**Indigenous Agency in Colonialism: Insights from the Western Niger Delta, 1892-1896**

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**Abstract**

The history of European imperialism in general and particularly Great Britain’s colonisation of Nigeria remains topical as ever. This is because of the lasting legacies of colonialism which are ubiquitous and which continue to impact the post-colonial state. In the course of its expansion, Great Britain employed both the use of force or threat of its use and tact to subjugate indigenous peoples and suck them into its imperial orbit. In-turn the various groups of the Western Delta responded variously to the machinations of the imperial power. While some groups engaged in open confrontation with the imperialists, others exhibited agency by diplomatically inviting the alien power into their territories. What is clear in the historiography of the encounters between indigenous peoples and the imperial powers is that the former were not passive observers in the process. Nevertheless, the dominant studies have often always focused on groups that exercised agency through acts of rebellion against the colonisers. Such groups are celebrated as astute anti-imperialist and dogged fighters. However, the story of the encounter processes will be incomplete if we fail to add the experiences of other groups that the Europeans mingled with in the age of empire. It is in light of the preceding that this study focuses on the Urhobo of Sapele and the Ukwuani in their encounters with the expanding Great Britain between 1892 and 1896 in the Western Delta. Employing the use of archival sources derived from both the Nigerian National Archives at Ibadan and The National Archives (KEW) in London, a close reading of the texts reveals that both groups exercised agency in shaping the outcome of their encounters and colonial experiences with the agents and officials of Great Britain. Knowing this helps us to understand better the various dynamics of the colonial process in the Delta and underscores the ‘agency theory’ notion that indigenous groups were not merely passive victims in the colonisation process, but rather, in some instances, groups played complex roles such as fraternising with the alien power for self-preservation and for their own benefits.

**Keywords:** Indigenous agency; Imperialism; Great Britain; Expansion; Western Delta; Nigeria; Collaboration; Sapele; Encounters; Urhobo; Ukwuani

**Introduction**

Nigerian historians tend to overlook the extensive use of treaties during Britain's colonization of Nigeria, often depicting the encounters between Great Britain and the indigenous peoples as violent, with the imperial power imposing its will through force. The prevailing narrative emphasizes British aggression and the determined resistance of local people to foreign domination (Ayuba, 2012).

However, historical records from Nigeria suggest a different story. There is evidence that British officials frequently used treaties of protection, which included capitulation clauses, as a strategy for non-military imperial penetration and hegemony. Many indigenous groups actively embraced these treaties for various reasons, leading to a form of non-violent colonization. By analyzing the content of these treaties and the negotiations surrounding them, scholars can gain deeper insights into the interactions between Africans and British representatives, revealing a more complex picture of power relations than current scholarship provides. Africans were not merely victims of violent conquest but were active participants in negotiations with British officials.

The role of British "bridgeheads," or sub-imperial agents, was crucial in this process. These men, acting as intermediaries between the metro-pole and local spheres of influence, were involved in treaty-making and efforts to establish good relations with indigenous peoples by documenting their systems. John Darwin (2009) highlights the importance of such agents in Britain’s empire-building, noting that early informal coastal settlements were often annexed through cession treaties facilitated by consuls, settlers, traders, missionaries, and the military, driven by a mix of metropolitan and local interests.

Despite this understanding, the focus of most accounts on British expansion in Africa remains on conquest and resistance, overlooking instances of non-violent colonization through diplomacy. This study aims to challenge the dominant view by emphasizing the role of treaty-making, knowledge gathering, and indigenous agency in the colonization process. Through case studies of the Sapele people of the Urhobo ethnic group, and Ukwuani groups in the Western Lower Niger of Nigeria from 1884-1914, the research addresses gaps in the historiography of British colonization. These groups, while geographically contiguous and culturally connected, were politically independent and perceived ambiguously by the British.

This research explores the encounters between British formal and informal agents and indigenous populations during the Scramble for Africa. Between 1880 and 1914, West Africa, excluding Liberia, fell under European control, resulting in the loss of sovereignty, independence, and territories for existing African polities. Consequently, European political, economic, and religious influences became entrenched in indigenous societies.

