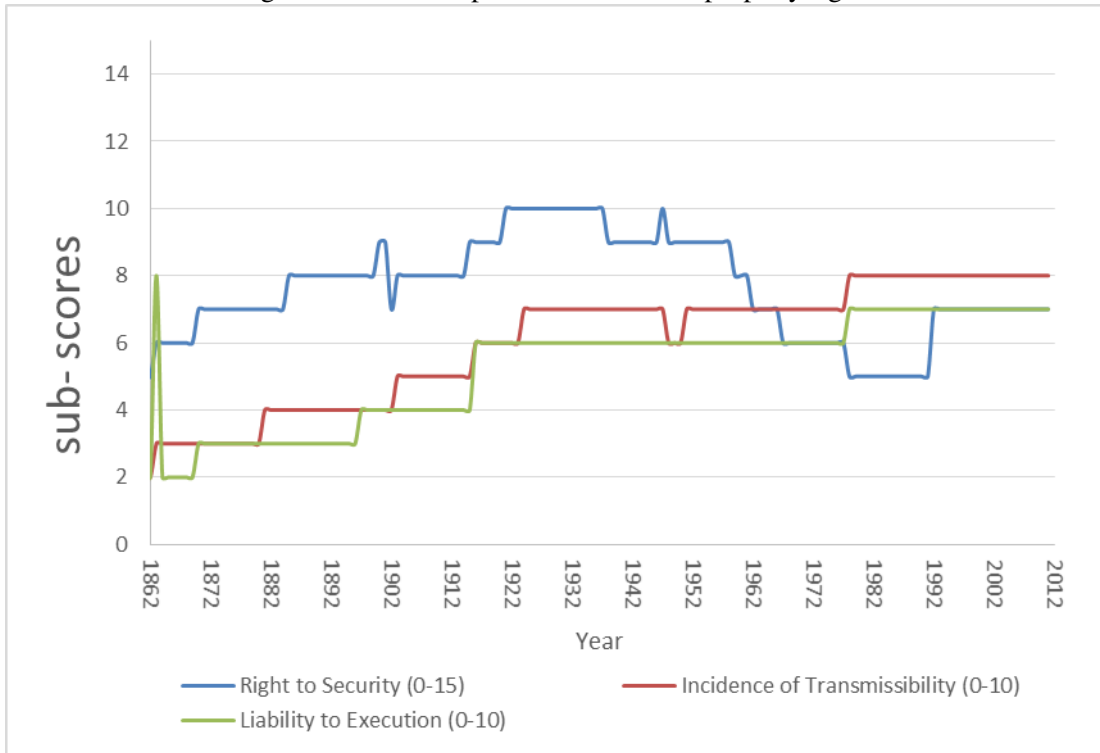


Figure 20: Sub-components of non-freehold property rights

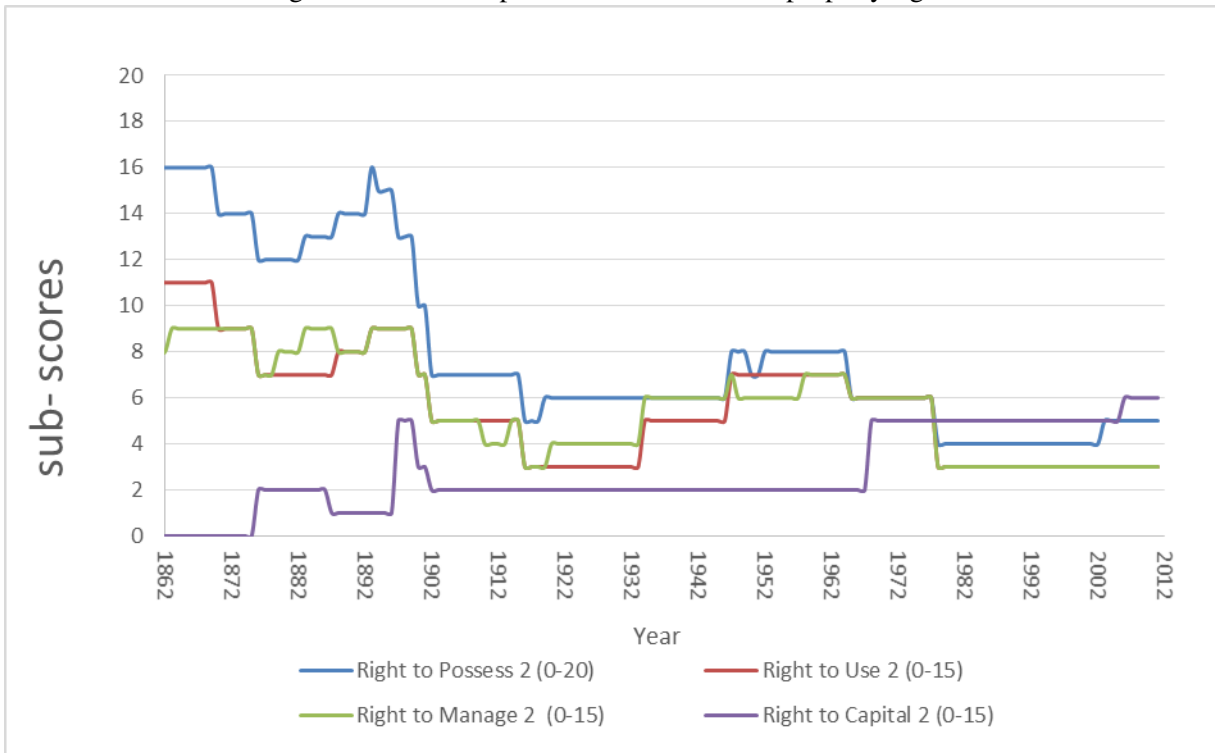


Figure 21: Sub-components of non-freehold property rights

