

Environmental and Legal Instruments of Import Control in Colonial Nigeria, 1904-1954

Ayodele Samuel Abolorunde (Formerly) Aborisode, PhD
Department of History
University of Ibadan
E-mail: ay4real180@yahoo.com

Abstract

The colonisation of Nigeria by the British led to the merging of diverse ethnicities which occupied the area that later became Nigeria as the Europeans imposed administrative structures which included native court, native authorities, native treasuries and protectorates. Historians, political scientists, sociologists, economists and scholars of related disciplines have through their works, interrogated Nigeria's colonial past. The Indirect Rule system, infrastructure, nationalism, currency circulation, systems of banking and education, and exploitation of resources are typical examples of Nigeria's colonial experience. Similarly, scholars have made attempts at interrogating various aspects of the country's colonial history. These include agricultural policies, export control policies, marketing boards, trade restrictions, politics of decolonisation, the politics of transfer of power, constitutional development, regionalism, nationalist movements, import control during and after World War II and the tariff system. These intellectual efforts have not beamed their searchlight on how the formulation of legal instruments which governed import control was aided by the nature of environment of certain regions in Nigeria. Against this backdrop, this paper interrogates the impact of the environment on Nigeria's import control history in the colonial era. The paper concludes that the nature of Nigeria's environment determined the efficacy of laws which governed import control administration in Nigeria.

Introduction

Environment is the totality of ecological, topographical and geographical features of an area, which supports the survival of living things. Environment can also be described as the totality of climatic conditions which support social and technical advancement of human beings and their survival.¹ It is the topographical and ecological conditions which determine the cultivation of crops and the types of crops to be cultivated. Environment is a natural condition which includes mangrove swamps, forest, semi-savannah and grassland as well as the interactions of the peoples who occupy particular geographical areas.² Environment is a natural geographical condition which helps a group of people to overcome ecological difficulties such as dynamic changes and agricultural production.³ Environment is a potent geographical tool which shapes historical development of a society through climatic conditions such as rainfall, temperature, wind and air mass which define the rhythm of their economic activities.⁴ Environment is a natural geographical feature which assists the migration and settlement pattern of a group of people from an area into a new one.⁵

Legal instruments according to Jean Grosdidier de Matons, is a document between two or more sovereign or independent public law entities such as states or international organisations. It is intended to

¹ Kevin Shillington, *History of Africa Kevin Shillington Revised 2nd Edition* London: Macmillan Publishers Limited, 1989, p. 3.

² S. A. Ajayi, *From Amalgamation to the Quest for National Integration in Nigeria Issues, Challenges and Prospects* The 40th Anniversary Lecture Department of History and International Studies, University of Ilorin, Nigeria, Thursday, 18th May, 2017, p. 14.

³ E.E. Emeghara and A.E.Nkwocha, 'Economic Foundations of the Pre-Colonial Owerri Community' in Dan O. Chukwu, Sylvanus Okoro, Egodi Uchendu and Justin G. Onyekpe, *Studies in Igbo History*. Enugu: Nolix Educational Publications Nigeria Limited, 2016. p. 50,

⁴ Sandy, O. Onor, *Foundations of Nigeria's Unity*, Glienicke: GaldaVerlag, Germany, 2021, p. 25.

⁵ Reuben K. Udo. 'Environment and Peoples of Nigeria A Geographical Introduction to the History of Nigeria' in ObaroIkime Ed. *Groundwork of Nigerian History* Ibadan: Heinemann Educational Books Nigeria Limited, 1980, p. 7.

create rights and obligations between the parties, and it is governed by international laws.⁶ Legal instrument according to the United Nations General Assembly Resolution of 1966, is a process of economic cooperation based upon the principle of mutual benefit and international law.⁷ Import control on the other hand, can be defined as a policy that emanates from government through legal instruments. Import control can also be defined as a strategy of changing or sustaining the consumption pattern of a people through barriers against the importation of goods or a particular good into a country as enshrined in the economic policy of a state. Control on imports can be achieved through local production of goods imported into a country.

All over the world, the nature of environment of people defines the nature and pattern of their economic activities, which by extension could be interpreted to mean the inseparable nature of both environment and economy of a people occupying a clearly defined territory. The 15th and 16th-century Guimaraes in Portugal revealed how environment shaped and brought out the Portuguese architecture which also pointed to the extent of the economic prosperity of the town during the period.⁸ Sixteenth and 18th-century Arab world and Europe, scholars like Ibn Khaldun and Montesquieu had examined critically how climatic conditions of an environment shaped patterns of behaviour of humans who occupied a particular territory during their time for economic benefit.⁹

Africa and its environmental history remain the cornerstone of world civilisation and how mankind was shaped through environment

⁶ Jean G. de Matons. *A Review of International Legal Instruments Facilitation of Transport and Trade in Africa Treaties, Conventions, Protocols, Decisions and Directives, Second Edition*. Washington D.C: Africa Transport Policy Program, 2014, p. 1.

⁷ International Covenant on Economic, Social and Cultural Rights General Assembly Resolution 2200A xxI Adopted 16 December, 1966.

⁸ Graeme Wynn. 'Birds on the Wing: Environmental History in Europe and Beyond.' *Journal of Historical Geography*, Vol. 46, 2014, p. 1, pp. 108-109.

⁹ J.R. McNeill. *The Historiography of Environmental History*, Washington: Intercultural Center ICC Georgetown University, Washington D.C, p. 3.

as modern human beings descended from *Homo habilis*. The capacity of these human beings to relate with their environment quickly ensured their survival through their stone tools known as Oldowan, named after the Olduvai George in modern Kenya where they were first discovered.¹⁰ Some of the stone tools were structured into cutting tools which they used to subdue their environment for survival.¹¹ During late Stone Age which occurred between 120,000 and 90,000 years ago, the inhabitants of what later became Africa developed the techniques of growing their own food crops and taming of animals, while tools and ornaments made of stone, bone, and leather were the product of natural materials gathered from land.¹² In Asia, the influx of Hindu immigrants into the middle India highlands and valleys occurred gradually through the cooperation of rulers eager to generate income from the immigrants which later degenerated into crises between the inhabitants of highlands and valleys and nomadic Gujjars and Bhattis in the Punjab.¹³ In an entity that later Nigeria, the entity lied between latitudes 4° N and 14° N and bounded in the north by the Sahara Desert and in the south by the Gulf of Guinea and a part of the Atlantic Ocean.¹⁴

The economy of various groups such as Ijo of the Niger Delta in the pre-colonial period was intertwined with the conditions of their physical environment, while the hills of various groups in places like Idanre, Oke'ho, Udi-Nsukka, Aku, Igarra, Kabba, Okene and Mubi,

¹⁰ Kevin Shillington. *History of Africa*. Kevin Shillington Revised 2nd Edition . . . , p. 3

¹¹ Kevin Shillington, *History of Africa*. Kevin Shillington Revised 2nd Edition . . . p. 3.