The investigation relied on a diverse range of primary and secondary sources from British and Nigerian archives and libraries. Primary sources included materials from the National Archives at Ibadan in Nigeria and the British National Archives at Kew, London. The most valuable data came from the treaties between British agents and indigenous leaders. The British Archives, being digital, provided easy access to most treaties and other documents like Consular Reports online after registration and payment. These records are categorized as Foreign Office and Colonial Office documents.

In contrast, the National Archives Ibadan yielded fewer materials. It operates manually, and some materials listed in catalogs were inaccessible. Therefore, the researchers had to use archival sources from the NAI found in other published works. Despite this, materials from both archives proved indispensable for the work. However, the reliance on colonial records without indigenous perspectives could be a limitation, as these accounts might be biased. To address this, the researcher employed a technique of "reading against the grain" to critically examine and interpret the British texts. Overall, the archival materials included consular reports and correspondences, original treaties, and colonial intelligence and assessment reports.



Figure 2 Map of study Area showing the study groups: Itsekiri; Urhobo, Isoko, Ukwuani, and western Ijo (Source: Urhobo Historical Society, available from: [www.waado.org/nigerdelta/Maps/NgDeltaEthnic-Aweto.html](http://www.waado.org/nigerdelta/Maps/NgDeltaEthnic-Aweto.html))

**Understanding the Legal Context of Colonialism in the History of the Niger Delta**

This paper explores the use of treaties and diplomacy by Great Britain to colonize the Western Niger Delta, highlighting the broader relationship between international law and colonialism during the age of empire. Historically, the legal aspects of colonization have often been overlooked, despite recent innovative scholarship by Saliha Belmessous (2015) and others on treaty-making and European expansion in the nineteenth century. Understanding the development of Positivism, which provided the legal foundation for European imperialism, is crucial. European powers, driven by the desire for control, national prestige, and profit, used racial and ideological justifications for colonialism.

James Gathii (2006) suggests that understanding the legal thoughts of earlier European scholars helps clarify the ideologies and justifications for imperial expansion. In the Niger Delta, as elsewhere, Britain used treaties, cession, and protectorate agreements to legitimize territorial acquisition. This raises questions about why Britain resorted to treaties and whether these processes were based on contemporary legal foundations. Europeans viewed Africa through preconceived notions of law and order, often seeing non-Europeans as barbaric and uncivilized.

European legal scholars' opinions influenced imperial expansion, asserting and defending claims rooted in inter-European practices. Although sometimes conflicting, these arguments supported imperialism and are key to understanding the relationship between law and empire-building. Britain's use of treaties with indigenous leaders to claim ownership, along with conquest and purchase, reflects age-old European legal practices applied in colonial contexts.

This study focuses on how Great Britain used treaties and diplomacy to colonize the Western Niger Delta, examining the broader context of international law and colonialism during the age of empire. The legal aspects of colonization, typically discussed separately by lawyers, have recently been reexamined by scholars like Saliha Belmessous (2015), who have shed new light on nineteenth-century treaty-making and European expansion. The development of Positivism, a legal foundation for European imperialism, is crucial for this study. European powers sought control, national prestige, and profit, using racial and ideological justifications for colonialism.

James Gathii (2006) argues that understanding the legal thoughts of earlier European scholars clarifies the ideologies and justifications for imperial expansion. In the Niger Delta, Britain used treaties, cession, and protectorate agreements to legitimize territorial acquisition, prompting questions about why treaties were chosen and whether these processes were based on existing legal foundations. Europeans viewed Africa through preconceived notions of law and order, often seeing non-Europeans as barbaric and uncivilized.

European legal scholars' opinions influenced imperial expansion, with arguments supporting imperialism despite sometimes conflicting views. These arguments are key to understanding the relationship between law and empire-building. Britain's use of treaties with indigenous leaders, along with conquest and purchase, reflects traditional European legal practices applied in colonial contexts.

In Nigeria, British colonial rule involved imposing English legal systems and establishing administrative structures modeled after those in Britain. This 'soft power' approach was sometimes welcomed by local groups, such as the Itsekiri. Understanding how European international law was framed, how global sovereignty hierarchies were constructed, and the tradition of treaty-making reveals how legal frameworks like Naturalism, Positivism, and Sovereignty were used to justify colonialism. The language of treaties, derived from inter-European practices, often exploited legal loopholes to assert sovereignty and control over indigenous lands (Nussbaum, 1954).

