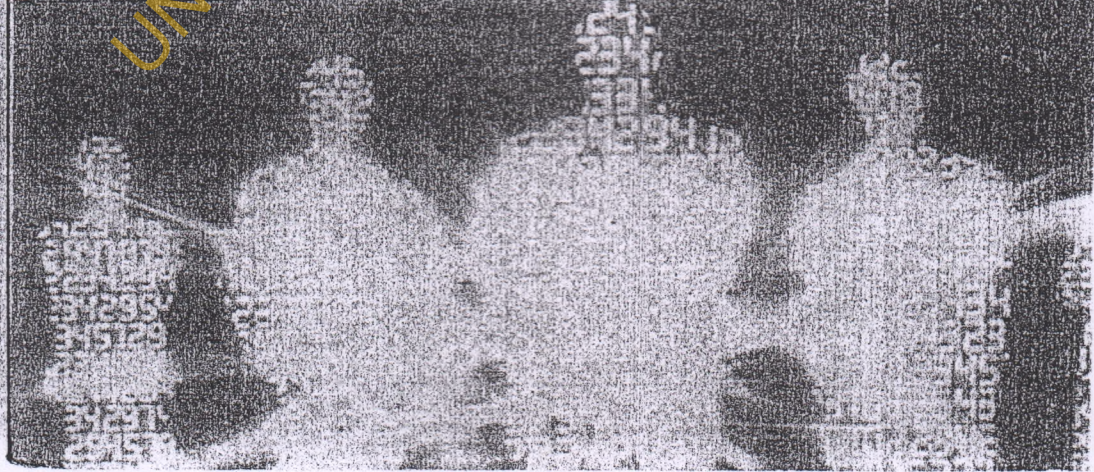


# Topics in Humanistic Studies

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NIGERIA

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## RESISTANCE TO FORCED LABOUR IN COLONIAL NIGERIA

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### Abstract

Until the enactment of the Forced Labour Ordinance of 1933, the employment of forced or compulsory labour for sanitary measures, maintenance of roads, clearing of markets, public works and personal services of chiefs persisted in Nigeria through the manipulation of native laws and customs by the colonial state. This paper argues that discontent with forced labour brought into play new power relations between the colonial state and the colonial subjects. In defiance of the international convention, forced labour was not regulated by any statute in Nigeria. It was discussed in loose and general terms without any serious attempt to ascertain where and how it persisted. Many native authorities resorted to forced labour in order to balance their budgets but their decreasing power over young men made it difficult over the years. From the 1940s, some able-bodied men refused to perform forced labour, arguing that having paid taxes; they could not be called upon for a communal service or political labour. There were petitions against forced labour. This paper explores the role of Christian missionaries and nationalists in the struggle against forced labour.

### Introduction

Forced labour, sometimes referred to as political or communal labour, occurred when the labourer presented himself/herself at the

workplace and engaged in work as a result of overt pressure brought to bear upon him by the colonial authorities and their agents. A village headman could order young men or women in his domain to carry a load for a commercial firm or to work for a week at making or mending a road, or to carry the District Officer's luggage whilst that official was touring. In each of these cases, the work and the conditions in which the work was performed were determined without any reference to the labourer's own volition. According to the ILO Convention No. 29, forced labour is referred to as work that is performed involuntarily and under coercion, which can take in an industry, including the informal economy, other sectors like agriculture, fishing, domestic work, construction, manufacturing and mining. It includes men, women and children, in situations of debt bondage, suffering slavery-like conditions, or who have been trafficked. In accordance with the Convention on Forced or Compulsory Labour, the colonial state defined forced labour as "work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." As stated by Mr. C.T. Lawrence, the Acting Secretary of Southern Provinces, "It is no news that the turning out of labour depends not on any law or custom but on the moral influence exercised by the Administrative Officers." However, the colonial state manipulated the local customs on communal labour. In Benin Province, the traditional duty of a particular age-group to construct markets and dig wells founded on local custom was further encouraged by the colonial administration. The colonial state did not interfere in such communal work and suggested that the native administration should be encouraged to gradually take over such functions whenever funds were available. In the same province, the traditional practice of forcing people to serve as servants and messengers when called upon by the Chiefs continued despite the introduction of taxation in 1918. Also, since there were no recorded complaints of hardships for using voluntary labour in inter-village roads, the practice continued under colonial rule.

NAI/OYOPROF/ 6/15: Forced Labour 8 November, 1928.  
NAI/OYOPROF/ 6/15: Forced Labour 8 November, 1928.  
NAI/3712: Confidential Report on Forced Labour 7 July, 1932.

### Typologies of Forced Labour

Five major types of forced labour dominated the colonial economy and society in Nigeria. First, requisition labour required Africans to engage in a variety of tasks, including working on telegraph network, haul barges and unload items owned by Europeans and Lebanese traders. It included the use of African porters to carry administrators on hammocks. Second, labour taxes, also known as corvée labour, required Africans to work for periods between 8 to 13 days per year on local public works projects without pay. It was a form of labour tax imposed on public work projects in addition to taxes paid in cash. It required the labour of tax payers on public work projects per year. Third, conscript labour was meant to secure workers for extended periods of time on large-scale projects, mostly railway and telegraph lines far away from workers' community. Some conscript labourers were remunerated by the colonial state. Fourth, compulsory military service was imposed. In order to ensure regular supply of recruitment, a quota system was introduced in northern Nigeria in 1936. Conscript Law, Section 2 (1) of the Nigeria Defence (Compulsory National Service) Regulations July 1940 stipulates that "A person called up for compulsory military service under this regulation shall be liable for military service for the defence of Nigeria...." Fifth, compulsory cultivation was imposed to increase agricultural production, especially cash crops.

These five major forced labour practices implicitly augmented the colonial state income. As stated by Waijenburg, "Faced with a limited voluntary supply of African labour and insufficient fiscal means to alter such labour supply conditions, colonial states came to rely, both directly and indirectly, on free African manpower."