¹² Kevin Shillington, *History of Africa*. Kevin Shillington Revised 2nd Edition . . . pp. 5-7.

¹³ Rangarajan, Mahesh, 'Environmental Histories of South Asia: A Review Essay' *Environment and History* 2, No. 2 South Asia Special Issue June 1996, p. 132, pp. 129-143

¹⁴ Reuben K. Udo. 'Environments and Peoples of Nigeria: A Geographical Introduction to the History of Nigeria.' *Groundwork of Nigerian History*. Obaro Ikime (ed.), Ibadan: Heinemann Educational Books Nigeria PLC, 1980, p. 7.

each provided defensive outposts against invaders.¹⁵ By 1885, British presence in the Oil Rivers Protectorate before the eventual colonisation of the entity which later became Nigeria was occasioned by environment. Thus, literature abound on Nigeria's environmental history in terms of promulgation of legal structures such as laws aimed at protecting the Nigeria's environment as well as the sustenance of its economic development.¹⁶ The impact of climatic conditions on the economic prosperity of northern Nigeria,¹⁷ environment and women's survival in Nigeria,¹⁸ environment and conflict resolution in North-Central Nigeria,¹⁹ environmental crises and sustainable development,²⁰ environmental degradation and livelihoods,²¹ legal environmental instruments of oil exploration in the Niger Delta,²² environmental

¹⁵ Reuben K. Udo. 'Environments and Peoples of Nigeria A Geographical Introduction to the History of Nigeria', p. 8.

¹⁶ Adeola Ogunba. 'An appraisal of the Evolution of Environmental Legislation in Nigeria.' *Vermont Law Review*, Vol. 40, p. 673, 2016, pp. 674-673.

¹⁷ A. Abdulkadir, M.T. Usman, A.H. Shaba and S. Saidu. 'An appraisal of the Eco-Climatic Characteristics in Northern Nigeria.' *African Journal of Environmental Science and Technology*, Vol. 7. No. 8, 2013, p. 748, pp. 748-757.

¹⁸ Oluronke Omolola Odunjo, Simon Ayorinde Okanlawon and Olajoke Abolade. 'Gender Issues and Environmental Management in Nigeria.' *OIDA International Journal of Sustainable Development*, 2015, p. 32, pp. 31-38.

¹⁹ Roger Blench and Mallam Dendo. *Natural Resource Conflict in North-Central Nigeria" A Hand Book and Case Studies*. London: Mandara Publishing, 2004, p. 10.

²⁰ Kelly Bryan Ovie Ejumudo. 'Sustainable Development in Nigeria: The Policy Gap and Action Dilemma.' *Journal of Economics and Sustainable Development*, Vol. 6, No. 23, 2015, p. 78, pp. 78-85.

²¹ Joy Oluwatomi Jiboye, Christopher Ogolo Ikporukpo and Charles Olufisayo Olatubara. 'Impact of Environmental Degradation and Livelihoods in the Coastal Area of South West, Nigeria.' *Journal of Aquaculture Research and Development*, Vol. 10 No. 4, 2019, pp. 1-11.

²² Steven Maduka Ogbodo. 'Environmental Issues and Nigeria's Niger-Delta Crises: Implications for Sustainable Development and Global Peace.' *International Journal of Sustainable Development*, Vol .2 No. 3, 2010, p. 17, pp. 17-22.

challenges and solutions of the Niger Delta region within the global environment,²³ Environment and governance,²⁴#####

This paper therefore, focuses on how environment shaped the formulation of legal instruments which were used for the control on imports when first of its kind was erected by the colonial administration in 1904 when Order-in-Council Ordinance which empowered the British to implement their economic blueprint in Lagos and by extension, in the entity which later became Nigeria after the beginning of colonial rule in 1900 and 1954 when greater regional economy was granted to the regions in terms of control on imports through the 1954 Lyttleton Constitution.

The paper observes that discussions on the impact of environment and legal instruments of government centre around resource control, sustainable development and conflict resolution. Scholars have therefore, paid adequate attention to how the country used her environmental advantage to solve its myriads of problems after independence in 1960. However, there has not been comprehensive interrogation of how Nigeria's environmental configuration shaped the deployment of legal instruments used in the control of imports by the colonial state from 1904-1954. This exclusion makes this subject matter important to us, because the colonial state exploited to the fullest Nigeria's environmental pattern, to formulate laws which pursued vigorously, the economic objectives of the colonial state during the period under study. The conventional wisdom of Nigeria's environmental history places emphases on how environment shaped

²³ Sofiri Joab-Peterside. 'Critical Environmental Challenges of the Niger-Delta: Exploring Strategic Solutions.' *Developing Countries Studies*, Vol. 9 No. 7, 2019, p. 28, pp. 28-41. See also, Ejovi Austin, Ebie Sunday and Akpokighe O. Raymon. 'Globalization and Environmental Degradation of the Niger-Delta.' *Research on Humanities and Social Sciences*, Vol. 4 No. 13, 2014, p. 142, pp. 142-152.

²⁴ Adebayo, T. Salami. 'Environment and Sustainable Development in Nigeria.' *Journal of Sustainable Development in Africa*, Vol. 23, No. 3, 2021, p. 36, pp. 34-52.

pattern of interactions of various groups before colonialism,²⁵ Nigeria's intimidating environmental profile in the pre-colonial period,²⁶ as well as environmental challenges and economic development of the country in the post-independence era.²⁷

However, Ayodeji Olukoju drawing on the importance of Lagos environment to the colonial economy, challenged the conventional wisdom when he argues that the environmental condition of Lagos to the British economic interests in Nigeria propelled the British to put in place legal instrument of Adulteration Produce Ordinance Cap 136 of 1926 against adulterated agricultural produce such as palm kernel, palm oil and cocoa in Lagos as a coastal state.²⁸ Afolabi corroborates this evidence when he argues that the nature of geographical and economic environment of Lagos put Lagos traders in a difficult situation of shouldering the dominance of its trade by the British.²⁹ Similarly, Ayodele Abolorunde has argued that environmental conditions of Lagos and the Oil Rivers Protectorate precipitated the ubiquity of the Royal Niger Company and other European firms in these areas and this was further enhanced by legal instrument such as Customs House Pier Ordinance of 1892.³⁰

²⁵ Murray Last. 'The Early Kingdoms of the Nigerian Savanna.' *History of West Africa Volume 1 Third Edition*, in J.F Ade-Ajayi and Michael Crowder Eds. New York: Longman Incorporation pp. 180-187. See also, Kayode Soremekun, 'Nigeria's Quest for Regional Integration in West Africa.' *Nation-State and Challenges of Regional Integration in West Africa: The Case Study of Nigeria*. Yomi Akinyeye (ed.), Paris: Karthala Publications, p. 52.

