DEMOCRATIZATION PROCESS IN AFRICA
(Multiethnicity and African Nation-States)

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The recent military take-over in Nigeria, after 8 years of transition to civil democracy, has aroused genuine fears for the emergence of stable democracies in Africa. And yet the external and internal resistance to military dictatorship in Africa (e.g. in Nigeria and Burundi) is sufficiently a clear signal of the maturing of the democratic ideology in the world and in Africa.

In Nigeria, analysts have proffered reasons for the cancellation of the June 12 1993 elections considered the freest and fairest since the end of the colonial era. The most potent of these reasons appears to be the ethnic bias. Power must always remain in the hands of the northern oligarchy. Primitive fears arising from the multi-ethnic composition of the Nigerian state ensured the sustenance of injustice: an inept and corrupt military dictatorship escapes from the full weight of a merited indictment through the smoke-screen of ethnicity. Crucial national issues like the emasculation of democratic institutions, the reign of terror through decrees, denial of fundamental human rights, generalized poverty and misery exacerbated by graft and corruption unparalleled in the history of Nigeria, are covered up in the dark coat of localism and ethnicity: is my region or ethnic group better off under a southern or a northern president?, do we have the "better life" under a Yoruba or a Hausa president? Protected by fears arising from localism and ethnicity, a handful of "men under arms", inflict military bad government on the nation: from transitional government, to interim national government, to provisional ruling council. Apathy and disillusionment reign supreme among the mass of Nigerians brutalized by series of military dictatorships.

When our editorial group chose this theme - democratization - we viewed the current process of democratization in Africa as a kairos (a sign of the times). For us this process was a hopeful sign for humane living in Africa: the national conference in Benin Republic had been successfully concluded with the installation of an elected president; meaningful dialogue had been concluded in Gabon with a view to presidential elections; an elected president had been installed in Burundi...
where ethnicism has murdered peace and justice since independence; Nigeria was experimenting on the democratic process; and multi-racial democracy seemed on-line in South Africa.

These signs of hope encouraged us to commission and search for papers that will isolate the factors which may strengthen or impede the democratic process in contemporary Africa. Unfortunately, these signs of hope have been dampened by events in Nigeria, Burundi, Congo, and the persistent chaos in Zaire. These unhappy events go to stress the imperious necessity of democracy and the relevance of our theme.

As an ecumenical theological association we make a contribution to the democratization process through sharing ideas so that "humane living" - the aim of the values of the Christian gospel - may be firmly established in our lands. The dignity of the human person, the individual rights of humans and the rights of minority groups, as proclaimed by the United Nations and defended by the social teachings and commitments of our various Christian churches are best promoted in a democratic environment. Our churches promote and support democratic institutions, justice and peace, because these project and protect humane living.

In Nigeria, the Christian Association of Nigeria (CAN), the Catholic Bishops' Conference of Nigeria (CBCN), individual church leaders and associations threw their weight behind the democratic process as evolved in the June 12 presidential election. It was an election in which ethnicity, regionalism, and religious affiliation were subjugated to the emerging common interest of our one nation. It was an election which demonstrated the basis for peace and unity - desire for good government, for justice, equity and peace. Nigeria is not simply a geographical expression. However, when the military sirens struck the seductive chords of ethnicism and projected sectional interests our church leaders wavered. CAN decided to cooperate with the Interim National Government (ING); and, it appears, the top leadership of CAN (and CBCN) is ready to cooperate with the new military junta which sacked the ING. Such change of positions not only compromise principles but also rob the churches of a leadership role which is based on integrity.
Christians proclaim and live Jesus' chosen ministry of installing freedom on earth: to bring the good news to the poor; to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim the year of the Lord's favour (Lk.4: 18-19). No amount of political inexperience will excuse our churches from testing their actions against Jesus' principle of social transformation.

In our world of today it is becoming more and more evident that democratic principles favour the social ecology for the sustenance of freedom and well-being for all poor and oppressed. In Nigeria, and elsewhere in Africa and the world, politics appears to be a game of permanent interests and not permanent principles. However, the churches must maintain permanent principles and policies and must eschew the opportunism and self-interest which they blame in politicians.

In other words, our church leadership may not have the moral justification to criticize in military or civil government what they are unable to practice in their churches.

Possibly, the lack of experience in democratic administration within our churches may explain the lack of consistency (and zeal) in the pursuit of and support for issues of democracy. The churches lack open juridical structures and efficient systems of communication - all of which are essential for a stable democracy. It is true that the church is not simply civil society; but its structures of governance have been patterned on historical civil society. In other words, should the democratization process sweeping through Africa not also have its impact on our churches? This may not detract from the revelation transmitted and lived through history. Consequently, though not of this world, the life of freedom in the churches may challenge the many ways in which humane living is denied to numerous sons and daughters of Africa.

This issue of our Bulletin explores the problems and prospects of democratization in Africa. Our contributors not only examine the negative and positive aspects of ethnicity in nation building, they also chart paths for the emergence of stable democracies based on sound principles. Broohm analyses the problems besetting African states from the socio-political and historical perspective. He affirms that the problems of Africa are not economic, social or even cultural.
They are rather rooted in the contradictory option to combine two models of building the nation inherited from the West - the ethnic and the contractual. This unreal ambitious choice has led to the perversion of political power and the derogation of individual and collective liberties. The ethnic question arises as a sign of crisis: it is a sign of the inability of the post-colonial state to guarantee a harmonious flourishing of communities and individuals, and its incapacity to redress the imbalances and inequalities introduced by colonization. Abanuka searches for a philosophical grounding for the emergence of stable states in Africa which will take on board African socio-political realities. In his view, the kinship factor is overtaken by the interests and objectives of ethnic or multi-ethnic communities. The identity of each human as belonging to such a community is strengthened by participating in the group's interests and objectives. Ijeoma traces the history of the making of the Nigerian nation-state from colonial times to independence. The amalgamation of ethnic nationalities and the adoption of constitutional democracy in its Western hue were beset with problems. In his view, the patriotism of the pre-independence political class, who rose above cultural and ethnic prejudice, saved the unity of the nation. Ilegbune underlines that there is a distinction between being in power and being a legitimate government. Since sovereignty belongs to the people, the government which follows the rule of law, [as opposed to the rule by law], as enshrined in the constitution consented to by the people, has legitimacy. But a non-constitutional, non-democratic, government may, out of grave necessity (such as the mis-governance of a constitutional government), seize power and be popularly acclaimed to be legitimate. The retention of legitimacy by any government is dependent on the effectiveness and just action of the government and the support and consent of the governed.

We conclude this issue with reviews of two important books concerned with the democratization process in Africa - F. Eboussi Boulaga's seminal work on National Conferences and Elements of Democracy produced by participants in the Farm House Dialogue of Obasanjo. The sovereign national conference lays the foundation for a new beginning of humane and democratic living in Africa. It takes on board attitudes or values which are constitutive of the African; those crucial
elements which the participants in Obasanjo's Farm House Dialogue perceive as characteristic of African democracy.

Obiora Ike and Elochukwu E. Uzukwu.
Political Power, Multiethnic Territories and Democratic Renewal in Africa.

Nicoué K. Broohm.

Today, as yesterday, phenomena currently designated by the titles "regionalism", "ethnic conflict", "tribalism", "tribal regionalism", and so on, seem to be the major and permanent fact of social and political life in black Africa. Not that these phenomena are proper to Africa. One meets them as much in Europe, America or Asia. Yet nowhere do they seem as pregnant as in the political debates and practice of the African political classes.

This peculiarity is explained by the fact of the special trajectory that political power took in Africa after Independence. This turbulent trajectory makes of post-colonial African politics - to paraphrase the eminent anthropologist, Louis Dumont - one of the typical forms of "the sicknesses of modern politics". It has been undermined by a triple contradiction: conceptual, sociological and political. The modern phenomenon of ethnicity and the troubles attaching to it are the cumulative effects of these contradictions. It is in the light of these that the democratic renewal must be understood and the effort be made to rise above the present political decadence.

1. The Vicious Circle.

In the evening of decolonization, the African political powers inherited territories and a mass of diverse populations and economic-political institutions as the colonizers had established them. The new masters were immediately confronted with a problem: what use to make of the acquired freedom? It is a problem for all movements of liberation.

In its last phase - at the end of the second world war, thanks to international pressures and internal resistance and demands - the colonial regime had to jettison ballast and allow
a certain "liberalization". This took the form of representative institutions emerging over the continent, multiple political parties, diverse trade-unions and a private press. All of this hastened independence.

But what did the coming of independence mean? Was it a starting-point for major transformations or a terminus ad quem? The final step in the struggle for liberation or on the contrary the beginning of a new era, a new plan for society? The political elites of Africa, obsessed by the mystique of independence and traumatized by the brutality of the shock of colonization, was not able to furnish a coherent precise answer to the question. The vast majority adopted solutions that were more of a flight forward than a reflected, measured plan. The new powers in place settled down in their own logic, the development of which could not promise bright tomorrows. In fact a look back at the last quarter of a century obliges us to take account of a catastrophic balance sheet in many ways. One example will suffice here. The African continent today pours forth the greatest number of refugees, refugees who are in many cases confusedly political and economic.