### Colonial Justification for Forced Labour

Forced labour depicted the subordination of labour in the colonial economy and society. African labour and resources formed the bedrock of colonial enterprise in Africa. All colonial powers in Africa tolerated the "civilizing merit" of forced labour. Forced labour institutions, such as land alienation programmes, labour recruitment

Ubah, C. N. 1998, Colonial Army and Society in Northern Nigeria, Kaduna: Baraka Publishers, p. 218.

and vagrancy laws, were introduced to enhance the supply of free African labour in the process of colonial state building and fiscal responsibilities. Forced labour was required to develop the infrastructural basis for colonial expansion, economic exploitation and colonial civilising mission.

In British Africa, often regarded as the most benign colonial power that relied the least on forced labour, corvée duties were high as well, fluctuating between 30 to 60 days per year. Colonial economy was based on self-sufficiency of the colonies. As such, free or cheap labour was predominantly used for communal works, agriculture, political services and mining. Forced labour was deployed in the exploitation of resources for export. Indeed, the British advocated gradual emancipation of domestic slaves, as a way of ensuring self-financing of the colony. The colonial state permitted the persistence of domestic slave holding. It was considered politically too risky to confront the local chiefs on the abolition of domestic slavery. In the early phase of colonial administration, Frederick Lugard suggested that the "sudden abolition of the institution of domestic slavery would have produced social chaos, and the wholesale assertion of their freedom by slaves was therefore discouraged." The use of slave labour for agricultural production was widespread in northern Nigeria during the 1920s. Paul Lovejoy and Jan Hogendorn eloquently discussed this situation as "slow death for slavery."

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Waijenburg, M. V. 2015, Financing the African Colonial State: The Revenue Imperative and Forced Labour. African Economic History Working Paper Series No. 20 p. 7 and Ash, C. 2006. "Forced Labour in Colonial West Africa" History Compass 4:3

Rodney, W. 1972. How Europe Underdeveloped Africa. London: Bogle-L'Ouverture Publications, p.155.

Cooper, F. 1996. Decolonisation and African Society, The Labour Question in French and British Africa. New York and Waijenburg, M. V. 2015, Financing the African Colonial State: The Revenue Imperative and Forced Labour. African Economic History Working Paper Series No. 20 p. 12.

Herbst, J. 2000. States and Power in Africa: Comparative Lessons in Authority and Control. Princeton and Waijenburg, M. V. 2015, Financing the African Colonial State: The Revenue Imperative and Forced Labour. African Economic History Working Paper Series No. 20 pp. 1-5. In Portuguese Africa, the concept of indigenato "African labour" was created to define Africans as fundamentally lesser human beings, especially in the workplace. See, Penvenne J.M. 1995. African Workers and Colonial Racism: Mozambican Strategies and Struggles in Lourenco Marques, 1877-1962. London: James Currey, p. 1.

Under the indirect rule system, the colonial state hypocritically maintained the material basis and hegemonic power of the ruling class by encouraging their use of forced labour. In this context, local chief under the native authorities recruited labour to serve their own purposes and the colonial economy. In the colonial imagination Africans were regarded as inherently "lazy," especially after meeting their subsistence needs. Thus, forced labour was meant to teach them the virtues of waged labour and consumerism. These thoughts were embedded in the racist discourse and stereotyping of the civilising mission, that Africans were inherently idle and docile when left alone. It was suggested that the "la belle race" or "reservoir of manpower" required apprenticeship in work ethic and "educative value of work. As noted by Fall, "...It has been proven that without pressure from the colonial authority, the natives would not trade their miserable and lazy but free life for remunerated labour. It was believed that only the use of constraint could in most cases overcome the 'the inertia of the natives.' In 1901, a report to the French Minister of Commerce stated that, "the Negro does not like work and is totally unaccustomed to the idea of saving; he does not realise that idleness keeps him in a state of absolute economic inferiority." According to this colonial racist "paternalism, European colonisers were obliged to force Africans to work for their own good. The colonial labour system was "virtually state serfdom that did not allow Africans sufficient time to produce their food." The recruitment for forced labour was in the hands of the native authority, the district heads and the group heads, and the village heads working together, each village contributing its quota of men, according to its population. The inevitable increase in the amount of forced labour required due to greater production of exportable commodities, the improvement of existing roads and the making of new roads as well as the maintenance of the increased mileage.

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Waijenburg, M. V. 2015, Financing the African Colonial State: The Revenue Imperative and Forced Labour. African Economic History Working Paper Series No. 20 pp. 29-30.

Kirk-Greene, A.H.M. 1968. *Lugard and the Amalgamation of Nigeria*. London: Francis and Taylor, p. 20.

Meek, C.K. 1925. *The Northern Tribes of Nigeria*. London: Oxford University Press.

Lovejoy, P.E. and Hogendorn, J.S. 1993. *Slow Death for Slavery: The Course of Abolition in Northern Nigeria, 1897-1936*. Cambridge: Cambridge University Press.

This paper argues that discontent with forced labour brought into play a new power relation between the colonial state, native authorities and the colonised subjects. The theme of resistance and revolt among colonial peoples has impressive literature. A leading example is James C. Scott's *Weapons of the Weak: Everyday Forms of Resistance*. From the available literature, there is hardly any comprehensive work written solely on the discontents with forced labour in Nigeria. However, there exist some works, which focus on different aspects of labour history in colonial Nigeria. In order to demonstrate how this paper fits into and fills the lacuna in the extant literature, it is essential to present a brief review of the works already done on forced labour in Nigeria, Africa and other places.

Bill Freund analyses the development of tin-mining and capitalist exploitation of labour in colonial northern Nigeria up to the end of the Second World War. Kwabena Opatre Akurang-Parry focuses on forced labour in Colonial Southern Ghana of British West Africa. He argues that the development of forced labour in British West Africa was as a result of the development of economic policies geared towards facilitating trade and exploiting natural resources. Roger Thomas discusses how labour was recruited by political officers from traditional chiefs for work outside the northern territories of the Gold Coast in the mines and public works. Akua O. Britwum critically examines the history of labour in Africa from the pre-colonial to the post-colonial periods. He argues that the emergence of forced labour in Africa was as a result of the colonial economic policies.

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Azevedo, M. 1981. "Human Price of Development: The Brazzaville Railroad and the Sara of Chad" *African Studies Review* 24: 1 pp. 1-19 and Fall, B. 2002. *Social History in French West Africa: Forced Labour, Labour Market, Women and Politics*. SEPHIS-CSSSC.