²⁶ Rowland, A. Adeleye. *Power and Diplomacy in Northern Nigeria 1804-1906: The Sokoto Caliphate and Its Enemies*. London: Longman Group, p. 52.

²⁷ Sofiri Joab-Peterside. 'Critical Environmental Challenges of the Niger-Delta: Exploring Strategic Solutions,' p. 28. See also, Ejovi Austin, Ebie Sunday and Akpokighe O. Raymon. 'Globalization and Environmental Degradation of the Niger-Delta,' p. 142.

²⁸ See Ayodeji Olukoju. 'Government, Business Community and Quality Control Schemes in the Agricultural Export Trade of Nigeria, 1889-1929.' *African Economic History*, No. 26, 1998, p. 109.

²⁹ A.S. Afolabi. 'Lagos Market Women during the Inter-War Years: The Water rate Agitations, 1932-1941.' *Journal of Historical Society of Nigeria*, Vol. 25, 2016, p. 105.

³⁰ Ayodele Samuel Abolorunde. *Import Control in Colonial Nigeria, 1939-1960*.

Apart from Olukoju, Abolorunde and Afolabi's analyses on how environment influenced the implementation of legal instruments of trade policies in coastal cities like Lagos and the Oil Rivers Protectorate, extant studies have not paid adequate attention to the way the implementation of import control policies of the colonial state were shaped by environmental conditions of coastal cities of Nigeria. The main thesis is to demonstrate that the implementation of import control policies in colonial Nigeria was more potent in some coastal cities of Nigeria, because of their unique environmental conditions than other cities. This paper is thus a contribution to the study of colonial economy in Nigeria.

Environment as Legal Instruments of Import Control in the Nigerian Geographical Area up to 1904

The entity that later became Nigerian was located in western coast of Africa within the heart of Gulf of Guinea. The Nigerian geographical area in the pre-colonial times was bounded in the North by modern-day Niger and Chad, present Benin in the West, modern-day Cameroon to the East, Gulf of Guinea which is an arm of the Atlantic Ocean to the South with total landmass of 923,768.64 sq. km.³¹ The Nigerian geographical area in the pre-colonial times was located in two broad ecological zones: the tropical rainforest, which emanates from Atlantic Ocean and passes through sandy beaches, freshwater swamps to thick forests and the savannah zone of grassland joining the Sahel region.³² The geographical conditions of various groups that occupied the Nigerian geographical area determined the nature of fraternal

Being a Ph.D Thesis submitted to the Department of History, University of Ibadan, 2018, p. 47. See also, National Archives Ibadan, Custom House Pier Ordinance of 1892, the Nigerian Gazette of 1892.

³¹ See, Nigeria in Brief. A Publication of the Federal Ministry of Information Abuja: Radio House, 2014, p. 15 as cited in Sandy Onor, the Foundations of Nigerian Unity.

³² Okon Uya. "Nigeria: The Land and the People." In Okon Edet Uya (ed.), Contemporary Nigeria: Essays in Society, Politics and Economy Buenos Aires: Edipublis. A, 1992, p. 12 as cited in Sandy Onor, the Foundations of Nigerian Unity.

commercial intercourse which restrictions on imports of goods not produced belonged. For instance, the presence of River Niger as an environmental buffer served as a link through which trade was facilitated between the Igala and Igbo communities.³³

It is important to state that River Benue, apart from River Niger, played pivotal roles in early economic history of the area that became Nigeria and this further supports the view that some early kingdoms such as the Jukun dominated and regulated the trade of the Benue Valley as far as Kano, flourished on the banks of these rivers.³⁴ The coastal delta peoples whose environmental condition made them to live in swampy areas, were compelled to produce mainly fish and salt but were able to establish trade link with the forest peoples who supplied them basic foodstuffs in exchange for fish and salt.³⁵ Various groups such as the Yoruba, Edo-speaking peoples, Igbo, Ibibio and Ekoi occupied the forest environment³⁶ with vast trade networks which sustained their economic relationship with the coastal people of the Niger Delta. In the grassland region of the Middle Belt, the Tiv and Nupe equally established trade links with middle Niger Valley to the west.³⁷

In the Cross River Valley, the Ejagbam society's agricultural production of root crops like yam, was largely determined by ecology of the area while production of cocoyam and other root crops served as instruments used to create economic buffers³⁸ in dealing with

³³ Sandy Ojang Onor. *Foundations of Nigeria's Unity* Glienicke: GaldaVerlag, 2021, p. 41.

³⁴ Sandy Ojang Onor. *Foundations of Nigeria's Unity*, p. 41.

³⁵ Reuben K. Udo. 'Environment and Peoples of Nigeria: A Geographical Introduction to the History of Nigeria.' See also, Sandy Ojang Onor, *Foundations of Nigeria's Unity*.

³⁶ Reuben K. Udo. 'Environment and Peoples of Nigeria: A Geographical Introduction to the History of Nigeria.' See also, Sandy Ojang Onor, *Foundations of Nigeria's Unity*.

³⁷ Reuben K. Udo. 'Environment and Peoples of Nigeria: A Geographical Introduction to the History of Nigeria.'