Under the colonial yoke, the spearhead of claims was the claim to be a nation. Independence was represented as the end of humiliations and arbitrariness, the coming of peoples to sovereignty. The patriotism of resistance, the resolute maintenance of an identity denied and buffeted, was in itself aesthetics as much as politics. And that was enough! But as the lucid observers of wars and liberation movements maintain: nationalism is fine only when it is oppressed. Independence once acquired, liberty against colonialism and imperialism cannot take the place of the exclusive exercise of liberty. Liberty has to be defined positively. The new leaders did not only proclaim themselves to be nationalists (Father of nation, national helmsman), they gave themselves the job of ensuring the riftless cohesion of the nation within the State. The national State must be substituted for the colonial State. This was an uncharted path. Historically, the State was the instrument of the nation. As G. Burdeau has shown:

"In all the old countries, the nation made the State; the State was slowly
formed in minds and institutions unified by the national sentiment. In the
new State, as it appeared on the African continent, the State has to make the
nation. But as the State can be born only by a national effort, the drama of
politics is bound in a vicious circle.¹

To this first difficulty was added a second, more pernicious
and evil in its consequences. It pertains to the model of nation
adopted by the African powers in the context of the time. The
history of the formation of the European nations advanced two
ideas of the nation: an "ethnic" concept, so to say, and a
contractual, elective concept. The first had recourse to the
soul of a people, to what particularized and individualized
them, to their own genius, their subconscious thought
patterns. It placed the accent on the nation as an individu­
ed collective, an englobing totality. Doctrinairely, this
concept leads to nationalism, the exalting of the collective
identity and freedom of a people. In practice, it favours
obligatory homogeneity, unanimity.

The second idea of nation is the nation as a collection of
individuals, the fruit of a rational adhesion and free consent.
The belonging of individuals to the global collectivity does not
assign them to unchanging identity, but the contrary. Multi­
belonging is the rule in this case. The individual subject
pertains to several communities: religious, regional, linguis­
tic, ideological, and so on. He has several identities, and
they must be permanently allowed to him.

At the dawn of Independence these two ideas of nation were
in vogue already in African societies. It must be stressed that
they had undergone decisive qualitative changes. The pre­
colonial made little of the dynamism of these political unities,
which profoundly modified their state of existence and
evolution. Communities of similar origins and structures
historically might find themselves torn apart among different
concurrent hegemonies, while others who were in no way
predisposed from the start to live in common saw themselves
grouped under the same administrative and political authori­
ty. Nascent multi-party systems, the introduction of new
technology, the systematization of finances and the partial
integration at least of western world economies came to be
added to these upheavals, which were already a source of
destabilization and new challenges.

The inheritors of colonial power and of the State trappings fashioned by Western powers came into this radically new context. They opted for the ethnic model of nation, exalting the cultural identity and authenticity rediscovered at the same time (an apparent paradox). They gave themselves the objective primordial task of cementing all the individualities and solidly pressurizing the citizens to a collectivity. The Single Party and the army were put at the disposal of this unreal ambition. The repression and the confiscation of individual and public liberties took place in almost all post-colonial states. The "democratic" interlude was of short duration. The nation, in its consent and desire to continue its common life, lost its chance of becoming a reality. The national affirmation, now an obsession, simply indicated disarray, impotence, the impossibility of reconciling the nation-less post-colonial State and the State-less ethnic nations. To proclaim the nation, a closed organic entity, as a value: is it not admitting the right of everyone to have "his" nation? Why would a community that is subordinated and frustrated not demand its own independence from the national political "great unity"?

It seemed to be the problem of squaring the circle. African political leaders soon abandoned the objective of national construction for another myth - development.

2. Ethnic Groups.

2.1. Political Opportunism and the Ethnic Group.

It is important to grasp that the origin of contemporary Africa's sufferings is in this contradictory movement, which is the source of the perversion of political power and of the misuse of the State's role. Once for all the idea must be discarded that our difficulties stem from what is economic, social or even cultural. There must be said about Africa, mutatis mutandis, what Rousseau proclaimed about the society of his time: the trouble does not come so much from people as from people "badly governed". As contemporary anthropology
has shown, "our system of values determines our whole mental outlook", and decisively influences our conduct. At a far deeper level than institutions, values bring our basic attitudes towards others into play. Politics should be sustained by ultimate values. Opportunism and ideological tinkering have inexorable consequences in this area that are not always calculated. In relation to the ethnic question we must take into account the political history of these last decades covering the colonial and post-colonial period to understand what is at stake. I will give some examples from recent writings, more or less in accord with the process of democratization going on over the continent, to illustrate what I mean.

We begin with the statements gathered in 1983 by researchers at CNRS under Paul Mba-Abassole, president of one of the political organizations at present on the political scene in Gabon, within the frame work of the recent multi-party system of that country. To the question, "What is your political model"?, he replied,

"There are certain things to be noted. We see that Gabon is made of diverse things. There are several ethnic groups. Unfortunately this has hardly been taken into account since independence. In Bongo's and Sivan's speeches there is no more Bakale or Fang, there are only Gabonese. We know well that when one chases nature away it returns at the gallop. As far as we are concerned, as long as the Gabonese political system does not allow for ethnic reality it will never work... On this basis we understand our multi-party democracy.... For us this is the meaning of democracy: recognizing the difference of ethnic groups and accepting that that difference is proper and natural to us".

This remark is striking. It poses problems we will analyse further.

Let us take another quotation from the magazine Jeune Afrique. In it, Ola Balogun writes,

The political parties do not correspond to any deep African reality. A vital question will be to find a way of allowing our peoples to express themselves on the basis of ethnic structures, since Ethnicity remains the basic factor of political life in our States.
Political Power, Multiethnic Territories in Africa.

I take a last example, from a publication of Francis van Hoek, former director (until the end of 1992) of the European Centre for Management, Politics and Development at Maastricht (the Netherlands). He writes:

It is frightening to note how little resistance Africans offer to the very idea of importing western models of democracy, constitution and electoral procedures. It is vital to place the present process of democratization into the perspective of the multiple African inheritance by trying to find the right amalgam of tradition and modernization, indigenous culture and foreign experience and thus come to truly internalized systems.6

The debate about ethnic groups within the framework of the democratization process in African countries seems to have no clear contours. Ethnic pluralism, recently represent­ed by African autocrats as an impeding obstacle to instituting democracy in Africa, is being invoked today as something that can and should be a base for forming new States engaged in the process of institutional and political reform. Many observers question the validity of the Western model of democracy for Africa in its present condition. Many admit that, to say the least, the solution given to the ethnic problem - a given in all our societies - will depend the success or failure of institutional and political renewal. What then are these ethnic groups which are of so great importance in the debate on democratic renewal? Do we know what we mean when we speak of them?

2.2. Ethnic Group - an Elusive Concept.

Ethnic groups are part of those social realities which depend on a network of evidence that disappears as soon as one tries, however little, to examine rigorously the reality to which it points. What is an ethnic group? When no one asks you, you know. But when you are put the question the certitude evaporates, difficulties begin, doubt seizes you and confusion follows. You do not know any more. Is an ethnic group a nation of small dimensions? Are there not as many ethnic groups in the micro-States like Gabon, Togo, Benin, as there are in the macro-States like Zaire, Nigeria, the
Sudan? Who could undertake to make an exact count of the ethnic groups south of the Sahara? Is an ethnic group all those who acknowledge the same mythical origin? The same myths are sometimes found among "different ethnic groups". Is an ethnic group a community of language? Those called "Bambara" speak languages of different families - the mande and the senufo; while the language called "Hausa" is spoken by diverse communities spread over several States at present - Niger, Nigeria, Cameroon, to mention a few. The ethnic group, a paradoxical reality, is not distinguished by language or culture or history or circumscription of space. The definitions often given sometimes stress language, culture, space and sometimes common descent, the consciousness of individuals to belong to the same group, and so on. Is the ethnic group a fact of nature or of culture? A recent scientific approach to the phenomenon prudently stated:

The concept conveyed by the phrase 'ethnic group' lies somewhere between groups which are related and the organized collectivities of the State.  

The contours and lived experience of the reality designated as ethnic are, consequently, as fluid as the concept itself. The history of the ethnonyms current in our young States confirms, moreover, this fluctuation of meaning and content of the phrase. Indeed, ethnic groups exist nowhere if one means by that a homogeneous, permanent entity arising from a stable combination of cultural, linguistic or other invariables. "What have always prevailed are social unities, unequal and heterogeneous in their composition". The search for an absolute identity of origin derives from ideological naivety or manipulation. For all that, it is always a useless exercise.

3. The Ethnic Question Raised as a Result of Mis-governance.

Notwithstanding the conceptual fluctuations and the difficulties of defining the phenomenon "ethnic groups", one fact remains constant: the facts considered are always a sign of crisis in the African Nation-State and the power tied up with it. Dealing with contemporary crystallizations, they
denote the incapacity of the African post-colonial State to guarantee a harmonious flourishing of the communities and individuals within its bosom, to redress and correct imbalances and inequalities introduced by colonization. They denote the almost natural propensity of these States to aggravate the imbalances and inequalities and carry them on to crisis-point. "Tribalism" and "ethnic conflict" do not need to be satisfactorily defined before they manifest themselves. They reveal a crisis of identity that arises precisely from accumulated unease and frustrations, from the hardships imposed by a comfortable State on the people, who simply ask to live. The search for identity is not the primordial activity of social groups. Recent historical sources show that certain groups do not even feel the need to give themselves a name. To use a phrase of Amilcar Cabral, "People do not struggle for ideas or things in someone else's head, they struggle to gain concrete goods, to live better and in peace, to see their life improved". This holds at least in normal situations. In crisis, a particular dynamic operates, entailing manoeuvres of touching identification and readaptation. It is most important not to make a "fetish" of the processes of solidarity that are made and unmade in the course of the history of one global society. For example, enmities between sedentary commercial communities and nomad cattle-raisers can arise according to circumstances stronger than community or language and culture. The feeling of belonging to a community is in itself legitimate and normal, but it becomes perverse once it claims a return, on the political level, to an originality that is incomparable and untransmittable to be imposed on others. Such claims in Europe gave rise to Hitlerism and two world wars. In Africa it served as an alibi and a justification for oligarchic dictators and "obscure despotisms"; it also led to areas of tension and wars in different parts of the continent. It is normal to say, "Fon", "Yoruba", or "Wolof". But on the other hand, it is dangerous to want to make an essence or nature of these historical identifications and determinations. This necessarily happens once one makes ethnic groups the basis of institutional and democratic renewal. Besides, it is contrary to the democratic spirit and idea. It is one thing to say the new African State ought to have support in concrete
basic communities, it is another thing to say it ought to be built on ethnic crystallizations which are supposedly a permanent characteristic of the continent. When we are dealing with the rights of humans and with democracy in Africa, care must be taken not to carry differences to an absolute point, not to exaggerate the African specificity. Democracy is a modern invention susceptible of permitting every society to surmount its handicaps and to progress. As Jean-François Médard writes, "It is a vital necessity, for it is the only known means to avoid political harm". In Africa this presupposes redefining the State's power and role and a positive evaluation of what African traditions can bring to this renewal.