Fall, B. 2002. *Social History in French West Africa: Forced Labour, Labour Market, Women and Politics*. SEPHIS-CSSSC, p. 7.

Fall, B. 2002. *Social History in French West Africa: Forced Labour, Labour Market, Women and Politics*. SEPHIS-CSSSC, p. 7.

Allina, E. "Transforming 'Beasts into Men': Colonialism, forced labour and racism in Africa" <https://www.OpenDemocracy.net/beyond-slavery/eric-allina> accessed on 25 January, 2016.

Ball, J. 2005. "Colonial Labour in Twentieth Century Angola." *History Compass* (3) pp. 1-9.

B.A. Agiri examines the historical evolution of waged labour in agriculture in Southern Yorubaland during the colonial period. He discusses the major transformation that took place in labour recruiting systems especially from domestic slave trade, through pawnship system, to wage labour. Between 1916 and 1918, labour situation was worsened in Egba-Owode and Remo districts because the British compelled the people of those areas to supply free labour for the construction of the Abeokuta-Ijebu-Ode Road. S.O. Osoba discusses the implication of colonial policies for the emergence and growth of labour migration in Nigeria during the colonial period. Osoba identifies a number of policy measures that were introduced by the British to facilitate this phenomenon.

Arguna Naidu demonstrates that the right to be free from slavery, servitude and forced labour is fundamental human right found not only in international instruments such as the International Declaration of Human Rights (Article 4) and the International Convention on Civil and Political Rights (Article 8), but also in regional instruments like the European Convention (Article 4); the American Convention (Article 6); The African Charter on Human and Peoples Rights (Article 5), and so on. The work also reveals that the rights could be found in several national constitutions, like the Nigerian Constitution (1963) Article 5).

"The Conference on Forced and Contract Labour" discusses the major conference held in London in 1929 on forced labour, contract labour and systems analogous to slavery. The article reveals that the conference, which was opened by the Secretary of State, Rt. Hon. L.S. Amery, focuses on the British attitude to the question of forced labour. The conference frowned at the practice of forced labour and submitted

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Scott, J. C. 1985. *Weapons of the Weak: Everyday Forms of Resistance*, New Haven.

Freund, B. 1981. *Capital and Labour in the Nigerian Tin Mines*. London: Longman.

Akurang-Parry, K.O. 2000. Colonial Forced Labour Policies for Road-Building in Southern Ghana and International Anti-Forced Labour Pressures, 1900-1945. *African Economic History*, No.28, pp.1-25

Thomas, R. G. 1973. Forced labour in British West Africa: The case study of the Northern Territories of the Gold Coast, 1906-1927. *Journal of African History*, Vol.XIV, No.1, pp.79-103

Britwum, A.O. n.d. Labour in African History: Trends and Organisational forms. A Paper Presented at the Second ITUC-Africa New Year School, Kisumu, Kenya, January 22-27.

that, for the benefit of private employers, forced labour was synonymous with slavery and thus should not be allowed under any conditions whatsoever. This article which, though does not reveal the discontent with forced labour, shows the role of international community in eradicating the practice.

A number of works and documents reveal the activities or roles of some major organisations such as the League of Nations, the International Labour Organisation (ILO) and United Nations Organisation, towards eradicating forced labour globally. The League of Nations was the first major international organisation to be set up after the First World War. Her role in eradicating forced labour began in the 1920s. For example, in 1922, the Assembly of the League of Nations adopted a resolution on slavery based on the motion of Sir Arthur Steel-Mactland. The Committee of Experts of the Assembly, which had since published their report on forced labour, condemned the practice in its entirety. It also condemned the employment of forced labour by private employers. Whilst condemning forced labour as a whole, the experts admitted that, under the present conditions where voluntary labour was inadequate, it was justifiable to utilise forced labour for public works, such as railways, roads, drainage, irrigation or portage.

The 1926 Slavery Convention was the first major convention to be adopted by the League of Nations towards eradicating forced labour worldwide. The main issues of concern towards adopting this convention were the exaction of forced and compulsory labour from native populations during the colonial period. During the colonial period, colonial administrations used various forms of coercion to obtain labour for the development of communications and the general economic infrastructure and for the working of mines, plantations and

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Agiri, B. 1990. The Development of Wage Labour in Agriculture in Southern Yorubaland, 1900-1940. *Odu New Series*. Vol. 37 Jan/July, pp.30-43

Osoba, S.O. 1969. The Phenomenon of Labour Migration in the Era of British Colonial Rule: A Neglected Aspect of Nigeria's Social History. *Journal of the Historical Society of Nigeria* Vol. iv. No. 4, June, pp.515-538

Naidu, A. 1987. The right to be free from Slavery, Servitude and Forced labour. *The Comparative and International Law Journal of Southern Africa*, Vol. 20, No. 1, March, pp. 108-113.

An Article in *Journal of the Royal African Society*, Vol.28, No.111 (April, 1929), pp281-287

other activities. The League of Nations frowned at this and thus adopted the 1926 Slavery Convention. The League of Nations' Convention prohibited all aspects of slave trade, including "all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery. Contracting parties were also required to take all necessary measure to prevent forced or compulsory labour from developing into conditions analogous to slavery. Also, in 1929, the General Conference of the ILO called for the examination of forced labour in the areas of general public purposes, local public purposes and private employers.

The role of the International Labour Organisation (ILO) towards eradicating forced labour was equally significant. Her activities would be examined under two international organisations, the League of Nations and the United Nations Organisation. The ILO was formerly an agency of the League of Nations, but was later brought under the United Nations Organisation, following the demise of the former. The ILO formed part of the general machinery of the League, charged with the responsibility of improving the conditions of labour. Its composition consisted of government employers' and workers' representatives. It convened conferences and adopted conventions and recommendations as well set minimum standards of employment. Under the League of Nations, the ILO was required by the League to undertake the work that eventually led to the adoption of Convention No. 29 of 1930. Before the Convention, the ILO convened a conference in 1930. On 10 June 1930, the Governing Body of the ILO convened a general conference at Geneva, Switzerland on the need to adopt certain proposals with regard to forced or compulsory labour. The procedure of the ILO conference involved the drafting of a questionnaire. The first question of the whole questionnaire on the issue of forced labour, which was tabled before the conference included:

- a. Complete suppression of forced or compulsory labour
- b. Ultimate suppression after transitional period
- c. Regulation and limitation.