³⁸ Sandy Ojang Onor. 'Economic Organization of the Ejagham on the Eve of Colonial Rule.' In C.B.N. Ogbogbo, Okpeh O. Okpeh, Jnr, Sandy Ojang

neighbouring societies of that region. Commercial and trading activities of the Ejagbam people with their neighbours was shaped by their geophysical endowments, technological skills and occupational specialisation.³⁹ The forest region of Igboland had the advantage of huge agricultural and commercial outlook shaped by environmental resources or factors as this stimulated vast intra-trade networks within among the Igbo and inter-trade networks outside the forest region of Igboland. For instance, the importation of salt, cloth, guns powder, tobacco and spirits was made possible by Aro traders who occupied strategic geographical position as regulators of importation into various Igbo societies.⁴⁰

With the commencement of the Trans-Atlantic slave trade in the 16th century, environmental conditions determined how various groups of an area that later became Nigeria participated in the trade. While the various groups in the hinterland outside the coastal environment became the exporters of slaves to the Europeans who were waiting for their consignments on the coast, the coastal slave traders became tools through which slave commerce between the Europeans and the Africans were regulated. For instance, slave traders of Itsekiri, Ughoton and Lagos became major suppliers of human cargoes from the hinterland and supplied them to their European business partners.⁴¹ The Ijo were also involved in the slave trade as middlemen who regulated trade in human cargoes between various Nigerian groups of the hinterland and the Europeans on the coast. What bestowed this strategic advantage

Onor and TerhembaWuam (eds.), *Yakubu Aboki Ochefu Economic History Series Nigerian Economic History Perspectives*. Ibadan: Historical Society of Nigeria, 2021, pp. 5 and 11.

³⁹ Sandy Ojang Onor. 'Economic Organization of the Ejagham on the Eve of Colonial Rule.' p. 23.

⁴⁰ Evaristus E. Emeghara and Anthony E. Nkwocha. 'Economic Foundations of the Pre-Colonial Owerri Community.' In Dan O. Chukwu, Sylvanus I. Okoro, Egodi Uchendu and Justin G. Nkem-Onyekpe (eds.), *Studies in Igbo History* Enugu: Nolix Educational Publications Nigeria Ltd, 2016, pp. 58-59.

⁴¹ Obaro Ikime. 'The Western Niger Delta and the Hinterland in the Nineteenth Century.' In Obaro Ikime (ed.), *Groundwork of Nigerian History*. Ibadan: Heinemann Educational Books Nigeria PLC, 1980, p. 262.

on both the Itsekiri and Ijo was the environment in which they lived.

Since the Ijo had encountered the Portuguese since the 15th century before the commencement of the Atlantic slave trade, establishing fraternal commercial intercourse with the Europeans during the heydays of the Atlantic slave trade became less problematic as victims of wars from the hinterland and Ijo neighbours formed the kernel of human cargoes for shipment into the new world.⁴² In the hinterland, various Nigerian groups equally participated in the supply slaves to the coastal middlemen who regulated the slave commerce between the hinterland and the coastal traders. Adiele E. Afigbo argues that the Atlantic slave trade brought the Igbo into closer contact with their Ijo and Efik neighbours, because proceeds from the slave was a status symbol in Igboland.⁴³

The Atlantic slave trade was officially abolished by the British Parliament with the enactment of the 1807 Abolition Bill at a time it was considered that the trade had outlived its economic usefulness. However, the trade still continued towards the end of the 19th century before its eventual extinction before the end of that century through the legitimate trade spearheaded by Chartered Companies that were mandated by various European powers to secure and administer for their home countries, territories which their governments were not willing to govern directly or territories which their home governments had not decided to rule and exploit.⁴⁴ The commencement of legitimate trade was connected with the pioneering British industrial idea in Europe in the middle of the 18th century and the British were to secure for themselves a respectable position in the global trade in the industrial revolution initiated by them.

⁴² A.F.C. Ryders. 'The Trans-Atlantic Slave Trade.' In Obaro Ikime (ed.), *Groundwork of Nigerian History*. Ibadan: Heinemann Educational Books Nigeria PLC. 1980, p. 236.

⁴³ A.E. Afigbo. 'Igboland Before 1800'. In Obaro Ikime (ed.), *Groundwork of Nigerian History*. Ibadan: Heinemann Educational Books Nigeria PLC, 1980, p. 86.

⁴⁴ J.C. Anene, Ayandele, E.A. and Afigbo, A.E. 1966. 'What Part did Chartered Companies Play in the Partition of Africa?' p. 7.

The challenge of British industrial leadership in the late 19th century coincided with the institutionalisation of legitimate trade that was ushered in by the abolition of the Trans-Atlantic slave trade. It must be stated that effective barriers were created by Germany, one of Britain's rivals, to reduce the latter's unhindered industrial dominance globally.⁴⁵ This capitalist competition enabled France and Germany to secure for themselves opportunities available in the global trade.⁴⁶ The struggle culminated in a new form of competition which sustained the struggle for areas of commercial influence in different parts of the globe.⁴⁷

The struggle for commercial dominance continued alongside the legitimate trade among these industrial powers and this assisted in the transition from competitive capitalism to monopoly capitalism, in which competition among only a few giant corporations was the typical pattern in each of the leading industries.⁴⁸

It was the British commercial presence in some parts of the area which later became Nigeria that precipitated the eventual colonisation of Nigeria by 1900. This compelled the British to adopt economic instruments to govern these areas, one of which was Customs Ordinance of 1904. What made this Ordinance important was because it appeared to be one of the few ordinances enacted by the colonial regime for proper coordination of imports in the colony of Lagos as a coastal city. It must however, be noted that the 1904 ordinance was a follow-up to the 1876 Customs Ordinance which empowered the Governor of Lagos to monitor the arrival of ships in the strategic city which played important roles in the British colonisation of the whole of Nigeria.⁴⁹

⁴⁵ Blanning, T.C.W. 2000. *Short Oxford History of Europe The Nineteenth Century*. New York: Oxford University Press, p. 104.

⁴⁶ Hobson, J.A. 1975. *Imperialism A Study*. New York: Gordon Press, p. 66.

⁴⁷ Kemp, T. 1972. 'The Marxist Theory of Imperialism.' *Studies in the Theory of Imperialism*. R. Owen and B. Sutcliffe (eds.), London: Longman Publishers, p. 18.

⁴⁸ Maggdoff, H. 1978. *Imperialism: From the Colonial Age to the Present*. New York and London: Monthly Review, p. 166.

⁴⁹ NAI, Ordered in Council Ordinance No. 10 of 30th Day December, 1904.