ENDNOTES


3. Centre National de Recherches Scientifique.


10. See Politique africaine, October 1991, no. 43.

Translated from the French by Myles L. Fay, c.s.sp.
African Traditional Communities And Multiethnic States

B. Abanuka

Introduction

This paper inquires into African traditional communities with a view to articulating its fundamental aspects. The paper claims that a thorough investigation into African traditional communities indicates how the individual members of a multi-ethnic state can transform that state through self-understanding and the promotion of their common interests and objectives.¹

To eliminate any ambiguities which might becloud meaning and blur understanding, let us clarify the chief terms of our title.

1.1. African Traditional Community

As understood in this paper, a community is homogeneous, that is, a group of villages (let us say between two and eight villages) claiming descent from a common father or founder. The homogeneity arises from kinship ties, sameness of language, customs and laws which define their traditions as handed down from generation to generation. In investigating the community, attention will be given to those factors which facilitate its continuity and without which the community will disintegrate to the detriment of its members. In addition to underlining its African context, we shall endeavour to reach the very foundation on which the community stands and endures notwithstanding the mutations through which it passes. In this regard, we shall maintain that in as much as there is a link between the past, present and future, unless a people is annihilated, elements of their past is contained in the present, and these elements of the past can be employed in view of the future.
1.2. Multiethnic States

The concept of an ethnic group involves such concepts as tribe, nation and race. Originally, the word tribe was used for the political divisions or patrician orders of the Roman State. This original meaning of the term underlies its technical meaning as denoting a territorially defined political unit as opposed to the less acceptable meaning of the term as denoting a primary aggregate of peoples living in a primitive or barbarous condition under a headman or chief. Taken in its technical sense, almost all sedentary tribal societies are generally homogeneous in that way we conceived traditional communities. They have kinship organization and basically trace their origin to a common ancestor. In addition they occupy a common territory. In this regard, such relatively isolated and small societies as the Tallensi of Ghana, middle range centralized states such as the Nupe of Northern Nigeria and the Zulu of South Africa can be called tribes. Similarly other tribal societies which lack a centralized administration yet in terms of numerical size have the proportions of small nations are also tribal societies. Here some examples readily come to mind: the Somali of Northeastern Africa, the Yoruba of Southwestern Nigeria, the Hausa of Northern Nigeria and the Igbo of Southeastern Nigeria. It is clear that ethnicity in so far as it means race or nation reflects more clearly these last groups of tribal societies which are small nations. Our paper, to the extent that it is dealing with multi-ethnic states, concerns itself mainly with those African states that are constituted by two or more of these tribal groups that are small nations. In this regard, multiethnic could be considered as synonymous with multinational. However, multiethnic states could also be constituted by both smaller tribal groups and big tribal groups of national dimensions.²

2. Fundamental Aspects of the Community.

In the community conceived as the primary social or political unit of an ethnic group, kinship and territorial considerations do not always furnish the strongest arguments for keeping the community together. Kinship ties are as basic and natural as our human nature, that is, the fact that we are
born and that we pass away from this life. Thus, one is constrained to look for other aspects of the community which play a vital role in keeping the community together. We shall consider two of these aspects of the community, namely, common interests and objectives and the identity of the being or reality of the individual members of the community.

2.1. Common Interests and Objectives

If we also regard the community as a close group of individuals who are held together by common interests and objectives, we discover that these common interests and objectives are usually such that they apply with equal force to the group as much as to its individual members. In this respect, the maintenance of kinship and territorial ties can even be one of the principal aims and objectives of a community or group. The community can set itself an objective related to preserving kinship ties, for example, encouraging marriage within the community or group. Similarly, a community might require that development projects should as much as possible be sited within their territory.

By defining these common interests and objectives clearly, the community also draws a line between it and its enemies. The enemy now is not one who does not belong to a given community, but one who threatens the common interests and objectives.

Hence we might consider common interests and objectives as more fundamental than kinship ties in the actual life of the community. In dealing with an individual who does not respect its interests and objectives, the community or group is prepared to sacrifice kinship considerations.

Although the community is prepared to sacrifice kinship considerations to uphold its common interests and objectives, it is clear that common interests and objectives do not by themselves account for the possibility of people living and working together as a community. For people can have common interests and objectives without being a community. In this regard, we can have an association of scientists. They investigate nature with a view to laying bare its laws so that these laws could be applied in turn to control nature. Similarly, we can have an association of market traders who come
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together to minimize the obstacles that stand in their way to maximize profit. In these two examples, it is true that there are common aims and objectives (the scientists are held together because they investigate nature and apply its laws, the traders are united in looking for ways to maximize profit), but each member of the group, if he or she maintains some bye-laws of the association, has a certain freedom in the manner in which he or she pursues the common aims and objectives. In addition, the renown or profit attained by each individual is personal and does not usually belong to the association as a group. On the contrary, a community is closely bound. The community considers it interests and objectives as overriding and the achievement of individual members of the community belong as much to the community as to the individual. Hence, there must be another aspect of living and working together in a community which is more fundamental than the common interests and objectives. This second and more fundamental aspect is the identity of the being of individuals.

2.2. Identity of the Being of Individuals

In order to grasp the concept of identity in our context, one must make certain ontological considerations. The first step is to conceive the whole of reality as the totality of all that exist and their ultimate source of support. In this regard, the whole of reality must always exist and its contradiction is nothingness which is an impossibility, for it cannot be conceived that the whole of reality can cease to be. Similarly, the ultimate source or support of all that exists, must always exist. Secondly, we shall conceive the whole of reality as complex; reality as a whole manifests itself in various levels of complexity. Hence, there is a difference in degree of complexity of the real between a stone and vegetable, just as there is a difference between a brute that feels and a human being who feels and thinks.

Our third step is that Y and Z, two individuals, are identical only in so far as they belong to the same level of complexity of the real, and so they can be put in the same group. In this case, we can say that Y is human and Z is human. In so far as both Y and Z are human, they are identical, but in
as much as there still exists different complexities of the real even within the same group, they are different. For, considering the stone, there is a difference between lead and diamond just as there is a difference between a person who is said to be malicious and another who is said to have good faith. Hence Y and Z are not absolutely identical, but relatively identical in the sense that both Y and Z belong to the same level of complexity peculiar to all things which are said to be human and dependent on the same ultimate source. Finally, we shall maintain that all things, A, B, C, ..., which are identical with Y and Z are identical with one another in so far as all are human and depend on one ultimate source.

We are now in a good position to make two conclusions concerning the conditions for the existence of a community. First, the individuals who make up the community must possess an identical complexity of the real on account of which they are said to be human. This is the necessary condition for the existence of the community and shows why the community is prepared to sacrifice kinship considerations to uphold its common interests and objectives. Secondly, since the individuals in a group which is said to be human are distinct, they have different desires and aspirations or pursue the same interests in different ways. Consequently, in addition to possessing an identical complexity of the real, the individuals in a community must have common interests and objectives. Common interests and objectives are the sufficient conditions for the existence of the community. This explains why the enemy is the one who violates the community's interests and objectives while the "foreigner", one considered as coming from another community or group, could be the community's member or friend because he or she favours or propagates the community's interests and objectives.

3. Authority in the Community

Of great importance in the constitution of the community is the question of authority or the legal power or right derived from office. The problem that calls for attention is the origin of this power. For, if the source of the power is not grasped both by those who rule and those who are ruled, different types of abuses occur. Those who rule can consider them-
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selves the very source of the power they have. Thus they can rule as dictators or tyrants. Or the rulers may think that the source of their power is the totality of the individuals who make up the community. Hence, in their effort to placate or satisfy everyone, they preside over a weak and complaining community to say the least. If the people think that power in the community originates from them, one could use this as a pretext to undermine the honest initiatives which are made by the rulers.

3.1. The Origin of Authority

The origin of authority cannot be the office which gives one the right to rule. The office is a function created by the community to maintain its interests and objectives. Nor is the individual who rules the origin of authority, for he or she exercises power only in so far as he or she is designated by the community to preside over the realization of its interests and objectives. The very origin of authority must be sought in the concept of ultimate reality.

Reality in its complexity has a pole of ultimacy (which is also the pole of unity) as related to the pole of plurality or multiplicity. This ultimate pole is the origin of all that is real and remains ultimate notwithstanding the variations and changes on the pole of plurality. The ultimate pole of reality as a whole is such that in itself it possesses all the complexities of the real present in every level of reality and in all particular things. As a result it is the pole of ultimate meaning in as much as it is the ontological ground of all being. In so far as the ultimate reality governs all being and existence, it is the origin of all law and authority. Consequently, a proper grasp of the significance of the ultimate origin of law and authority casts light on the nature and meaning of law and authority as it operates on the various level of reality.