After its 14<sup>th</sup> Session, the proposals of the ILO on forced labour became known as "International Forced Labour Convention." The members of

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An Article in *Journal of the Royal African Society*, Vol.28, No.111 (April 1929), pp281-287

ILO, in accordance with the provisions of the constitution of the ILO, pledged to "suppress the use of forced or compulsory labour in all its forms within the shortest possible period."

The 1930 Convention was one of the most ratified ILO Conventions on the eradication of forced labour. However, the 1930 Convention allowed the use of forced labour under exceptional circumstances: if the work at hand was urgent, it was beneficial to the community and if voluntary labour could not be obtained. Mcquade argues that the 1926 and 1930 Conventions were only used to justify international pressure and, at times, intervention through the League's and ILO's auspices against weaker governments in Africa such as Liberia and Portuguese Angola.

The second major period of standard-setting with regards to the eradication of forced labour during the colonial period came between the 1940s and the 1950s. This was the period when colonial rule was reaching its end and concern over the use of forced labour for public purposes was growing. In the inter-war period and during the Second World War, the world, in general, witnessed forced labour being used on a massive scale outside as well as within a colonial setting. These experiences, no doubt, served as one of the inspirations for the phrase in the Declaration of Philadelphia (1944) that "all human beings have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, economic security and equal opportunity". The Universal Declaration of Human Rights (1948), prepared by the Commission on Human Rights of the Economic and Social Council (ECOSOC) of the United Nations, reaffirmed the principle that "no one shall be held in slavery or servitude as well as the right to free choice of employment." This Declaration was the first major role of the United Nations Organisation (set up in 1945) towards the fundamental human rights of everyone in every nation. Although

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An Article in *Journal of the Royal African Society*, Vol.28, No.111 (April 1929), pp281-287

The Conference on Forced and Contract Labour. *Journal of the Royal African Society*, Vol.28, No.111 (April,1929), pp.281-287

Benson, W. 1929. Geneva and forced labour. *Journal of the Royal African Society*, vol.29, No.113, October, pp.39-41

the rights described in the Declaration that contained 30 articles cut across the socio-political, economic and cultural lives, with regard to forced labour and labour conditions, it affirms the right of everyone to work under favourable conditions, receive equal pay for equal work, and join labour unions at will.

The UNO equally took some drastic measures at eradicating forced labour worldwide. In 1956 for example, the UN adopted Supplementary Convention on the Abolition of Slavery, the slave trade and institutions and practices similar to slavery (e.g forced labour). It called on all states to abolish such practices as debt bondage and serfdom. This major attempt was completed by the ILO the following year. In 1957, the ILO adopted its own convention known as "Abolition of Forced Labour Convention of 1957 (No.105). The Convention called for the suppression of forced labour as a means of political, coercion and labour discipline.

#### Practices of Forced Labour

Forced or requisitioned labour continued under the rubric of communal labour that was widespread and recognised as indispensable to the colonial economy. It was a customary practice in the provinces for town and village councils to order communal labour for the maintenance and clearing of local roads and paths. Forced or requisitioned labour was considered undesirable and was only justified for work of urgent public importance. Many Native authorities resorted to forced labour in order to balance the budget. A local chief who did not receive adequate remuneration in other forms was allowed to enjoy his traditional privileges of using forced labour for his services. In northern Nigeria, forced labour (*aikin tilas*) was used through the agency of the rulers. The rulers who recruited and organised forced labour towards

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ILO Survey on Forced Labour. *Economic and Political Weekly*, Vol. 3, No. 38 (Sep. 21, 1968), p. 1440

ILO Survey on Forced Labour. *Economic and Political Weekly*, Vol. 3, No. 38 (Sep. 21, 1968), p. 1440

Mcquade, A. 2008. The struggle against forced labour. *International Union Rights*, Vol. 14, No. 4, Focus on forced labour: Union action to protect the world's most marginalised workers, pp. 6-7



public works also employed part of it for agricultural work on their vast personal estates or private farms (*gandun sarki*).

By virtue of their political authority (*iko*), local rulers commandeered free labour to their farms. In most cases, especially in northern Nigeria, the rulers often diverted the political labour meant for the Europeans into their personal farms. In the spirit of indirect rule, the colonial authority supported the local rulers in their use of forced labour in their farms. There were instances when the British colonial officials shielded local rulers for the abuse of forced labour. In 1928, a case of forced labour abuse in southern Katsina was reported to the British officials. One district head employed the labour of two hundred and eighty men on his farm without any payment. The district head was not charged or prosecuted for forced labour because people were reluctant to give evidence against him.

There was also occupational forced labour. For example, in the Katsina Emirate, blacksmiths were expected to produce a certain number of hoes to the village heads annually without any payment at all. Forced labour was used for colonial projects in the construction of roads and railways in Katsina Emirate. The Kano and Katsina motor road completed in 1924 and the Funtua to Yashe Road completed in 1928 were constructed through forced labour.

Defaulters were sanctioned by the community and sometimes by the colonial state. Criminal cases were instituted against natives for failing to render "essential services," such as acting as carriers or paddlers and repairing native court houses. There were reports on the messengers of traditional rulers who engaged in extortion and forcing people into unpaid labour.

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Brohi, A.K 1951. ECOSOC and Forced Labour. *Pakistan Horizon*, Vol. 4, No. 2 (June, 1951), pp. 67-81

Brohi, A.K 1951. ECOSOC and Forced Labour. *Pakistan Horizon*, Vol. 4, No. 2 (June, 1951), pp. 67-81

ILO Survey on Forced Labour. *Economic and Political Weekly*, Vol. 3, No. 38 (Sep. 21, 1968), p. 1440

Stopping Forced Labour: Global Report under the Follow-up to the ILO

Declaration of Fundamental Principles and Rights at World International Labour Conference 89<sup>th</sup> Session, 2001 (<http://www.ilo.org/declaration>)

In some cases, local rulers accepted bribes in order to exclude certain individuals from communal or political labour. Until the enactment of the Forced Labour Ordinance of 1933, the employment of forced or compulsory labour in Nigeria was governed only by the native law and custom and by colonial state instructions.