Colonial Rule, Nigeria's Environmental Features and Import Control, 1904-1945

By 1900 when effective colonisation began, importation of European goods into Nigeria met little or no resistance from various groups in Nigeria. This economic strategy of importing finished goods into what later became Nigeria was carried out through the instruments of import control, which were more suitable in the coastal geographical environment of Nigeria than anywhere else. By 1904, Order-in-Council Ordinance of 1904 by the British in Lagos.##### Lagos being a Crown Colony geographically became a very suitable environment to implement British economic blueprint in Nigeria. According to the ordinance, goods which landed in Marina and Wharf shall be taken to customs warehouse for inspection, and if such imported goods were delayed due to bureaucracy of inspection for at least seven days, the importer shall bear no cost for the delay but such an importer would be fined whenever there was a neglect or omission in terms of money due for payment under the ordinance.⁵⁰

Furthermore, failure of an importer to pay all dues necessary to customs' warehouse within a month would lead to the forfeiture of goods, and proceeds from the sale would be used to settle freight charges and warehouse, and surplus from such sale was returned to the owner of the goods after due application by the owner of the forfeited goods.⁵¹ It is important to state that the ordinance was not only designed by the British to regulate and restrict the activities of importers, it became a source of revenue for the government of Lagos and this explains why both the Governor and the Legislative Council were empowered to adjust the ordinance without the intervention of London, provided such adjustments suited metropolitan interests. The empowerment of both the Governor and the Legislative Council was revealed in ss. 20 and 27 of the Ordinance:

It shall be lawful for the Governor at any time and from rule time to time, by any order made with the consent of the Legislative Council to make, and

⁵⁰ NAI, Ordered in Council Ordinance No. 10 of 30th Day December, 1904.

⁵¹ NAI, Ordered in Council Ordinance No.10 of 30th Day December, 1904.

when made, alter, suspend or revoke any Rules. All duties of Customs or other duties, and all other revenue of the Colony now imposed and allowed by law, shall be under the management of the Governor. It shall be lawful for the Governor, by and with the advice of the Legislative Council, from time to time whenever necessary, to make all needful rules and regulations for the collection and protection of the revenue.⁵²

The above legal instruments revealed the intentions of this ordinance in terms of consolidating British economic interests in Nigeria through the exploitation of environmental features of Lagos as a coastal state. It is important to argue that the administration of Lagos by the British was used to support the capital investments by various European merchants, especially those having British origins. This explains the reason Britain invested a staggering amount of 237 million pounds in its trade within her empires in Africa.⁵³ This amount derived largely from self-sustaining capacity of the colonies, including Lagos. Through firm control of economic potentials of Lagos via the instrumentalities of import regulations which empowered the colonial officials in Lagos, one would have thought it was going to discourage European merchants, rather it was a clear message from the metropolitan government to the European investors that their commercial tentacles could be spread to other parts of Nigeria. Izuakor argues that the British trading firms were motivated to invest in the country with the aim of making huge profits from such investments.⁵⁴

These investments necessitated the flow of capital into Nigeria. The quest for profit by the colonial regime and its commercial agents in Nigeria created an appropriate platform for competition among those firms. One of such competitions was the quest by the firms to restrict the penetration of goods and services into the commercial areas where their importation of goods and services were not hindered. For instance,

⁵² NAI, Ordered in Council Ordinance No.10 of 30th Day December, 1904.

⁵³ Thornton, A.P. 1968. *The Imperial Idea and Its Enemies*. New York: Doubleday Publishers, p. 113.

⁵⁴ Izuakor, L.I. 1987. Quest for Further Occupation of Nigeria. *Britain and Nigeria: Exploitation or Development?* Toyin Falola (ed.), London: Zed Books Limited, p. 57.

the arrangement made by the Royal Niger Company, the African Association, Alexandra Milner Brothers and Co. and the company of African Merchants between 1904-1905 restricted firms outside their commercial arrangement from extending their trade in the Niger Valley.⁵⁵ The colonial regime with its status of economic and political empire empowered these firms sufficiently enough to shoulder import regulations with the aim of making profit in a colonial territory such as Nigeria.

By 1914, World War I broke out and the effectiveness of restrictions on imports was more pronounced in the coastal cities across the country. For instance, Notice 45 of 1916 compelled the colonial government to limit importation into the ports of Warri, Brass and Opobo, while port of Burutu was established to monitor compliance to import restrictions in those ports.⁵⁶ After the war in 1918, rigid import control measures became flexible and obstacles like shipping shortages with various wartime policies of government amended, modified and relaxed. For instance, Aliens Restriction Ordinance 1914, Trading with the Enemy Act and Trading with the Enemy (Extension of Power) Act 1915 were all adjusted by 1919⁵⁷ and this provided opportunities given to the expatriate firms and companies to import manufactured goods into Nigeria without hindrance.⁵⁸

The relaxation of import control which accompanied post-World War I was further enhanced through the enactment of Orders in Council Nos. 22 of 1925, 5 of 1926 (as amended) up to 1930 exempted certain goods from Customs duties. For instance, goods which were imported by the French government but on transit in Nigeria, goods imported for the use of officers of West African Frontier Force and troops of His Majesty's ship, goods imported by the colonial government itself

⁵⁵ Njoku, N. 1987. Trade with the metropolis: An Unequal Exchange. *Britain and Nigeria*, p. 126.

⁵⁶ NAI, Establishment of Ports Under Section 12 of the Customs Ordinance, Notice No. 45 of 1916.

⁵⁷ Muojama, O.G. 2013. Nigerian Cocoa Exports and Global Capitalism, 1914-1960, pp. 72-73.

⁵⁸ Boahen, A.A. 1987. *African Perspectives on Colonialism*, p. 61.

not harmful to the Nigerian public and importantly, goods imported for use by the Public Works Departments across Nigeria which were monitored and approved by the Governor-in-Council while imported goods passing through Nigerian territory by foreign powers beyond the shores of Nigeria through River Niger to Dahomey⁵⁹ were closely monitored.

The above import measures of the postwar period depict how environmental conditions of Nigeria was fully deployed by the colonial government to monitor the nature of goods either imported into Nigeria, or passing through the Nigerian territory. The impact of the flexible import policies of the 1920s was felt more in the coastal cities and adjacent territories. For instance, there was a fierce campaign against the unrestricted importation of services of merchant companies responsible for the export of agricultural produce in Nigeria by O.T. Faulkner, who was appointed as the Director of Agricultural Department in 1922, due to the establishment of corrupt system of quality control of agricultural produce destined for exports through the collaboration of customs and these merchants, which led to the export of inferior agricultural produce from Nigeria.⁶⁰

The hysteria which this accusation generated between Lagos and London compelled the colonial government to further pay adequate attention to the importation of services of exporting firms into Lagos and adjoining provinces of Abeokuta, Ijebu and Oyo,⁶¹ through the enactment of Adulteration of Produce Ordinance Cap 136 of 24 March, 1926.⁶² The colonial and metropolitan governments did not hesitate to

⁵⁹ NAI, Customs Tariff No. 20 of 1924 as Amended, Exemptions from Duties of Customs.