3.2. Authority as Accountability

In community setting, government may be in the hands of an individual or a group of individuals. Thus a community could be ruled by a king, chief or headman (oba, emir, eze) or by village or town elders. We now want to examine the
stand of the ruler(s) in relation to the ultimate reality and the community.

The first characteristic of the ruler is consciousness of his or her humanity and the humanity of the ruled. This first characteristic arises from the ruler's ability to grasp the ultimate origin of that humanity and the power immediately conferred on him or her by the community to rule. Secondly, the ruler realizes that both himself/herself and each and every member of the community are distinct and each possesses different individual qualities. From this double characteristic of the ruler arises the ruler's twofold responsibility.

First, the ruler, in so far as he or she is aware of his or her personal qualities or possibilities, strives to work them out to the full. Secondly, the ruler presides over the common interests and objectives of the community. In as much as presiding over the common interests and objectives of the community involves the contribution of each member of the community, the ruler also presides over each member's effort to promote the common interests and objectives.

Hence the responsible ruler is one who, aware of the ultimate origin of his or her being and that of every member of the community and convinced that both himself or herself and the ruled belong to a certain complication of the real on account of which they are said to be human, strives not only to work out his or her qualities or possibilities to the full, but also ensures that every member of the community is contributing to the growth of the community's interests and objectives by working out their individual qualities or possibilities to the full.

4. Continuity in the Community

The community is not static but dynamic; the community is living and can grow larger or bigger, stronger or weaker. Thus there is need to maintain the life of the community and assure its continuity and proper growth. For this reason, the community seeks for the means not only to preserve itself but also to ensure its fuller growth. We shall now consider the main means for ensuring continuity in the community.
4.1. Education and Training

The first important means of assuring that the aims and aspirations of the community are grasped and carried forward is by education and training. By education is meant the process by which the individual is made to attain a certain self-understanding and an understanding of the aims and aspirations or interests and objectives of the community. Education is aimed at developing the individual in an integral or holistic manner within the context of the values of the community. Training is geared towards the sharpening of individual talents and characteristics and the acquisition of those skills which must play a role in individual development and the promotion of the interests and objectives of the community. Both educational and training processes must go beyond the living customs and traditions of the community to be based on the identity of the individual members of the community in so far as they share a common humanity which is founded in an ultimate source. Moreover those topics and skills which will furnish the materials for education and training must also go beyond the interests and objectives of the community to be based on a proper grasp of those laws which govern reality in its various levels of complexity or intensity. Hence a human being cannot be treated like a brute, in the same vein the real differences between a brute and a machine can be grasped.

4.2. Community at Work

That the community is not static means that the various interests and objectives of the community are not only watched and constantly considered anew but also kept alive by being maintained and diversified according to growing needs. This means work and division of labour. This division of labour runs the entire length and breadth of the community; it touches the ruling body and the individuals who must in different ways contribute to the maintenance and promotion of the interests and objectives of the community.

Work has theoretical and actual aspects. In its theoretical aspect, it involves a sustained effort at determining those laws which make reality what it is. This may be done by re-
fecting on the laws that govern reality as is given to human experience or by concrete investigation of the real to determine these laws. On the actual level, these laws must be concretely applied to solve human immediate needs.

In another respect, work has positive and preventive aspects. In a positive sense, work is geared towards the maintenance and promotion of the interests and objectives of the community. In this connection, work can be routine and can break novel grounds. In its preventive sense, work seeks to remove those things that endanger the life of the community or the community's interests and objectives. In this respect, readiness for war is part of work.

War is founded on the numerical distinction among individual humans; the fact that over and above their identity as human beings each individual person has particular characteristics. Just as individuals have their own characteristics, a group of individuals united both by their identity as humans and their peculiar interests and objectives can differ from another group of individuals who are also united by their identity as humans and certain interests and objectives. Thus, war is possible on account of differences in interests and objectives but not inevitable, for all men and women are identical in so far as they belong to a given level of the real on account of which they are said to be human. Thus, the community will by its very existence be persuaded of the need to prepare itself in case there arises the need to defend its interests and objectives.

4.3. The Community at Festivals and Celebrations

The administrative organ of the community is aware not only of the importance of work in the community, but also of the need to feast and celebrate. Feasts and celebrations are organized around the major points touching the history of the community or its achievements, whether these achievements are ascribed to the community as such or to individuals. For when individual achievement reaches the highest level it becomes communitarian. Feasts and celebrations are moments of joy and reflection; joy, because humans are taking a memorial leap into the past to relive the past glories of the
In this memorial sense, the glories of the past come to life in the present and fills the community with joy and satisfaction. Feasts and celebrations are also moments of reflection; the memorial of the glories of the past is an invitation to maintain the spirit that made the past glorious. In this way also can the good of the community in the future be assured. Reflection is vital in another sense: the past may not have always been glorious for a community; hence, certain celebrations can point to a past failure on the part of the community and the need to guard against such incidents in the future.

However, of central importance in giving a sense of direction to the community's aims and aspirations is the articulation of the ultimately real and hence the acquisition of the sense of the numinous and its celebration in keeping with human life and experience. For, if humans lose this sense of the ultimate reality and source of all that is real and, consequently, lack the spirit of worship and reverence, the very foundation is removed from the existence of the community and a disorientation is introduced into the community interests and objectives.

5. The Community and State

The community, as we have so far considered it, is a primary social and political unit. It is homogenous from the point of view of its origin, customs and traditions. Where a community is a primary political unit of a larger ethnic group all that has so far been said about the community applies with equal force to the ethnic group. If the community is a primary political unit of a multiethnic state, which is heterogeneous from the point of view of the origin, customs and traditions of its many ethnic groups, do the conditions for the existence of the community also apply to the state?

5.1. Multiethnic States and the Conditions of the Community

Going with the state is the concept of a constitution or a body of laws which found the state and which must be enforced for the state to realize its immediate needs and attain
its long term aims and objectives. On account of its heterogeneity, the elements common to individuals in a multiethnic state and on which the state can stand and grow must be sought. It is our contention that the conditions on which the multi-ethnic state must be founded are the same as the conditions for the existence of the community considered as a primary political unit. First, the multiethnic state can be viewed from the standpoint of the identity of the individual members in as far as they belong to a given level of complexity of the real on account of which they are said to be humans. Secondly, the individual members of the state can be made to come to accept the interests and objectives, aims and aspirations of the state as common to all. Nevertheless, it could still be asked whether the other elements involved in the life of the community can be applicable in multiethnic States.

5.2. Organization of the life of Multi-ethnic States.

It seems appropriate to maintain that since the community and multiethnic states exist on the same fundamental conditions, other elements of the life of the community and multiethnic states will be more or less the same. However, in so far as the community is homogeneous, and multiethnic states heterogeneous, any difference between the life of both will not be fundamental, but organizational. Hence, on account of its heterogeneity, more thought and skill will go into the operation of the machinery of a multiethnic state. For example, questions relating to the interests and objectives of the state must be seen as connected with the territorial claims, history and culture of the state and must be elaborated in the background of these by experts in the relevant disciplines such as economics.

Education and training in the state should aim at the well-being of the state and the individual. For the individual who reaches proper self-understanding (which implies the understanding of other members of the state as sharing in the same humanity) will be better placed to contribute to the good of the state. Only a well programmed educational and training process can enable the individual understand the various cultures in the state, grasp the importance of the state's
interests and objectives and strive to promote them through dedicated work. Incentives should be given to encourage such dedicated work. Furthermore, since feasts and celebrations arise from the history and culture of the state, one is more disposed not only to participate in them, but also to cherish them, if one is properly introduced to them.

Summarily stated, at the basis of the state lies two fundamental principles. (1) The individual members of the state in so far as they belong to a given complexity of reality on account of which they are all said to be human are identical and each strives to attain self-understanding and fulfillment. (2) These individual members of the state accept given interests and objectives which are therefore said to be common, and which flow from the history and culture(s) of the state.

These two principles will determine the other two principles which shall be called principle of organization and principle of conservation and growth respectively. (3) Principle of Organization: The state is organized in such a manner that it will be possible to take decision relating to the interests and objectives of the state in the background of the consent of all. (4) Principle of Conservation and Growth: The state strives to conserve itself and to grow; consequently, it seeks to educate and train its citizens such that the interests and objectives of the state (which do touch on the hopes and aspirations of the individual) are maintained and promoted through work, feasts and celebrations.

6. Conclusion

The state as has been considered in the foregoing pages is not isolated and closed up but is bounded by other groupings of individuals who claim the right to exist as sovereign states. States are related to one another as individuals in a given state are to one another. The identity of individuals in so far as they belong to a given complexity of reality on account of which they are said to be human holds for all the individual members of all the states. (Hence, in principle, a world government is possible.) However, cultural differences will influence the formulation of the interests and objectives of each state. As a result, the interests and objectives of one
state can militate against that of the other.

Nevertheless, the identity of individual members in all the states in so far as they are said to be human paves the way for dialogue between states. As a result, through cultural and other exchanges, states can reach a meaningful understanding of the hopes and aspirations, interests and objectives of one another. For, although differences in the interests and objectives of states can precipitate a violent confrontation between states, nevertheless, a deeper drive within humans, their identity in so far as they are human, dictates that while violent confrontation is possible between states, it can be avoided.