Before the imperial era, international law was guided by Naturalism, a philosophy that emphasized reasonable accommodation, reciprocity, and sovereignty among states, as noted by Casper Sylvest (2008) and promoted by thinkers like Francisco de Vitoria, Hugo Grotius, and Emerich von Vattel (1993). This naturalist view held that all states, European or non-European, were equal and operated under a universal international law.

However, with the rise of European imperialism in the seventeenth and eighteenth centuries, Positivism emerged, viewing law as man-made and based on state consent rather than divine origins. Positivism, shared among European states with common Christian values, recognized only European states as sovereign, creating a global hierarchy that justified colonialism (Alexandrowicz, 1970).

Positivist legal thought replaced Naturalism's moral foundation with a system where state consent and contractual agreements between sovereign states were the norm. This framework was rooted in Roman concepts like terra nullius and res nullius, used to justify territorial acquisition. In the age of empire, Positivism, combined with the concept of Discovery, was employed to legitimize European land seizures and colonialism. Despite recognizing sovereign states in theory, Positivism excluded non-European states from international legal recognition, creating a European-dominated hierarchy.

To reconcile the contradiction of concluding treaties with societies deemed uncivilized, positivist jurists developed schemes to recognize indigenous leaders as sovereigns for treaty-making purposes. Legal thinkers like Travers Twiss argued for treaties as instruments for extending European sovereignty, manipulating legal norms to suit imperial interests. This positivist approach facilitated the widespread use of treaties in the nineteenth century, underpinning European expansionism and legitimizing colonial rule. In Britain, treaties became a primary legal tool for territorial acquisition, with consuls and vice-consuls empowered to conclude treaties and incorporate indigenous territories into the British Empire.

From the foregoing, In the Niger Delta case study, treaties with indigenous groups were used to declare protectorates and bring territories under British imperial control. This knowledge enhances our understanding of the legal context and tools used for colonization globally and in the specific case studies. It shows that the British recognized the value of treaty-making for empire-building long before the Scramble for Africa. These legal and ideological doctrines supported both ancient and modern colonialism, relying on the concepts of dominium, tutelage, and imperium.

**The British and the Urhobo speaking group of Sapele**

The conflict between the British and Chief Nana mainly stemmed from British attempts to expand inland, threatening Nana's intermediary role in the palm oil trade. From 1891, the British began direct engagement with the Urhobo areas, notably through Vice-Consul Gallwey's tour and the establishment of Sapele as a consular headquarters. The British also proclaimed the Oil Rivers Protectorate, incorporating Itsekiriland and surrounding territories. This move aimed to cut off Nana and foster direct trade with the Urhobo, who welcomed the British, possibly to secure better prices and reduce Nana's political influence. Although there were instances of violence, British colonization of Urhoboland relied heavily on treaties and diplomacy. Internal Urhobo changes and their desire for direct economic benefits facilitated their cooperation with the British, aligning with the theory that indigenous societies sometimes aided their own subjugation. The British established a vice consulate and various institutions in Urhoboland, demonstrating a primarily non-violent colonization process. In other words, the argument may therefore suffice that, in order to deal directly with the British, The Urhobo people welcomed Great Britain's contact, desiring a break from Nana, the Itsekiri merchant. By 1891, they had boycotted supplying palm oil through the Itsekiri. When Consul Macdonald visited Sapele in November 1891 to inspect the site recommended by Gallwey for the Vice-Consulate, the Urhobo eagerly received the British, offering to clear land for them. Macdonald reported this enthusiasm to the Under Secretary of State for Foreign Affairs, noting the Urhobo's willingness to support British presence (TNA, F.O. 2/50, 1893).

Consequently, Sapele was approved as a Vice-Consulate, with barracks and constabulary posts established, and the Hindustan hulk towed in to serve as headquarters.

By 1892, Sapele became the first Urhobo settlement with a significant British presence. The British expansion into Urhoboland was achieved through goodwill, friendship, and peaceful diplomacy, not force.

Remarkably, the British set up their station in Sapele without any formal agreement or evident coercion, using the base to secure treaties with various Urhobo settlements later on. These treaties facilitated British influence and control, keeping rival powers like the French at bay. As locals realized the British were their sole protectors and buyers of palm oil, colonization became easier (Peter Ekeh, (Ed), 2006). This gradual and peaceful process led to political and economic dependence on the British without significant uprisings. Over time, the British Consul became the de facto ruler in treaty-bound territories.