Communal or forced labour was considered as lawful labour within the Forced Labour Ordinance (No. 22 of 1933). The colonial state recognised the need for communal labour as an aspect of social development and legislated for it. Communal labour was important for the good and welfare of communities and family groups that had duties and obligations to one another based on the offer of free service for the development of the community. In Ondo Province, new roads were generally constructed by voluntary labour union which, the people willingly supplied, as they were always too anxious to enjoy the advantages of motor transport. Similarly, the people of Ilesa town were encouraged to make sanitary lanes which they desired, although there was no money to pay for them.

In the Kabba Division during the 1920s, the use of forced labour was contemplated for the production of cotton and other export products. Indeed, for many years, forced or requisitioned labour was used in the Kabba Division to transport loads of cotton for the British Cotton Growing Association (BCGA). Captain Fitzpatrick recommended the abandonment of forced labour in the Kabba Division. He recommended increasing the payment of carriers from -/9 per diem to 2/- a day, and of unskilled labour on the roads from 2/- or 2/6 a week to 12/- or 14/- a week. This was because he considered transport as unnecessary and impracticable due to difficulties of the terrain. There were three categories of work for which forced labour was employed in the 1920s in Kabba Division:

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Ingawa, T.B. 1983. Rural Labour in Southern Katsina Emirate during the Colonial Period c. 1900-1939. African History Seminar, School of Oriental and African Studies, Institute of Commonwealth Studies, University of London.

Ingawa, T.B. 1983. Rural Labour in Southern Katsina Emirate... p. 8.

Ingawa, T.B. 1983. Rural Labour in Southern Katsina Emirate... p. 9.

Ingawa, T.B. 1983. Rural Labour in Southern Katsina Emirate... p. 9.

- a) Transport of cotton from Kabba and Okene to Lokoja  
6000 men
- b) Transport with District Officer on tour  
400 men
- c) Road making  
12000 men

Under the 1933 Forced Labour Ordinance, it was lawful for any native authority which in any capacity or any member who was before the commencement of the Ordinance empowered by native law and custom to exact services of a similar kind from the inhabitants or any town or village to exact from such inhabitants:

- (a) Labour for
  - (i) the maintenance of native buildings used for communal purposes, including markets, but excluding *juju* houses, and places of worship;
  - (ii) sanitary measures;
  - (iii) the maintenance and clearing of local roads and paths;
  - (iv) repairing town or village fences;
  - (v) the digging and construction of wells; and
  - (vi) repair of palaces
- (b) Labour for such other minor communal services in the direct interest of the inhabitants of the town or village as may be prescribed:
  - (i) it shall be a condition of the exaction of such labour that the inhabitants of the town or village or their direct representatives are previously consulted by the native authority in regard to the need for the exaction of the class of services in this section mentioned.

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NAI/OYOPROF/ 6/15: Forced Labour 8 November, 1928.

NAI/OYOPROF/ 6/15: Forced Labour 8 November, 1928.

Ingawa, T.B. 1983. Rural Labour in Southern Katsina Emirate... p. 9.

NAI Forced Labour Ondo Province: E.D.262/15

NAI/OYOPROF/ 6/15: Forced Labour 8 November, 1928.

- (ii) The people must not work outside their own towns, or for more than twenty days in a year.
- (iii) Anyone who does not wish to work was to be excused if he pays to the District Officer the value of a day's wage of a labourer.
- (iv) if the native authority plans to punish anyone for not turning out, he must be reported to the District Officer who would punish him. It was strictly forbidden to punish anyone by the old method which allowed the native authority to seize defaulter's fowl or fine him in order other way if he failed to work.
- (v) any person who exacts forced labour from anyone else or permits it to be used for his benefit was guilty of an offence punishable by two years' imprisonment.

The 1934 Forced Labour Ordinance endorsed by Governor Donald Cameron further required labour for:

- (i) the cleaning of open spaces and playgrounds in a town or village;
- (ii) the baling of fish ponds and similar services connected with the maintenance and protection of public fishing facilities on which the livelihood of the inhabitants of a town or village or a considerable proportion of them depends;
- (iii) the tending of communal palm groves and the collection of communal palm produce;
- (iv) the clearing and maintenance of fire-traces; and
- (v) the clearing of local creeks affording access to and outlet from a town or village.

Forced labour was expected to be exacted from able-bodied males who were between eighteen and forty-five years. Labour was not to be exacted from more than twenty-five per cent of such males of a town or village at the same time. It was expected that no person should be called upon to work for more than twenty days in any one year. The length of

NAI Forced Labour in Kabba Division: Memo by Captain Fitzpatrick on/ 40/1921.

the working day was not to exceed what was customary in the neighbourhood.

In Sokoto and Benue Provinces, native authorities were granted powers under the provisions of Regulations No. 23 of 1935 for the exaction and employment of labour for preventing the spread of sleeping sickness. In Sokoto Province, the forced labour was employed in the Illo District, Kaoji District of Gwandu Emirate and Kwanji, Shanga and Gungawa District of Yauri Emirate. In these districts 3,120 men were employed for the control of sleeping sickness for a period of six weeks.

Sanction was also given to use forced labour in Katsina and Bauchi Provinces for dealing with invasions of locusts. In Katsina Province 14,960 men were employed for a period of one to eight days. In Bauchi Province, 50 men were employed for three days. Power was granted to native authorities and political agents to obtain labour for general re-forestation (communal fuel plantations or communal forest reserves) in many provinces.

The enactment of the Forced Labour (Amendment) Ordinance of 1937 demonstrated the widespread use of forced labour in colonial Nigeria. Native authorities were empowered to deal with those who flouted their orders in performing communal services, transport and public works in Benin and Ogoja Provinces.

In 1933, for the refusal to render forced carrier labour in Benin Province, ten young men were convicted in four cases tried in the native courts. In 1934, there were cases in which property was seized owing to the failure of individuals to perform their share of communal labour. In the first case, a fowl, belonging to a man who had failed to take part in communal labour when legitimately called upon to do so, was seized by his fellow villagers. The circumstance of the second case was similar to the first except that the fowl seized did not belong to the defaulter himself but to a man who had actually performed his portion of the communal work. Until the early 1930s, defaulters of communal labour were fined through the courts and their livestock or other property seized.