ENDNOTES

1. For a general background of this paper, see B. Abanuka, "Community Living and its Fundamental Relevance to Politics", a paper presented to the National Association of Philosophy Students, Spiritan School of Philosophy, Isienu, 1986.


5. Hence, we can say that particular things on the pole of plurality express the power of the ultimate reality in so far as the ultimate reality contains in itself all the characteristics manifested in particular things. In this connection, particular things cannot be properly regarded as the origin of power or authority. But each particular thing expresses the power of the ultimate reality in its own way. For this concept of expression, see art.cit, ibid.
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6. This principle is based on the nature of reality as a whole which maintains itself through the various operations of the individuals in the different levels of the real. In so far as particular things on the pole of multiplicity, manifest the power of the ultimate reality, they contribute in maintaining the whole of reality. This is the ground of a referendum through which people are consulted in major decisions. Similarly, it is the reason for plebiscites. For in as much as all particular things contribute to the maintenance of reality as a whole, in certain cases, this power can be exercised by delegation, that is through elected representatives.
Nigeria's Path To Western Democracy 1900-1960: 
A Historical Perspective

J. Okoro Ijoma

1. The Imposition of Colonial Rule on Ethnic Nationalities.

Before the year 1900, different ethnic groups (in Nigeria), estimated at over 250 in number, governed themselves in various ways. Even within an ethnic group, there were socio-political variations. However, the beginning of this century saw the imposition of alien rule on a political entity called Nigeria. Lagos became a British colony in 1861. With the new colony as a springboard, the British administration engaged in signing treaties of 'protection' with Yoruba rulers; and by the end of the 19th century, much of Yorubaland had passed to the British crown.¹

In the last quarter of the 19th century, similar pressures were piled on Benin and the Niger delta states, and by 1897 Benin had lost its independence.² In the Niger delta, powerful kings lost their kingdoms - Jaja in 1887, Nana in 1894,³ and Koko of Brass in 1895. The Efik chiefs also lost their chiefdoms with the establishment of the Oil Rivers Protectorate in 1885 and Niger Coast Protectorate in 1893. The British invasion of Arochukwu (1901-2) opened the way for the attack on other Igbo communities.

British presence in the North was marked by the appointment, in 1867, of a consul who was stationed at Lokoja. The last two or three decades of the 19th century saw the signing of spurious treaties with the local rulers. However, by 1899 the relations between the British administration and the Sokoto Caliphate had so degenerated that the British were engaged in the first decade of the 20th century trying to subdue the Caliphate, the emirate of Gwandu and Borno Kingdom.
Nigeria's Path to Western Democracy 1900-1960.

The Charter granted to the Royal Niger Company in 1886 to administer the British territories, a vague area called the Niger regions, was revoked on December 31, 1899. The British government had discovered that a company whose interest was primarily commercial was certainly ill-equipped to administer the Protectorates. In 1906 the Colony of Lagos and the Protectorate of Southern Nigeria were merged under one administration. From 1906 until the amalgamation in 1914, there were two administrations - one for the South and the other for the North.

2. The Displacement of Traditional Institutions by Colonial Administration.

The aim of this paper is to briefly sketch the process and experience of democracy in the geographical area called Nigeria during the first 60 years of this century. The period 1906-12, which preceded the amalgamation, marked both the beginning of effective colonial administration and the beginning of the rejection of standards and customs that had endured for many centuries. It was the first time that Nigerians were subjected in any large measure to Western influences, which in the next fifty years were to have a great effect on the Nigerian society. Christianity, the official religion of the colonial masters, began to spread throughout Nigeria. New forms of administration and justice were introduced.

From the start, the colonial government found it economically inexpedient to run two administrations. The Northern Protectorate was run at a severe deficit, which was being met by a subsidy from the Southern Protectorate and an annual grant of about £3,000,000.00 from the British government. Besides, the Northern Protectorate could only get access to the ports through the Southern Protectorate, a different territory. There was also the need to coordinate projects such as the railways. The amalgamation of the two territories was urgent and necessary for political and economic reasons.

On January 1, 1914 the two Protectorates and the Colony of Lagos were amalgamated and a new political entity known as
Nigeria was born. Sir Frederick Lugard became its first Governor General, and Lagos was its capital. Directly under the Governor-General were a Lieutenant-Governor for the Northern Provinces (based in Zungeru), another Lieutenant-Governor for the Southern Provinces (based in Lagos), and an Administrator of the Colony of Lagos.

3. Indirect Rule - Key to Colonial Administration of Nigeria.

The governorship of Lugard was characterized by one overriding administrative measure: Indirect Rule. It was applied with modifications all over Nigeria for thirty years. Indirect rule has been described as Lugard's most lasting contribution to Nigeria. The policy depended for its success on three factors: 'a stratified society, consisting of a ruling aristocracy and a peasantry; a degree of social immobility preventing persons of a lower class from advancing to a higher one; and an identity of interests between the ruling class and the colonial power. Having successfully applied the policy in the North, Lugard tried to work out a similar system for the whole country.

In principle, under the system British political officers themselves were not supposed to perform executive functions. They could intervene, indirectly, to see, where necessary, that the Native Authority took appropriate action. They were supposed to be advisers and superintendents who left the day-to-day work of administration to the control of Nigerians whose claim to authority was based on tradition. But in reality, the white district officer was the principal executive and judicial officer of his district.

All the three factors mentioned above appear to have existed together in most of the emirates in the Northern Provinces. In the South, it was not possible to find any two of the factors existing together anywhere. It is true there was a centralized authority in much of Yorubaland that could be exploited for indirect rule. Even here there was opposition. In Iseyin (Oyo), a district head and a court judge were murdered in 1916, followed by riots which were put down by the British. A serious opposition to the application of indirect
rule was also manifested in Egbaland in 1918. The people tore up the railway line and looted the stations and trains. A number of people were killed, including a chief and one European. Again, the British had to rush down troops and over 500 were reported to have been killed.

In the East, indirect rule was almost impossible to apply. The political organization in the East could not favour a faithful application of the system. A.E. Afigbo has made a detailed study on why the system was doomed to failure in South-eastern Nigeria. One of the fallouts was the "Aba Women's of 1929, which engulfed much of the South-east and led to the re-examination of the system and its subsequent modification.

In the main, most native authorities consisted of illiterate, conservative and autocratic chiefs. The court clerks and judges, interpreters, messengers and a host of other officials were corrupt, overbearing, and barely literate. The young educated members of the community were in most cases excluded from membership of the native authority councils. Ambitious young people outside Lagos and Calabar could not get into the legislature. In fact the rigorous application of indirect rule retarded constitutional growth.


The Order-in-Council made provision for the establishment of an enlarged Executive Council and an advisory and deliberative body known as the Nigerian Council whose functions would be exercised in respect of the whole of Nigeria. Lagos, however, retained its Legislative Council. The Nigerian Council was established in 1914 with a membership of 42, comprising all the members of the Executive Council (23 white officials, 7 European and 6 Nigerian unofficial members representing business and various interests, and 6 other Nigerian unofficial members nominated by the Governor-General).

The Order establishing the Council provided that:

No resolution passed by the Council shall have any legislative or
executive authority, and the Governor shall not be required to
give effect to any such resolution unless he thinks fit and is
authorized to do so.6

The 6 other Nigerian representatives were 2 emirs from the
North, the Alafin of Oyo, 1 member from Lagos, 1 from
Calabar, and 1 from the Warri-Benin area. The 3 chiefs were
supposed to represent the views of the masses of the people.
In any case, they very seldom attended the meetings and
when they did, they took no part in the real deliberations.
Between 1914 and December 1920, the Council held a total of
seven meetings. Sir Hugh Clifford, Governor 1919-25,
described the Council in 1924 as a debating society in which
nobody would enter into debate. The meetings were said to be
dreary, apathetic, feeble, faint, colourless, meaningless and
wearisome.7

5. Nationalist Feelings and the Move
Towards Constitutional Democracy.

The war years (1914-18) diverted attention from constitu-
tional and political issues to the war effort. Nigerian soldiers
were fighting the Germans in the Cameroons and in East
Africa. The educated elite demonstrated loyalty to the British
crown by maintaining a degree of calm and peace and encour-
gaging Nigerians to make whatever contributions that were
possible to defeat Germany in order "to make democracy
safe". Soon after the end of the war, the clamour for conсти-
tutional change began, particularly in Lagos. The political
class backed by the local press and some European residents
demanded a representative legislature.

The demand for a representative legislature was taken up
at the first meeting of the National Congress of British West
Africa held in Accra in 1920. Hugh Clifford who had comment-
ed on the irrelevance of the Nigerian Council as a democratic
process, jeered at and bitterly attacked the resolution of the
Congress. He could not see

continental Nigeria being represented by a handful of gentlemen
drawn from half a dozen coast tribes - men born and bred in
British administered towns situated on the seashore, who in the safety of British protection have peacefully pursued their studies under British schools in order to enable them to become ministers of religion or learned in the laws of England. These self-appointed spokesmen of 16 million Nigerians have never penetrated into the interior at all.

Clifford went on to say:

Assuming, therefore, for a moment that the impossible were feasible - that this collection of self-contained and mutually independent native states were indeed capable of being welded into a single homogeneous nation - a deadly blow would be struck at the very root of national self-government in Nigeria, which secures to each separate people the right to maintain its identity, its individuality and its nationality, its own chosen form of government and the peculiar political and social institutions which have been evolved for it by the wisdom and accumulated experience of generations of its forebears.