⁶⁰ Olukoju, A. 'Government, Business Community and Quality Control Schemes in the Agricultural Export Trade of Nigeria, 1889-1929.' *African Economic History*, No. 26 1998, pp. 106-107.

⁶¹ Olukoju, A. 'Government, Business Community and Quality Control Schemes in the Agricultural Export Trade of Nigeria, 1889-1929', p. 109.

⁶² NAI, CSO 1/32/83 322 of 9 April, 1926, Baddeley to Amery, encl. See also, NAI CSO 1/32/83 342 of 15 April 1926, Baddeley to Amery encl. 1: Regulations No 5 of 24 March 1926.

checkmate the corrupt practices which enveloped the importation of services of the exporting firms responsible for exporting inferior agriculture produce to the metropolitan capital to the detriment of the British economy through strategic environmental importance of provinces, which attracted the importation of services of those corrupt exporting firms into Nigeria. By 1932, the importance of environment also played an important role in checkmating the influx of unwanted products into the Nigerian territory by the colonial government through Customs Tariff Rule of 1932 which stated that:

Goods shall not be deemed to have been manufactured within the British Empire unless the final process of manufacture takes place within the British Empire and the goods contain 25% of British Empire labour and material in the factory or work cost⁶³

The above law empowered the British to use the importance of environment to pursue their economic objectives in Nigeria by allowing environmental peculiarities as one of the determinants of goods that were eligible for sale in the British Empire. Since 25 percent clause of the law was a precondition for eligibility, environmental considerations became the tools used to protect the influx of imported goods outside the British Empire into the Nigerian market. The applicability of this law manifested when the British in collaboration with the French blocked the importation and distribution of a synthetic dye, a German product, into Abeokuta, Nigeria, but this strategic blockage was unsuccessful through legal battle between the dyers in Abeokuta and the colonial government.⁶⁴

What further gave environmental impetus to the application of this law by the British against the Germans was because their products penetrated Abeokuta through the coastal city of Lagos, due to

⁶³ NAI, Customs Tariffs Rules of 1932 The Nigerian Gazette No. 1 1940.

⁶⁴ See, Judith Byfield. *The Bluest Hands: A Social and Economic History of Women Dyers in Abeokuta, Nigeria, 1890-1940*. Oxford: James Currey Ltd., p. 166. See also, Ayodele Samuel Abolorunde, 'All in the Interests of the British: Import Control Policies in Nigeria during the Inter-War Years, 1919-1939.' *Journal of Historical Society of Nigeria*, Vol. 28, 2019, p.170.

proximity. The effective implementation of the law was therefore, determined by the geographical proximity of Abeokuta to Lagos. By 1939, when World War II broke out, the British deployed strategic importance of environment to enact legal instruments of import control against the Axis powers when they enacted Defence Control on Import Regulation of 1939.⁶⁵ This policy emanated from the Colonial Office in London and its applicability was to all British colonies in Africa, particularly Nigeria. Section 17 (1) of the Defence Control of Import Regulation of 1939 states:

The Controller of Imports may, with the consent of any person alleged to have contravened the provisions of any of these regulations, exercise like jurisdiction as is hereby vested in a magistrate. In the exercise of such jurisdiction, the provisions of part XV of the Customs Ordinance shall apply and the Controller of Imports shall have the same powers, rights and privileges as are therein vested in the Comptroller of Customs. Any person contravening this regulation shall be punishable after summary trial by a magistrate by a fine not exceeding £500 or imprisonment up to 12 months or both, plus forfeiture of goods in respect of which the offence was committed.⁶⁶

The establishment of Import Control Office 1939 led to the appointment of one Mr Barton as the first Controller of Imports from 1939 to 1941⁶⁷ with the aim of implementing import control policies of the metropolitan government in Nigeria. The aim of the import restriction was to weaken an enemy like Germany economically and to protect the ships of various importing firms from destruction by the enemy. The need for the creation of import channel in the face of the war necessitated the promulgation of Programmed Licence Ordinance no 153 of February 1943 by the colonial government through the Office of Controller of Imports.⁶⁸ The Ordinance stated that:

⁶⁵ NAI DCI 1/1/ 4032/ S: 13 Import Control: Power to Impose Penalties without Recourse to a Court, 1940-1941.

⁶⁶ NAI DCI 1/1/ 4032/ S: 13 Import Control: Power to Impose Penalties without Recourse to a Court, 1940-1941.

⁶⁷ NAI /4032/178 Import Control Relation with Press, 1945-1950.

⁶⁸ NAI DCI 1/4032/S.98 Import Control: Electric Dry Batteries, 1942-1943.

Notice is hereby given that supplies from overseas goods of each set out hereunder will be restricted during 1943 to a programmed total, and that it is proposed to issue a special series of import licences which will indicate to the overseas Supply Authorities the quantities within this programmed total which are recommended by the Nigerian government for supply to the importers concerned. No applications for any of the specified goods will be considered unless the applicant can show what quantities of such goods he purchased (whether in the United Kingdom or elsewhere outside Nigeria) for importation in the year 1939, and the value and/or quantity thereof. The goods to which this notice applies are: flashlight cases, electric bulb, hand touches and lamps electric dry batteries, radio, glass globes, bowls and shades, (locks including padlocks-weights must be given).⁶⁹

It must be stated that the issuance of programmed licence did not usher in an era of unrestricted imports into Nigeria. The colonial government ensured that it scrutinised import requests of importers. By March 1943, the import request of A.W. A. M. was turned down by the import authorities in Nigeria on the ground that they had limited supplies from the United Kingdom.⁷⁰ The sincerity of the rejection hinged on one of the clauses of the ordinance which stated that quantities of goods be purchased by the importers either from the United Kingdom or elsewhere outside Nigeria must be disclosed.⁷¹ One may argue that full disclosure of quantities of imported goods by A.W. A. M. members necessitated this rejection. It is also difficult to conclude that the colonial regime did not hide under this clause to perpetuate its discriminatory practices in favour of some importing firms against some A.W. A. M. members who criticised the import authority in 1942. However, the colonial government to an extent, continued with its intention on imports when import requests of two trading stores, A. Alakija Stores and Tani Fe Ani Stores, both in Lagos, were rejected on 13th and 29th of March, 1943 respectively.⁷²

⁶⁹ NAI DCI 1/4032/S.98 Import Control: Electric Dry Batteries, 1942-1943.