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NAI Forced Labour Ekiti Division: Circulars and Instructions/E.D. 262/December 1934.

More importantly, labour recruitment for tin mines was the most obnoxious form of forced labour in northern Nigeria. Between 1939 and 1944, several young men were drafted to the mines. The Forced Labour Ordinance was repealed on the 1<sup>st</sup> of June, 1946 but communal labour was considered necessary in many provinces. However, native courts in Ijebu Ode were empowered to enforce communal labour for certain purposes.

### Resistance to Forced Labour

Resistance to forced labour took the form of petitions, civil disobedience, protests, desertion and migration. In the 1920s, discontent with forced labour was carried out by Christian converts in the Kabba Division. Of the 400 men who carried the loads of Captain J.F.J. Fitzpatrick, the District Officer of Kabba Division, only eight men who were Christians deserted. The increasing level of literacy and the growing number of the educated elite intensified the network between Kabba natives and the other educated elite in the cities. Again, Christian missionaries encouraged their converts to defy the native authority in matters relating to forced labour. Christian missionaries placed their converts in a position of privilege by securing for them exemption at the expense of non-Christian elements. Thus, many Christian converts had the privilege of rejecting forced labour.

Arising from several cases of discontents and opposition against forced labour, Captain Fitzpatrick canvassed for its abolition and introduction of waged labour in Kabba Division. In Warri Province, forced labour gradually disappeared owing to the exposure of the natives to European modernity and migration to the cities. There were instances of protest migration against burdensome taxation, forced labour and conscription.

From the 1940s, ethnic minorities in northern Nigeria revolted against taxation and forced labour. The Gwong people in the Kagoma district embarked on civil disobedience. Similarly, the Ham and Adara masses

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NAI Forced Labour: Southern Provinces 3712/778

NAI Forced Labour: Southern Provinces 3712/778

resisted forced labour in the Kachia district. Mr. L.G. Giles, a colonial officer on tour of the Kachia district, gave details on how the district rulers arbitrarily engaged forced labour of the peasants "at the busy time of the season." The exploitation of the peasant on private farms of the aristocrats was prevalent. Peasant women were compelled to officially transport goods for the colonial officials. The Christian missions-trained educated elite in Zaria Province wrote petitions to the colonial state against forced labour.

As the rumours of World War II intensified in northern Nigeria, young men of military age became apprehensive that they could be conscripted into the army. According to the colonial Resident Officer in Sokoto, there were rumours that there would be general conscription in the district. In the aftermath, markets were poorly attended, Europeans were avoided and young men slept in their farms, away from their homes. Desertions started quite early in the history of the military and continued during the world wars. In the late 1940s, the Emir of Katsina, Alhaji Muhammadu Dikko, protested against the forced labour scheme. To this end, 26% of the Katsina forced labour recruits escaped from the tin mines.

Discontent with forced labour became more prominent in the post-World War II era. Some able-bodied men refused to perform forced labour, arguing that having paid tax, they could not be called upon for a communal service. As such, there were protest letters against free and forced labour. On 14<sup>th</sup> June, 1948, one Mr. M.O. Sigbeku of Ilugun Central School, Ijebu-Ode petitioned the Acting District Officer concerning communal labour. Mr. M.O. Sigbeku was a teacher at Ilukun Central School from 1940. On the "Empire Day," May 24, 1948, the young men of the district were asked by an administrative officer to clear the site for the proposed buildings to be erected at Atan-Ilugun. Coincidentally, Mr. Sigbeku was counted as amongst the absentees for the communal labour. Mr. Sigbeku refused to perform communal labour based on two cogent reasons. First, he submitted that the "Empire Day" was a general public holiday and, as such, he should be

Bill Freund, 1981 and Tukur Bello Ingawa, 1983.  
NAI Forced Labour in Kabba Division: Memo by Captain  
Fitzpatrick/40/1921.

free of any manner of work. Secondly, he posited that he was a full taxpayer and that under no circumstance should he be requested to do any communal labour in gratis to the colonial government. Consequently, after the free manual labour carried out by the young men of Ilugun-Ijebu, the communal elders planned to ostracise Mr. Sigbeku from all rites of the village group on account of his failure to work freely for the communal government. Mr. Sigbeku appealed against maltreatment which could eventually lead to a 'punishment of banishment.'

In response to Mr. Sigbeku's petition, the District Officer of Ijebu Division replied that no administrative officer ordered communal labour on "Empire Day" and that it was unfortunate that communal labour was called on public holiday. However, the colonial government took a favourable view of communal labour and the progress of townships depended on the willingness of the townspeople to take their share in the common task. Mr. Sigbeku followed up on his petition. He observed that, as a school teacher, he was not in a position to know about the movements of the administrative officer in the division. Above all, he concluded that the headmaster of his school could not allow him to leave the school work for political matters. After full consideration, the Chief Secretary to the Government decided not to grant native court jurisdiction to deal with offences under Section 122 of the Labour Code Ordinance. Such matters were referred to the magistrate courts. Thus, magistrate courts were granted powers to deal with persons refusing to submit to the powers of a native authority regarding communal labour.

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Asiwaju, A.I. 2003. Cross-Boundary Protest Migrations and Settlements in Colonial West Africa: The Example of the Western Yoruba Astride the Nigeria-Dahomey (Benin) Border. In Catherine Coquery-Vidrovitch, Odile Goerg, Isiaka Mande, Faranirina Rajaonah (eds) *Être Étranger et Migrant en Afrique au XXe Siècle: Enjeux Identitaires et Modes d'Insertion*, Paris: L'Harmattan 359-374

Kazah-Toure, T. 2003, Ethno-Religious Conflicts in Kaduna State. Kaduna: Human Rights Monitor, p. 55.

Kazah-Toure, T. 2003, Ethno-Religious Conflicts in Kaduna State p. 58.

Ubah, C. N. 1998, Colonial Army and Society in Northern Nigeria, Kaduna: Baraka Publishers, p. 218.

Ubah, C. N. 1998, Colonial Army and Society in Northern Nigeria, Kaduna: Baraka Publishers, pp. 253-259.