In spite of the virulent attack of the colonial administration, the Accra Conference was not all in vain. A Legislative Council was introduced in 1922 - two years after the Conference. The Council comprised 46 members of whom 27 including the Governor were officials, and 19 were unofficials. Like its predecessors, the Council had an official non-Nigerian majority. Of the unofficial minority, 15 were nominated by the Governor, and 4 were elected. Of the elected members, Lagos had three seats while Calabar had one.

The new Legislative Council was an advance of its predecessors in some aspects. It made laws for the South. The laws of the South could be applied to the North by a special proclamation of the Governor. The Council could also debate financial matters affecting the North as there was a common budget for the South and North. It was also the first time in the history of tropical Africa that Africans exercised the franchise of electing their representatives. The Legislative Council of 1922 remained unchanged until 1945. With growing nationalist feelings, those Nigerians who served in the
Council were given all sorts of names as people who betrayed the country's political future.

5.1. Political Parties.

Until the 1930s, most educated Nigerians came from Creole or from Yoruba families that had been in long contact with Europeans. Some had returned from either Sierra Leone or Brazil. Between 1920 and 1922 two political parties had emerged in Lagos - the Nigerian Democratic Party and the Peoples' Union. The election to the new Legislative Council was contested by the two parties. The Nigerian National Democratic Party, under the leadership of Herbert Samuel Macaulay (1864-1946), an engineer by profession who dominated Nigerian politics for nearly forty years, won the Lagos seats consecutively in 1923, 1924 and 1933. It also won the triennial elections for the Lagos Town Council. During the inter-war years, student bodies overseas played important roles in arousing nationalist consciousness. Also a significant role was played by the Nigerian Youth Movement, founded in 1936, in the march towards democracy.

One of the features of the nationalist movement in Nigeria, in the inter-war period, was the almost total lack of dialogue between the British administration and the growing educated elite. The majority of British officials, including those responsible for the formulation of policy, believed that there could be no such dialogue. Many British officials were contemptuous of the educated Africans. Qualified Africans were denied opportunities in the public service and industry where the whites predominated. During the inter-war years, student bodies overseas played important roles in arousing nationalist consciousness. Also a significant role was played by the Nigerian Youth Movement, founded in 1936, in the march towards democracy.

5.2. The Repudiation of Imperialism in Britain and America.

Crucial developments in Britain and America quickened the pace of the constitutional process or change in the inter-war years. The emergence of the Labour Party as an important force in the domestic politics of Britain was one of such stimuli. The Party asserted:
Labour...repudiates imperialism. We believe that all peoples of whatever race have an equal right to freedom and to an equitable share in the good things of the world.

We in Labour Party have always been conscious of the wrongs done by the white races to the races with darker skins. We have always demanded that the freedom that we claim for ourselves should be extended to all men. We look for an ever-increasing measure of self-government in Africa.\(^{13}\)

These sentiments of the Labour Party and its radical views helped to shape government policy towards colonial peoples since the Party was in the coalition government of Winston Churchill in the war years. Some other sections of the British public and press were quick to recognize the inevitability of independence of the British colonies and the emergence of a Commonwealth of peoples united by a common ideal of partnership in freedom.

Outside Britain, Americans had attacked colonialism and imperialism. During the war, President Roosevelt and Prime Minister Winston Churchill, the leaders of the Western Allies, declared, in the famous Atlantic Charter of August 1942, the "right of all peoples to choose the form of government under which they will live". Nigerians, like other colonial peoples on the side of the Allies, interpreted the declaration to mean that they would have the right to choose their own form of government - independence. Indeed Dr. Azikiwe is reported to have cabled Churchill shortly after requesting him to give official confirmation or further clarification of the statement in order to stimulate the African war effort on the side of the Allies.\(^{14}\)

The press and leaders had urged young Nigerians to enlist in the army. They had assured the people that Nigeria's prospects of self-government were better served under the British than under Hitler's Germany. Nigerians were known to have participated in the military campaigns in North and East Africa and in Burma and India. The contacts with the whites who did not demonstrate greater courage or valour than Africans during crises gave self-confidence to Nigerians asking for freedom. The economy of Nigeria also helped to sustain the war. The colonial administration had encouraged
the colonies to produce food and export crops. During the war the value of import and export trade in Nigeria had doubled. Perhaps we should mention that the Colonial Development and welfare Fund during this period was also a factor in the expansion of the existing economic and social foundations of the country. These developments, by and large, were not lost on Nigerians who insisted on the principle of self-determination.  

5.3. The Richards' Constitution.  

In March 1945 there was an important development in Nigeria's political process. The Governor-General, Sir Arthur Richards, introduced the Constitution which took effect from 1946. The aims of the Constitution, according to the author, were: (1) to promote the unity of Nigeria; (2) to secure greater participation by Africans in their own affairs; (3) to evolve a constitutional framework covering the whole of Nigeria and a Legislative Council on which all sections of Nigeria would be represented; (4) to create Regional Councils in the three main sections of Nigeria - North, West & East, each with a Chief Commissioner; (5) to forge political and constitutional links between the native authorities and the Legislative Council; (6) to provide for an African majority both in the Houses of Assembly and the Legislative Council.

The new Constitution which came into effect in 1946 provided for, 16 (1) the division of the country into 3 administrative Regions, namely, Northern, Eastern and Western - each under a Chief Commissioner; (2) the establishment of an Executive Council consisting of the Chief Secretary to the Government of Nigeria, the Chief Commissioner of each of the three Regions, the principal government functionaries such as the Attorney-General, Medical Services and such other persons appointed by the Governor on the instruction of the Secretary of State for the Colonies; (3) a Legislative Council consisting of the Governor, 13 ex-officio members, 3 nominated official members, 24 nominated unofficial members and 4 elected members. Of the elected members, 3 were to represent Lagos and one to represent Calabar; (4) a House of Chiefs and a House of Assembly for the Northern Region; and Houses
of Assembly for each of the Eastern and Western Regions.

As soon as the constitution came into force, it stimulated increased political activities in Lagos and other urban areas. The first national political party - the National Council of Nigeria and Cameroons (NCNC) - had been launched in January 1945 with Macaulay as President and Zik as Secretary. The Party and the press attacked the Constitution because, according to them, it only allowed discussion and no genuine participation in the running of the affairs of the country; it introduced regionalism and particularism in the administration and politics of the country. It was equally argued that the elective principle should have gone beyond Lagos and Calabar; and that the native authorities which selected the Provincial Members were not really representative in character.

In 1947 the NCNC sent a delegation of 7 members under the leadership of Zik, to protest to the British Government. It was more or less a futile journey because the British Government insisted that the Constitution must be tried. Besides, the delegates quarrelled among themselves over money.\textsuperscript{17}

On the other hand, Richard's Constitution had merits. It widened the basis of representation in the Legislative Council. The Provincial members, although selected by the native authorities, had direct links with the people they were chosen to represent.\textsuperscript{18} Representatives from the North and South for the first time met in Lagos to discuss regional and national issues that were presented to the Legislative Council and this tended to foster a degree of national unity. The administrative devolution which allowed the regions to handle certain matters was a welcome development, given the logistic and other problems associated with governing a vast country such as Nigeria. Later, Nigerians came to realize that the division of the country further on socio-cultural boundaries reduced the fears of domination by larger ethnic groups.

5.4. The Macpherson Constitution - Deepening Ethnic Differences.

Arthur Richard had envisaged that the Constitution would
last for nine years but his successor, Sir John Macpherson, appointed in April 1948, embarked on immediate constitutional changes. The people were consulted on the new constitution at every level: village, town and region. This procedure was not adopted in framing the Richards Constitution. The three years during which the new constitution was discussed were dominated by ethnic and regional nationalism. The Northern Peoples' Congress (NPC) representing the North, the Egbe Omo Oduduwa (which metamorphosed into Action Group - AG) the West, and the NCNC, while retaining its pan-Nigerian stance, championed the cause of the East. Between October 10 and October 21, 1949, the drafting committee prepared proposals for the committee of 53 members that would meet at Ibadan. It proposed a fairly strong federal government with however considerable powers delegated to the Regions. Significant were the four minority reports submitted to the Ibadan conference. These reports contained the difficulties and disputes which have bedeviled Nigeria ever since. The first minority report presented by the NCNC attacked the regional basis of government, suggesting that the country be divided into states on ethnic grounds. In a second report the Party advocated universal adult suffrage, opposing the creation of the House of Chiefs. A third report again backed by the NCNC opposed the denial of franchise to southerners resident in the North as espoused by the NPC. The 4th report supported by the AG opposed the separation of Lagos from the Western Region.19

In January 1952, the new constitution - Macpherson's - came into effect, with a central legislature of 148 members, half of them from the North, and an executive council of 18 members, comprising 6 officials and 12 ministers, four nominated by each regional assembly. Each regional assembly had its own executive council with a majority of Nigerian over official members.