**Imperial Visits and Expansion into Ukwuaniland**

Previous case studies have demonstrated clear economic and political reasons why locals chose to cooperate with the British, particularly during the era of the palm oil trade. Economically, hinterland groups sought direct trade with the British to benefit from the profitable trade. The Urhobo-speaking group of Sapele exemplified this in their interactions with the British. Politically, the internal situation among the Itsekiri fostered closer ties between local chiefs and British representatives. Despite being labeled as pirates, the Western Ijo also capitalized on the palm oil trade, with Patani becoming a trade hub for the RNC, receiving goods from the hinterlands.

Even though violence was employed in parts of Isoko in the early 20th century to address what the British saw as trouble spots, treaty-making followed a similar peaceful process as in earlier cases, involving the cooperation of indigenous leaders. The British, through tact, persuaded local leadership to abolish the Eni witch ordeal. The Ukwuani's desire for a greater share in the palm oil trade and local internal conditions created a need for direct links with the British, highlighting that in some instances, locals facilitated the colonization process.

It is essential to note that, in their interactions with British officials, the precolonial Ukwuani socio-political system was evident in how different societal groups perceived and welcomed the imperialists. Each structural division's reception of British officials highlighted the unique nature of the colonization process in this context. Conversely, British officials were always keen on establishing connections with population centers wielding significant political influence, as shown in the treaty-making episode with Equaiku, recognized by the British as a major settlement. These interactions represent forms of colonization where the imperial power sought to understand the people through diplomatic engagements.

Early European expeditions to Ukwuaniland, such as the Niger Expeditions of 1841, 1854, and 1857, only reached communities near the Niger River, particularly the Aboh Kingdom, related to the Ukwuani. It wasn't until the late nineteenth century that significant contact was established, marked by consular visits. British influence began in April 1896 with Assistant District Commissioner Hugh Lecky’s visits, facilitating a diplomatic colonization process through treaties.

With the establishment of Sapele and Warri as district offices, these stations served as bases for inland journeys. This was aligned with the British Foreign Office's policy at the time, aiming to win the trust and confidence of indigenous peoples to develop trade. This policy suggested a diplomatic approach rather than forceful conquest. In January 1896, Ralph Moor's appointment as Commissioner and Consul-General of the Niger Coast Protectorate accelerated British control into Ukwuaniland, with Moor directing Lecky to engage with the Ukwuani (TNA, F. O. 1896).

Lecky’s report on his visits to the ‘Kwali’ country and Moor’s report to the Foreign Office demonstrate the use of diplomacy as a primary means for British colonization of the Ukwuani (TNA, F. O. 2/101, 1986). Lecky’s interactions with the Ukwuani reflect a soft power approach, emphasizing diplomatic means over military conquest. However, the reliance on Lecky’s report without the Ukwuani perspective is a limitation, though these imperial reports are crucial in understanding the colonization process through treaties (Lecky’s Report, P.183.).

Unlike earlier encounters with the Itsekiri and the Western Ijo, British interactions with the Ukwuani were marked by a focus on understanding the geography and characteristics of the people, aiming for peaceful colonization. Lecky’s initial report from his trip shows that his mission was deliberate, guided by instructions, and aligned with Foreign Office policies to engage peacefully with the people and explain British intentions.

Lecky’s dealings with the Ukwuani were marked by the local enthusiasm for British visits, reflecting indigenous agency in the colonization process. Reports of internal interethnic issues highlighted the awareness of British political influence and their role as mediators in local conflicts. Lecky’s interactions, such as addressing complaints from various communities and facilitating peace, illustrate the diplomatic approach in establishing British influence.

Lecky's successful treaty-making with the Obiariku and Equaiku marked significant steps in British control over Ukwuaniland. The treaties, covering sovereignty, trade, and jurisdiction, allowed Britain to assert political control. Reports of Benin influence in the region further emphasized the strategic importance of these treaties (Lecky’s report, P. 187)..

Lecky’s efforts to settle disputes between Ukwuani and Urhobo communities, as well as his mediation between different local groups, underscore the British diplomatic approach. The welcoming nature of the Ukwuani and their willingness to engage with Lecky highlight the indigenous agency in the colonization process. These interactions reflect a blend of diplomacy and soft power in British colonization efforts.