Many people opposed forced labour owing to their poverty and threat on their means of livelihood. In 1949, the Okpe migrant community (natives of Sapele District, Warri Province) living in Efire, Ijebu Waterside for almost three decades as palm nut gatherers were requested by their host community to offer free labour in the construction of the road to Ondo Province. The Okpe migrants replied that they would only work if they were paid for work done because they could not give free labour as poor people and must provide for their own families and pay taxes. It was also alleged that the government had paid a large amount of money to the Efire people to hire labour for the road construction project. The Okpe migrants were threatened with the deprivation of their means of livelihood unless they agreed to give free labour on the road construction. The Okpe migrants petitioned the District Officer, Ijebu Province to protect them from arrest, prosecution and fine of £5, for failing to do road constructions free.

Forced labour was extensively used in Ijebu Remo for community projects. Some persons were charged in the native court for failing to perform their share of community labour. The new labour legislation dealing with refusal of forced labour allowed many people to "neglect their civic duty" simply because they could be penalised by the native courts. In October 1949, the Town Council of Aiyeye, Ije-Ode complained that most of the byways leading to Agbowa Sagamu and Ode-Remo were so weedy and dangerous to the people. These byways were used by people going to markets to buy and sell. Despite several announcements by ringing bell that the paths leading to markets be cleared, many people did not heed the calls. The Town Council implored the District Officer to "invest" the town with the power to prosecute offenders under Voluntary Labour Ordinance. By January 1950, the power to try communal labour deserters was restored to the native courts, under the terms of sections 120 and 122 of the Labour Code Ordinance No. 54 of 1945. Section 120 stated that, "It shall be lawful for any native authority which in any capacity or any member of which was before the commencement of this chapter empowered by

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Ingawa, T.B. 1983. Rural Labour in Southern Katsina Emirate...p. 11.  
NAI Forced Labour: Ijebu-Ode/3374/939/ M.O. Sigbeku/1948.  
NAI Forced Labour: Ijebu Division/No. 3374/21

native law and custom to exact services of a similar kind from the inhabitants of any town or village, to exact from each inhabitants." However, there was legislation that compulsory labour or communal service shall not be exacted by a native authority except with the sanction of the Governor. Any person who was found guilty of an offence under the compulsory or communal labour provisions was to be liable to fine of one pound or to imprisonment for fourteen days in default of payment of the fine. In other cases, defaulters were to be fined fifty pounds or to imprisonment for six months, and a further fine of ten shillings or further imprisonment for seven days for every day beyond the first day during which such refusal or failure continued. In fact, an amendment to Section 120 of the Labour Code Ordinance passed at the meeting of Legislative Council, stated that the power to order persons to perform communal labour was removed from chiefs who were members of the Native Authority and vested in "prescribed authorities." Town Councils could not legally force persons to perform communal labour. The regulations guiding communal labour became somewhat misleading.

In Sagamu, Ijebu Province, seven persons who were convicted and fined 5/-each in the Ikenne Native Court for failing to perform communal labour on the Ikenne market site as ordered by the Alakenne and Ikenne Town Council petitioned the colonial government. The Ikenne Town Council at its meeting of 19<sup>th</sup> August, 1950 resolved that four different age grade societies should clear the market site for one hour per day everyday. The Alakenne, a member of the Ijebu-Remo Native Authority and a chief who, before the passing of the Labour Code Ordinance, was entitled to exact services from the Ikenne people for the purpose of cleaning markets, announced in the traditional manner that the resolution of the Town Council should be enforced. Any person not wishing to execute his share of the work was entitled to be excused on payment of the customary fee of 1/- to the head of society. The petitioners were accused of not attending both the day fixed for their age grade to perform its share of the labour when called to do so; nor did they ask for exemption from communal labour.

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NAI Forced Labour: Labour Code Ordinance No. 54 of 1945/No. 3374/36  
NAI Forced Labour: Prayer for Protection, Ijebu Province/208/1949

Thereafter, the Alakenne, guided by Provincial Office Circular No. 3374/44 of 26<sup>th</sup> of January, 1950, prosecuted the offenders, found them guilty and fined them 5/-each. It was stated that the Ikenne Town Council was unaware of the new regulations preventing the native authority from imposing communal labour. The petitioners were further accused of belonging to the faction which opposed the installation of the Alakenne. The Ikenne Town Council submitted that a reversal of the native court's decision could inspire agitators to create further crises for the newly installed Alakenne.

In May 1949, a group of young men in Ijebu-Ode petitioned the District Officer to complain that they were compelled to clear Igbile Ikishe pathway by Chief Pelu Oloja of Igbile despite being regular tax payers. They saw no reason why they should be compelled to carry out free labour. They stated that, in 1936, the people of Igbile town unanimously decided to clear and construct a new road from Igbile to Ikishe to Ilado. Igbile community further applied to the Engineer of Public Works Department, Ijebu-Ode, who could not render any assistance. The community often repaired the road after every five years owing to lack of support from the Native Authority Public Works Department. It was decided by the community that members of the town who had farmland near the new road should try and clear part of the road when clearing their farmland. The youths who refused to obey the call for forced labour on the road was issued criminal charges by the native authority for "refusing to answer the call of village head." The youths, therefore, petitioned the District Officer to intervene because they did not want any riot to be created in the village. The District Officer of Ijebu Division reminded the President of native court, Idowa that the native courts no longer had powers to deal with cases of refusal to take part in communal labour.

Arising from these controversies, other towns requested the approval of the District Officers before imposing communal labour. On 20<sup>th</sup> September, 1954 the Aiyeye Group Council sought the permit of the District Officer, Ijebu-Ode, to exact free communal labour from the inhabitants of Aiyeye for the maintenance and clearing of the following local roads: Odogbolu-Aiyeye-Ikenne; Aiyeye-Sagamu; and Aiyeye-Odosenlu.