In the election that preceded the adoption of the Constitution, the NPC cleared all the seats in the North, NCNC had a large majority in the East while AG secured a majority in the West, essentially through members of the NCNC who had crossed carpet. Because of the lack of discipline on the part of the NCNC members elected into the Western House of
Assembly, Zik lost the bid to go to the centre, although he had been elected as one of the 5 candidates into the Western House of Assembly to represent Lagos. The failure of the Constitution was mainly because of party antagonisms. The NCNC had suffered a disappointment and setback because of the exclusion of its leader from the national legislature. Crisis rocked the party as it expelled the ministers serving at the central and regional levels who supported the new constitution. In addition, Anthony Enahoro, an Action Group member of the national legislature had introduced a private member's Bill demanding self-government for the country in 1956. This was opposed by the NPC. It caused a lot of bad blood between the politicians from the North and those from the South. The two Houses of the Northern Assembly demanded the dissolution of the Federation. There were riots in the North, precisely in Kano, in which many people were either killed or wounded. Most of the casualties were easterners.20

5.5. The Issue of Federalism.

The unsuccessful application of the Macpherson Constitution led to the London conference of 1953. The various political parties which sent delegates to the conference adopted positions that put the federation in jeopardy. The NPC wanted a loose federation. The NCNC and AG proposed a Southern Federation if the NPC continued to oppose the question of self-government in 1956. At the end of the day, the three major parties demonstrated a high level of patriotism in order to preserve the Federation. They agreed that residual powers should be transferred to the regions as had been the case under the old constitution. Much wider powers were given to the centre than had been anticipated by the NPC. The issue of self-government was resolved by allowing those regions that wanted it in 1956 to have it. The North was thus left to choose a later date for self-government within the framework of the target for independence for the whole country. On the sensitive issue of the status of Lagos, the NCNC and NPC demanded that Lagos should remain the Federal Capital while the AG felt that Lagos naturally be-
longed to the Western Region. The British government supported the view that Lagos should be a federal territory. When, however, the conference resumed in Lagos in January 1954, the AG did not raise the issue of Lagos, instead it proposed that the right to succession be included in the new constitution. This was rejected.  

These two conferences held in London and Lagos produced the basic Constitution under which Nigeria achieved independence in 1960. The Constitution provided a federation of three regions and a Federal Capital territory of Lagos. It further provided for a national legislature of 184 members, half of them were to represent the northern region. The appointment of ministers of the federal government was removed from the whims and caprices of regional assemblies.  

The appointment of federal ministers became the responsibility of the leader of the party that had majority of seats in the House of Representatives. Each region would have a premier who also was the leader of the party in power in the region. In the federal election held in 1954, the NPC secured 79 seats, all in the North; the NCNC had 61 spread mainly over the West and East and with one seat in the North; the AG won 20 seats mainly in the West. In fact, the NCNC secured more seats in the West than the AG. The NPC and the NCNC formed the coalition government. The AG formed the opposition at the centre.  

There was another constitutional conference in London in 1957 which ushered in independence in 1960. Each region sent in 10 delegates and 5 advisers. The federal government was represented by the Governor-General, regional Governors, two leading ministers and the leader of the opposition in the Federal House. The capital territory had two delegates. The West and East were to attain self-government in 1957 and the North in 1959. The East was granted a House of Chiefs already in vogue in the North and West. As stated above, there were no major changes in the old constitution.

On September 2, 1957, Alhaji Abubakar Tafawa Balewa of the NPC was appointed Nigeria's First Prime Minister. The quarrels among the parties and ethnic groups continued to affect the stability of the country. The last election before independence was held on December 12, 1959. The results of
the election show that the AG secured 73 seats spread this time over the whole country; the NCNC and its ally, the Northern Elements Progressive Union (NEPU) won 8; the NPC secured 134 seats all in the North. None of the three parties secured a working majority. There were discussions and activities behind the scene for the formation of another coalition government. There were pressures for the NCNC and AG to form a government, but such a government was bound to endanger national unity, since that would mean a bitter confrontation between the North and the South. The NPC and NCNC went again into partnership and the AG formed the official opposition. Dr. Azikiwe resigned his seat in the House to become the President of the newly created Senate, while Balewa continued as the Prime Minister. In January 1960, the House of Representatives adopted a motion of the Prime Minister asking for independence for the country on October 1, 1960. On July 2, 1960, the British Parliament passed the Nigerian Independence Act of 1960s. On October 1, 1960 Nigeria became independent and subsequently a member of the Commonwealth.

6. Conclusion.

The path and process of achieving independence in Nigeria were certainly beset with difficulties right from the start. Britain had imposed its rule on a vast territory with different cultural, social and political background. It introduced indirect rule in order to maximize its resources. The faithful application of the system created difficulties. The white officials were neither ready to go into partnership with Nigerians nor to allow the people rule themselves. Eventually, they found that they could not permanently exclude the educated elite from participation in the running of the affairs of the country. Some of the events leading to constitutional developments were due to both internal stimuli and external circumstances. The two World Wars compelled the colonial power to seek assistance and support for the prosecution of the Wars. Nigerians responded positively but in expectation of self-rule some day. Increasingly, Nigerians were getting
education in Europe and America and were being exposed to Western influence. There was a vibrant press to expose the injustices inherent in the colonial administration. In time, the British came to recognize, if slowly, the necessity of leading the country to independence. The political class was patriotic enough to place the national unity and independence above our cultural and ethnic divide. This lesson has not been as evident since independence.

ENDNOTES


7. Ibid. p. 38.

8. Ibid., p. 39.

Nigeria's Path to Western Democracy 1900-1960.

10. Ibid.


13. Quoted in Ezera, p. 43.

14. See Arikpo, p. 60.


22. Arikpo, p. 80.


24. Ibid., pp. 263-265; Crowder, pp. 298-299.
The Legitimation Of Government In Africa

Charles U. Ilegbune

1. Introduction

In Africa today, a distinctly cacophonous wind of political change is blowing. An increasing number of States is showing a tendency towards democracy. At the same time, a specter of authoritarianism remains prominent in some places. Still more, even in the emerging democracies, the very character of the democratization process in places conjures convulsive internal upheavals. The prevailing scenario raises a fundamental issue of stability of African governments. This, in turn, raises a related and dominant socio-legal issue - that of governmental legitimacy in Africa.

The main questions canvassed in this paper may be grouped into five, as follows: (i) What does it mean to say that a government is legitimate? What, in other words, does the concept of legitimacy connote in the grammar of law and politics? (ii) How, from the legal, political, practical and economic perspectives, does a government acquire legitimacy? What, if any, is the relationship between coercion and governmental authority - is it possible to have an axiomatically legitimate governmental authority flowing from the sheer exercise of coercive power? In other words, does legitimate governmental authority flow exclusively from the exercise of democratic franchise or the presumed consent of the governed as articulated in the American Declaration of Independence in 1776? (iii) When is a government said to have lost legitimacy? What factors bring about the loss? What are the usual socio-legal indications of such loss? (iv) What inevitable results flow from the loss of governmental legitimacy. (v) Finally, what safeguards against initial lack, and subsequent loss, of legitimacy can be prescribed for Africa.


To begin with, the term "government" itself etymologically
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derives from the Latin word gubernaculum, which means the helm from where the ship of the State is guided on its course by the governor' or helmsman.¹ A modern and more relevant definition of the term is given in the judgment of the Supreme Court of Nigeria in Director of Public Prosecution v. Chike Obi.² There, government is defined to mean "the body of persons charged with the duty of directing or administering the affairs of a State; or the principal officers of a State". The individuals constituting this body of persons may change, but the body remains the center of gravity as the body administering the State. The existence of a government is a necessary condition for statehood. Indeed, it has long been established that no State can today exist or be recognized as a subject of international law without a government.³

The claim of any government to the right to control, manage and direct the ship of state is necessarily rooted in its claim to legitimacy. The government must be, or assumed to be, or even assume itself to be, a legitimate government. But what does governmental legitimacy truly mean? The answer, it seems, lies in the fact that theoretically the concept of legitimacy operates at the level of the "ought" and not the "is". When we say that a thing is legitimate, what we really mean is that it accords with our pre-determined concept of what ought to be. In other words, that it accords with an accepted standard.

But, as we shall see, what "is" may differ very much from what "ought" to be. A priest may in fact tell a lie. If he so does, he "is" a liar, but that does not mean that he "ought" to be a liar. Similarly, a government which had started with a lawful origin may at a given time in fact not be legitimate. No confusion should stem from the merger on occasions of the "is" and the "ought". A priest who tells the truth "is" a truthful person. A priest axiomatically "ought" to be a truthful person. Thus, we see that legitimacy is an axiomatic concept. It is value impregnated and necessarily has to be so.⁴

Having attempted to explain the theoretic basis of the concept of legitimacy, it can now be postulated that a government is legitimate if it is so circumstanced from the factors of its legal origin and its in-office performance that it can claim and enjoy uncoerced authority and receive habitual obedience
and respect from the national population. If a government is legitimate in this sense, its temporary exile, while an aggressor state is in military occupation, does not result in the disappearance of its legitimacy. Thus, for example, during the Second World War (1939-1945) the legitimate government of Norway operated from exile during Nazi occupation and continued to issue decrees, took part in international conferences and signed agreements on behalf of Norway. So, too, did the legitimate government of Kuwait operate during the Iraqi occupation (from August 2, 1990).

3. Acquisition and Retention of Legitimacy.

One of the most difficult socio-legal problems of our age is the question of acquisition of legitimate governmental authority. Some of the issues which arise in a discussion of the subject have already been identified at the introductory part of this paper. To begin with, it should be noted that the issue of acquisition of legitimate governmental authority needs to be distinguished from that of acquisition of governmental power. Power is the ability to produce a result; to alter an existing condition for better or for worse. Power is an "I-can" concept and may or may not be legitimate.

When, then, if at all, does mere political control or power translate into legitimate governmental authority? Much controversy over this issue has been occasioned by the writings of the great German-Jew, Hans Kelsen. Kelsen was strongly of the view that legitimate governmental authority could be acquired through the instrumentality of coercive revolution. According to him, upon the success of revolution or political coup d'etat, which is accompanied with an effective control of the machinery of government, legitimacy automatically ensures to the revolutionaries. He describes a revolution as the overthrow of a pre-existing legal order which totally sweeps away the legal norms of the immediate past governmental edifice.