⁷⁰ NAI, DCI1/4032/S: 69 Import Control: Iron and Steel Related Items, 1942-1943.

⁷¹ NAI DCI 1/4032/S.98 Import Control: Electric Dry Batteries, 1942-1943.

⁷² NAI, DCI/4032/S:110 Import Control: Motor Spares 1941-1943.

By December 1945, machinery for the relaxation of imports was set in motion by the colonial government through the enactment of Orders in Council Customs Ordinance of 1945 as this law assisted in the amendment of Defence Control on Imports of 1939.⁷³ It was stated in the Customs Ordinance of 1945 that:

For all goods, the importer must produce an attested copy of an invoice showing the country of origin. Country of origin shall form the principal consideration that will determine the grant or otherwise of import licences. All specific import licences issued for goods of United Kingdom origin are normally made valid for one year from 1st of January to 31st of December but in most cases they may be freely extended. Goods imported under a specific import licence should be shipped within the period of validity of the licence but extensions, except in the case of licences issued on hard currency countries and Japan, are normally granted. Applications for extensions to specific import licences issued on Hard Currency countries and Japan are given every consideration, but all applications shall be considered on their merits are not freely granted.

Impact of Environment on Nigeria's Postwar Import Control, 1945-1954

The necessity of postwar economic recovery of Europe, including Britain, positioned Nigerian economy for huge export of raw materials to the metropolitan capital after the war. Similarly, Nigerian exports to Europe further stimulated industrial investments in the metropolises as this raised the level of African imports from Europe.⁷⁴ The opportunities provided by the increase of postwar imports in Nigeria did not diminish completely the problem of importation after the war. By 1945, the British deemed it appropriate to position Nigeria as one largest exporters to the metropolitan capital for British economic recovery and this prompted a series of efforts towards the revamping of Nigerian economy after the war for the recovery of the postwar

⁷³ NAI DCI 1/1/4032/S:24 Certificates of Origin and Interest Import Order, 1945-1949.

⁷⁴ Austen, R.A. 1987. *African Economic History Internal Development and External Dependency . . .*, p. 205.

British economy. In its attempt to fulfil the promise of opening the postwar trade in Nigeria, the colonial administration in 1947 enacted the import Control Regulation of 1947 as this ushered in further changes and sustained flexible issuance of licences. The regulation stated:

Open General Licence No. 17 of 1947 covers a wide range of imports from the United Kingdom, the colonies and Protectorates. Quota Licence covers import of the same range of goods as Open General Licence but from various countries whose economies were disrupted by war while Specific Licence shall remain unchanged in form and will be required to cover orders for any goods which are not covered by Open or Quota Licence. The Regulation shall recognise Programme Licences as they will continue to be used for goods which are subject to special control and applications will be considered from any trader who can produce evidence of his ability to procure and distribute such goods in an efficient manner.⁷⁵

It should be noted that the implementation of the above legal instrument was more pronounced in Lagos where business interests of most Nigerian importers were. This was largely due the business environment of Lagos as well as its huge port potentials. The importers criticised the colonial government for making importation difficult for the importers in 1948 through the Nigerian Association of Importers during the association's annual general meeting in 1948 as the association prevailed on metropolitan government to further grant bureaucratic autonomy to colonial government in Nigeria.⁷⁶ In order to ensure Nigeria's contribution to the sterling areas of the economy in terms of the country's total imports, a conference of African traders was organised by the colonial administration in Lagos.⁷⁷ The conference held between 28th and 29th May, 1949 and in attendance were prominent Nigerian importers such as, T.A. Doherty, C.C., de

⁷⁵ NAI DCI 1/1/4032/S.5 Volume 1 Import Control Open Licences, 1947-1949.

⁷⁶ Anon: African Traders Want More Devolution of Power From London. *Daily Service of Saturday*, September, 18, 1948, p. 99.

⁷⁷ Memorandum of the Views Expressed at the Conference of African Traders Held at Lagos on the 28th and 29th of May, 1949. NAI, DCI 1/1/4032/S: 193 Import Control: Nigeria Association of African Importers and Exporters, 1949-1950 Vol. II.

Medeiros, S.O. Gbadamosi, A.F. Masha, A. Maja, O. Oduyoye, Y.O.T. Onafoko, J.U. Isuman, S.O. Adenubi, Y.S. Ishola, Sandana Alhaji and J. Ogunlesi.⁷⁸ Deliberations centred on the need to restrict import on hard currency or non-sterling areas, if the country was going to contribute to the economic blueprint of Britain vis-à-vis its colonies in West Africa.⁷⁹ It could be deduced that both the colonial government and importers as major players of the colonial economy were sensitive to strategic importance of Lagos business environment as a window to the successful implementation of import control policies of the postwar era.

By 1952, Customs Ordinance Cap 48, also known as Control on Imports Order-in-Council 1950 that focused on the issuance of Quota Licence was amended in 1952 with the following provisions:

Importers that all Quota Licence issued under the Nigeria Defence (control of Imports) Regulation, 1939 (as subsequently amended from time to time are revoked with effects from the 31st of March, 1952. The Quota Licence is to be replaced by a special General Licence.⁸⁰

The bureaucratic scrutiny on imported goods by the federal government was further given a boost by the establishment of Waterguard Branch, a patrol department of Customs saddled with the obligation patrolling the main creeks of Nigeria with Land Rovers that were also used to patrol the frontiers and the roads leading from the main smuggling areas on the coast.⁸¹ The federal government in

⁷⁸ Memorandum of the Views Expressed at the Conference of African Traders Held at Lagos on the 28th and 29th of May, 1949. NAI, DCI 1/1/4032/S: 193 Import Control: Nigeria Association of African Importers and Exporters, 1949-1950 Vol. II.

⁷⁹ Memorandum of the Views Expressed at the Conference of African Traders Held at Lagos on the 28th and 29th of May, 1949. NAI, DCI 1/1/4032/S: 193 Import Control: Nigeria Association of African Importers and Exporters, 1949-1950 Vol. II.

⁸⁰ NAI DCI 1/1/ CS 411B Import Control Special General Licence (Civilization of Intra European Trade, 1949-1952.

⁸¹ NAE/AR/FG/A525 Annual Report of Her Majesty's Customs and Excise Department for the Year Ended 31st March, 1953.

collaboration with northern regional government curbed smuggling in that region in 1952 through the deployment of Customs personnel, provision of housing and equipment and imposition of revenue on goods imported legally into the country through the northern frontiers, while the thirteen minor stations of Santa and Kumba in eastern frontiers were closed and amalgamated into one collection centred at Kumba⁸² with to curb smuggling.