Throughout the country, there was no organised resistance against forced labour. However, in the early 1950s, local resistance was boosted by the ideologically motivated radical educated elite and nationalists, such as Malam Aminu Kano. The radical nationalist party, the Northern Element Progressive Union (NEPU), was formed by Malam Aminu Kano and other nationalists to fight the injustices associated with colonial rule and its native authority system. It could be stated NEPU led an organised resistance to forced labour in northern Nigeria. This made the party to find widespread acceptance among the Hausa and Fulani peasants who suffered from the oppressive rule of the native authority system. According to Yakasai, "...the NEPU had directed its members all over the country to organise resistance against forced labour. Party members took the matter very serious (sic). Anywhere they found people doing forced labour, they would simply ask them to disperse, and the people would do so readily."

Nevertheless, the colonial state exercised caution on forced labour in order to avoid widespread revolts in the context of decolonisation. For example, it was stated that the Ijebu had a passion for making new roads. The development of such roads was obstructed by large rivers which required bridging at heavy cost that the colonial state was unable to find. The colonial state strongly opposed the use communal labour, town funds or a road rate. This was because the colonial authorities were aware of the fact the Ijebu people would resent any imposition of a money rate. Hitherto, tribute and water rate were difficult to extract even from wealthy individuals. It was further argued that the imposition of a road rate or town funds would provide loophole for further extortion and abuse.

When the question of "services" to the chiefs was raised, the colonial state resolved that, under section 10 of the Forced Labour ordinance, a chief who did not receive adequate remuneration should continue to enjoy his traditional services. In this connection, Mr. Ward Price asked if the Oluwo might use communal labour for his palace. The response was that in the division, a problem had arisen with regard to communal

services and that the policy of "laissez faire" on forced labour, which had worked satisfactorily in the early phase of colonial rule, could continue much longer. The colonial state justified this response using the example of Igbeti, in Oyo Province. The services claimed by the Baale of Igbeti were:

- a. Two bags of *elubo* (dried yam powder) from every load brought into the market;
- b. Maintenance of the Baale's house; and
- c. Clearing and planting of the Baale's farms.

With regard to (a) the Alaafin of Oyo declared that the Baale was entitled to it but the Igbeti chiefs said he was not. The colonial state, therefore, outlawed it. By the early 1940s, the Baale became unpopular with his chiefs. In effect, they refused to mobilise people for (b) and (c). The chiefs collected dues for the annual Bere Festival and remitted them to them directly to the Alaafin without passing through the Baale as was customarily done. Above all, the colonial authorities declared that since the Baale of Igbeti received a salary of £30 per year, which could not maintain his residence or enable him to entertain visitors. Therefore, the colonial state somehow regularised communal services for the Baale's estate.

### Conclusion

Owing to international pressure and the rising wave of decolonisation, the colonial state systematically controlled the excesses and overbearing nature of native authorities by legislating that cases of forced labour defaulters must be reported to the District Officer for appropriate punishment. In the post Second World War era, the issue of forced labour became a politically delicate matter. District Officers were warned on the question of obtaining voluntary labour that had become a delicate matter for the colonial authorities. District Officers were

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NAI Forced Labour: Ijebu Division/No. 1248/2  
Yakasai, T. 2004. Tanko Yakasai: The Story of a Humble Life. Zaria: Amana Publishers Limited, p. 59  
Yakasai, T. 2004. Tanko Yakasai: p. 78.

cautioned to handle forced labour matters with the greatest tact; otherwise the repercussions would reach the United Nations Organisation.

Gradually, forced carrier labour became rarely used in the western provinces during the late 1940s. By 1950, the proviso (iii) to Section 120 (1) of the Labour Code Ordinance (Cap 99) directed that the sanction of the Governor was required before compulsory labour could be exacted for the maintenance and clearing of local roads and paths. In addition, it became necessary that a majority of the inhabitants of any town or village should agree as to the necessity for the compulsory service proposed. When such agreement had been obtained, the community concerned would notify the native authority to issue an order. The community would be educated on the usefulness of the communal labour to the town or village. It was directed that the "Trinity" - the inhabitants, town or village council and the native authority must work together in moving their people to undertake a compulsory service of communal importance. It became increasingly difficult for town councils to exact communal labour since the new Ordinance was passed. A memo dated December 1951 from the Acting Resident of Ijebu Province to the District Officer of Ijebu Remo Division, Sagamu stated that, "You must just use your commonsense. After all, if the Town Councils cannot exert communal labour, even, if necessary 'without' the law, then it is their own progress that is being retarded...If the people elsewhere are able to command communal labour within the framework of the present law, we should be able to do the same; if the Ijebus cannot do the same thing, they themselves will be the losers." In the 1950s, there was still marked willingness to perform voluntary labour for the public good, provided the native authorities were not led into false position where they could be attacked by lawyers employed by the vocal minority who were opposed to it.

Following the development of local government administration in Nigeria in the 1950s, the reversal of communal labour was witnessed. The colonial state was practically inconsistent concerning the issue of forced labour. In August 1953, the Ikenne Local Council under the Chairmanship of Ayo Akinsanyan passed a bye-law "That it shall be

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NAI/OYOPROF/ W.P. 10192/141: Forced Labour 4 July, 1938.

lawful for the Ikenne Local Council to ask any age group or any person within the area of the Local Council Authority to perform communal labour or duty when requested to do so. Failure to obey such order will be an offence against the Council punishable by the imposition of a fine or imprisonment." The District Officer, Mr. P.H. Balmer, replied that the proposal that the Ikenne Local Council should have power to require various age groups to perform communal labour did not exist in the Local Government Law of 1952; and that, it was illegal for the council to impose forced labour on the community. Therefore, local government councils were prevented from enforcing communal labour in their domains. A considerable number of cases in which persons who were charged under Native Laws and Custom with the evasion of communal duties appealed to the Appellate Court. In the end, the British encouraged forced labour. Despite several litigations, the Labour Code Ordinance (Cap 99) 15<sup>th</sup> July, 1954 empowered local government councils in Western Region required the inhabitants of any town or village subject to its jurisdiction to provide labour. In effect, it became unnecessary to obtain the Governor's sanction when exacting compulsory labour to maintain and clear local roads and paths. Lastly, forced labour was discussed in loose and general terms without any serious attempt to ascertain where and how it persisted in Nigeria.

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NAI Communal Labour: Ijebu Division/No. 1248/256

NAI: Ikenne Local Council, 18<sup>th</sup> August, 1953.

NAI: The Labour Code Ordinance (CAP. 99)/L.N. 90 of 1954.