Lecky’s continued mediation and the enthusiasm of the Ukwuani communities to refer their disputes to the British suggest a significant degree of respect for British authority. This might indicate either a breakdown of indigenous governance systems or an acknowledgment of British influence from neighboring interactions. The British exercise of political and judicial control, even without formal administration, underscores their strategic use of treaties to establish dominance.

Overall, Lecky’s diplomatic approach and the enthusiastic reception by the Ukwuani demonstrate a nuanced form of colonization, emphasizing engagement and negotiation over force, fitting within the broader context of British colonial strategies in Nigeria.

**Conclusion**

Summarily, the prevailing view among historians of Nigeria regarding British acquisition of the Ukwuani areas usually starts from around 1900, focusing on British military activities. These accounts emphasize the use or threat of force by British officials as the primary means of colonizing the region, highlighting the people's strong resistance to European intrusion. This research acknowledges the use of force by British agents in other parts of Nigeria and even in some aspects of the study areas. However, it presents evidence that force was not the preferred or central method for colonizing the Ukwuani. Force, when used, came much later, after peaceful treaty diplomacy had been employed to gain territorial and sovereignty rights.

From the early 20th century up to the amalgamation of the Northern and Southern Protectorates in 1914, military patrols by the protectorate government were mainly responses to trouble spots, aimed at opening up the interior for free trade. These patrols were influenced by uprisings in nearby areas like Asaba. The colonization process of the Ukwuani began much earlier, in 1896, long before the military patrols were commissioned. British political and administrative control through Native Courts only became significant in Ukwuani areas from the 1920s, after the creation of the Kwali and Aboh Divisions, and following treaties with the Obiariku and Equaiku.

British officials considered the signing of treaties as a transfer of indigenous sovereign and political rights to them, regardless of the local understanding of these treaties. The mere act of Africans affixing their marks on the treaties was deemed sufficient to effect this transfer. British officials then used these treaties as a basis for interfering in the political, economic, and social systems of the indigenous peoples. The Ukwuani's experiences were similar to those of other groups in this study. The treaty-making episodes and Lecky's role as a neutral peace-maker should be viewed as part of the British imperial strategy to use diplomatic means rather than force for incorporating the Ukwuani under British control. Subsequent British actions in Ukwuaniland should be seen as attempts to enforce treaty provisions, and thus deserve closer examination within this context.

In similar fashion, the main task was to examine how Great Britain colonized the Urhobo people of the Western Lower Niger. The process began peacefully in 1891 when H. L. Gallwey, the first European and Briton to contact the Urhobo, toured their country and reached Sapele. In 1892, a Vice-Consulate was established in Sapele, welcomed by the Urhobo, making Sapele a base for further British expansion into Urhobo lands. Starting with the Abrakar in 1892, the British concluded a series of treaties with various Urhobo settlements (TNA, FO 84/2111, 1891).

The palm oil trade linked the political fates of the Itsekiri and Urhobo, with the Itsekiri acting as coastal middlemen and the Urhobo producing trade commodities. By the 1890s, the Urhobo wanted to trade directly with the British, showing indigenous agency in the colonization process. Local conditions, not just British expansionist ideas, facilitated colonization. Following Gallwey’s 1891 visit, the British mapped markets and opened Urhoboland to direct trade, gradually establishing control after the first treaty in 1892 (TNA, FO 2/51, 1891).

Fourteen treaties, peacefully concluded, included provisions that the indigenous people likely did not fully understand but allowed the British to claim sovereignty and political rights over them. These treaties were used by the British to proclaim their Protectorates of the Niger Districts, Oil Rivers, and Niger Coast in 1885, 1891, and 1893, respectively.

While the colonization process was mostly peaceful, involving treaty-making, there were a few instances of force used after treaties were concluded.

Overall, the use of treaties played a more significant role in bringing Urhoboland under British control. The chiefs who signed these treaties probably did not grasp their full implications. Following the Berlin Conference in 1884/85, the British expedited treaty-making in the Niger Basin, using treaties to introduce and consolidate their power. Thus, treaty-making diplomacy and local conditions fostering indigenous agency characterized the peaceful colonization of Urhoboland by the British between 1892 and 1914.

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