Table 1: Value of Imports through Each Port

Period	Lagos	Sapele	Warri	Burutu	Degema	Port Harcourt	Calabar	Victoria Tiko	Other Ports	Parcel Post	Total
1950	45,215	1,012	1,554	1,370	126	8,850	1,499	913	409	916	61,864
1951	60,273	1,663	2,257	1,462	98	13,388	2,185	1,157	706	1,365	84,554
1952	81,028	1,810	2,604	1,826	147	18,707	2,890	1,955	1,120	1,381	113,468
1953	75,951	1,984	2,295	1,377	71	19,000	3,228	1,609	1,017	1,758	108,290
1954	79,143	1,863	2,384	1,403	115	21,926	2,985	1,665	856	1,729	114,069

Source: Nigerian Social and Economic Research (NISER) Annual Abstract of Statistics, 1960.

A critical observation of the above table shows that the value of imports in the coastal cities of Lagos, Sapele, Warri, Calabar and Port Harcourt from 1950 to 1954 was far higher than the value of imports in the other ports in the country. What explains this astronomical increase in the ports located in the coastal cities of the country compare to the other ports in the country was the geographical location of those coastal ports, which attracted more imported goods as well as their restrictions. The table also shows that the flow of imports into Nigeria was comprehensively channelled towards Lagos and Port Harcourt ports due to their environmental conditions. This flow was not only

⁸² NAE/AR/FG/A525 Annual Report of Her Majesty's Customs and Excise Department for the Year Ended 31st March, 1953.

channelled to the two ports for the purpose of revenue generation alone, but the erection of restrictive measures on imports as well as close monitoring of the observance of import regulations.

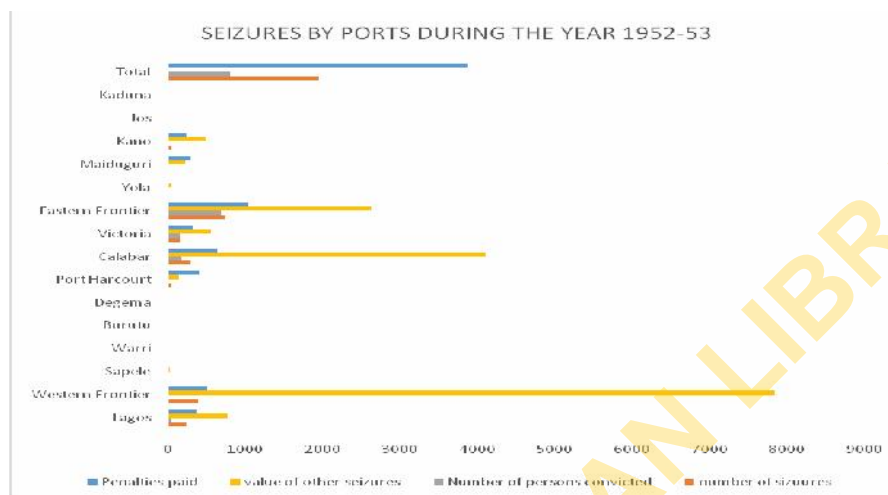


Figure 1: Bar graph showing seizures by ports during the year 1952-53

Source: National Archives Enugu: Annual Report of Her Majesty's Customs and Excise Department for the Year Ended 31st March, 1953. Note: The above figures comprise of seizures at the ports and land borders. See, NAE: Annual Report of Her Majesty's Customs and Excise Department for the Year Ended 31st March, 1953.

This graph shows that penalties paid for disregard for import regulations were lower than values of other seizures from 1952 to 1953, especially in the eastern cities of Calabar and Port Harcourt as well as western frontiers of Lagos. The astronomical increase in the value of other seizures in in whole of the country shows that the coastal ports had higher figures. This reveals the comprehensive implementation of import regulations of the postwar period through legal instruments was as important as the quest to generate revenue from recalcitrant importers.

Consequently, the suggestion by Lyttleton led to the drafting of the 1954 Lyttleton Constitution, which created further changes within the country's federal structure while the regional governments assumed

comprehensive responsibility concerning certain economic and political decisions of their respective territories.⁸³ It is worthy of note that the comprehensive regional autonomy which accompanied the Constitution did not remove the exclusive legislative competence of the federal government. However, the 1954 constitution compelled the federal government to erect import regulation structures through the Customs Tariff while the proceeds which emanated from import duties were shared between the federal government and the regional governments in accordance with the law.⁸⁴ Both the federal and regional governments realised that sharing of proceeds from imports could not offer effective restrictions on imports without strategic establishment of industries that can produce chunk of goods imported into the country. This economic consideration was further enhanced by the legal framework of the 1954 constitution, which empowered the regions to establish industries with individual regions having the power to decide which industries to establish with the power to negotiate terms with prospective investors.⁸⁵

Conclusion

Nigeria's import control history cannot be properly understood outside the comprehensive interrogation of the nature of the country's environment and laws enacted by the colonialists to implement import control policies. Although the application of these laws affected the entire country, their impact was more pronounced in the coastal cities of the country than the other parts. The implication of this was that the implementation of import control laws by the British as well as their impact naturally followed the pattern of effectiveness of trade

⁸⁴ NAE/BX/47 Report by the Committee to advise the Federal Government on the Stimulation of Industrial Development by affording Relief from Import Duties and Protection to Nigerian Industry, 1956.

⁸⁵ Usoro, E.J. 1977. 'Government Policies, Politics and Industrial Development Strategy in Nigeria, 1947-1974' *Industrial Development in Nigeria Patterns, Problems and Prospects* O. Teriba and M.O. Kayode Eds. Ibadan University Press, p. 67.

restrictions amongst the various groups that made up the entity which later became Nigeria. This was because trade and fraternal commercial relations amongst these groups, especially from the early 16th century, were largely dictated by the kingdoms of the coastal cities up the era when colonial rule was institutionalised in an entity that later became Nigeria in 1900. The environmental conditions of these coastal cities positioned them as important windows through which Nigeria was integrated into the vortex of global trade which the colonialists exploited to the fullest for their own benefits. This makes Nigeria's environment and legal instruments of import control in colonial Nigeria important channels through which the country's colonial economic history rests.

UNIVERSITY OF IBADAN LIBRARY