Criticisms of Kelsen for this undiscriminating endorsement of violent political revolutions have been numerous, persistent and, it seems, well-merited. In the first place, such a
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view promotes adventurism. Secondly, it provides an excuse for unconstitutional overthrow of even the most popular governments. Thirdly, it has been repeatedly demonstrated that brute force alone (that is, one devoid of justification or other extenuating circumstances and not followed by acts of popular welfare and justice) cannot confer or guarantee governmental legitimacy. A recent case in point is the effort to return Haitian President, Jean-Bertrand Aristide, to power.

Now, it seems to be generally agreed that, despite its obviously numerous shortcomings in terms of qualitative application, democracy is the basic norm of political relations in contemporary human society. Indeed in some African countries the practice of democracy is made a constitutional provision. Thus, the norm of democracy should of necessity impregnate our conception of legitimacy in relation to the exercise of political or governmental authority. Empirical evidence has shown that it so does. And so, what is the character of this norm of democracy, this much-taunted right to democratic governance? How shall we characterize a particular political module as democratic? Or, is there a democratic archetype of which reference must be made in the assessment of each situation?

The origins of democratic governance is often traced to the egalitarianism and universal adult male suffrage of the ancient Greek city-states. In modern times, however, the idea of democracy has developed far ahead of whatever notions its Greek proponents might have had. The complexity of the modern state and the sheer mass of its inhabitants has made the original idea of direct representation impossible in practice, and indirect representation has become the accepted norm.

According to Roger Saltau,

Democracy is a political system under which there is universal suffrage, regular elections honestly conducted, a number of political parties, freedom of speech and writing, toleration of minorities and a competent independent judiciary. To us democracy is the antithesis of dictatorship.

Sir Ivor Jennings has also listed what he considers the essentials of democracy to be as follows: (a) the right to vote
freely and secretly; (b) representation in parliament; (c) the rule of law (rather than rule by law); (d) governmental responsibility.

A Nigerian political scientist, Chief Arthur Nwankwo, has strongly criticized European ideas of democracy (such as that contained in the above definition of Saltau) as being too fanciful for Africans. According to him, such ideas bear no resemblance to the realities of the African condition. Chief Nwankwo has probably spoken in nationalist hyperbolic terms, but his view is helpful in drawing attention to the generally accepted view that democracies can, and should, differ profoundly in their local application without losing the essential character of the system.

The essential point of democracy, however structurally different its local applications may be, is that it is a system of government adapted to secure the best possible form of participatory governance for the national population. This is probably why, in the politically-charged climate of the United Nations General Assembly, democracy has been equated with the existence of periodic election, and most current research on the subject also concentrates on election.

The ballot is an objective fact which provides a simple litmus test for indirect citizen participation in governance. It is, in other words, the best possible characterization of the corporate will of the voters - the so-called "consent of the governed". This must be assumed to be so even though, admittedly, there are two powerful arguments against the efficacy of the ballot. The first is that there are certain structural conditions necessary for the effective use of the ballot which are profoundly lacking in most African countries. These conditions include literacy, the availability of information, personal security of candidates and voters, the exercise of free speech, rule of law, low degree (if not absence) of electoral corruption, and adequate resources for the media's use.

The second argument, as Barsh pointed out, is that there are many ways of exercising power in modern society which may often counteract the result of the ballot: e.g. the power of the mass media and, by implication, of the groups with wealth to use it freely; the dominant role of technocrats,
military elites, business tycoons and, very significantly for Africa, widespread rigging. The last of these devices was recently addressed in Nigeria - with varying degrees of success - by the introduction of, first, the Open Ballot System (OBS) and, secondly, the Modified Open Ballot System (MOBS). The MOBS' first experimentation in Nigeria (locally called Option A4) - although initially widely regarded with extreme skepticism and hostility - turned out to produce what has been considered nationally and internationally as the freest and most peaceful election in Nigeria's history since independence in 1960.

Notwithstanding these criticisms, however, and until a better electoral system is invented, the ballot must be taken to be what it is contrived to be - a concrete manifestation of the 'free' choice of the electorate as to who would govern them; a way, in other words, by which the electoral population expresses its will or consent to be governed.

This being the case, it can be asserted that the irreducible minimum condition required for exercising legitimate governmental authority is the consent of the governed. The ballot, as cast in periodic election in a democratic set-up, is one way - the primary and fundamental way - of expressing that consent. Invariably, the requirements and conditions for election - who can vote and be voted for, the establishment, organization and administration of political parties, etc - are all provided for in the constitution, which, itself, has been judicially recognized as deriving from the "will" of the people and as being the grundnorm - the fons et origo of the laws and rights of the people. Any government formed as a result of winning an election properly conducted within the provisions of the constitution thereby acquires a mandate or legitimacy to govern. Thus, it is constitutionally declared in Nigeria that, "Sovereignty belongs to the people of Nigeria from whom Government through this Constitution derives all its powers and authority". But on the contrary, any government which comes into power otherwise than on the basis of an electoral success within the provision of the constitution potentially lacks legitimacy. This is probably the basis of Professor S.A. Aluko's oft-repeated statement that "No military government has any legitimacy". The Nigerian Constitution 1989 contains an explicit provision to this same
effect. It provides in section 1(2) as follows:

"The Federal Republic of Nigeria shall not be governed, nor shall any person or group of persons take control of the Government of Nigeria or any part thereof, except in accordance with the provisions of this Constitution."

But, as already indicated, such a government's lack of legitimacy is only potential. As a matter of fact, a government formed through extra-constitutional seizure of power, such as successful military coup d'etat or a successful mass uprising against tyranny, may well be legitimate or may acquire legitimacy. To do so, the emergent government must - (a) be de facto effective, in the sense of its having completely liquidated the former government and been in control; (b) have a popular appeal, in the sense of its being widely and demonstrably acclaimed and welcomed at inception by a great majority of people; (c) administer the country with justice and on benevolent, populist and welfarist principles; (d) cater equitably for all sections of the constituent communities; and (e) be accountable and responsive to the people.

The fact that an extra-constitutional government may thus acquire legitimacy seriously detracts from the value of the kind of constitutional provision made in Nigeria, prohibiting such government. To a large extent, it is the crass mis-governance of the erstwhile government overthrown in an extra-constitutional revolt that provides the leverage for the popularity and consequent legitimization of the succeeding government. This is the reason why military intervention in governance has sometimes been justified on the basis of grave necessity and the self-preservation of the country in the face of mismanagement and mis-governance by the legitimate civil authority and the near-collapse of the economy - the so-called "custodian theory" of military intervention. 25

The major problem with coups and revolts, however, and the reason why they must be discouraged even if the prevailing social, economic and political climate favours them - is that they prevent or otherwise impede the learning process of the political class, without which there will ultimately be no healthy political culture or stability. Moreover, there is no
basis for the pretension inherent in the action of the coup plotters that they know what is best for the state and people and are their self-appointed messiah.

Coming now to the question of retention of legitimacy, it should be noted that the same conditions required for the acquisition of legitimate authority at the outset apply to its retention. Accordingly, a legitimate government retains its legitimacy only so long as, by remaining effective and acting justly and fairly in the ways already stated, it assures to itself the willing support and consent of the governed.

3. Loss of Legitimacy

Governmental legitimacy is not a once-and-for-all attribute. Just as it is something which can be acquired, so too it can be lost. The question here is: what factors bring about the loss of legitimacy? What are the usual socio-political indications of such loss?

The answer, simply put, seems to be that a government loses its legitimacy (or right to the obedience of the governed) if, on a rational and objective assessment of its performance, it can be said to have ceased to serve the very object for which governments are established. That object has been tersely stated by Lord Beveridge as follows:

The object of government in peace and in war is not the glory of rulers or of races, but the happiness of the common man.26

In almost all African countries, this fundamental object of government has been expanded and re-stated in a constitutional provision. Thus, in the Nigerian Constitution 1989, it is enacted in section 15(2)(b) as follows:

...the security and welfare of the people shall be the primary purpose and responsibility of government.

These objects of government – the happiness, security and welfare of the people – can only be achieved by a government which satisfies the requirements of what has been called "good governance" – a dependable barometer for measuring the economic and political virility of governments and of the
propriety of their actions and policies.

The concept of "good governance" has been explained in various ways and from different perspectives. For the purposes of African nations the dominant perspectives are those of European donor countries and those, even in Africa, concerned to see "humane governance" enthroned in the culture of African governments. Thus, for a donor agency like the World Bank, "good governance" for African nations means "a public service that is efficient, a judicial system that is reliable, and an administration that is accountable to the public." 27 Again, from the British viewpoint, "good governance" for a third world country seeking to qualify for aid must include the following: (i) respect for human rights and the rule of law; (ii) movement towards democratic and accountable government and rooting out of corruption; (iii) the pursuit of sound social and economic policies. 28

But perhaps the most comprehensive and incisive demands of "good governance" from the standpoint of social, political and economic policies of African governments is that of Africa's own Professor Mazrui. For him, "good governance" means "humane governance" and the indications of compliance with the requirement must depend on answers to the following twelve searching questions, namely: (1) How many political detainees does a country have? (2) How many prisoners have been convicted of political offences (including possession of subversive literature)? (3) How many journalists have been imprisoned or murdered in the last five years? (4) How many competitive elections have taken place in the last ten years? (5) How many years has the Head of State been in power? (6) What is the ratio of expenditures on the military as compared with expenditures on education, health and other social services? (7) How often have Universities been closed down for political reasons? (8) What proportion of students in Universities and schools are women or girls? (9) What proportion of agricultural land is owned by women? (10) How many unarmed political demonstrators have been killed or maimed by police in the last five years? (11) How many police officers or other security officials have been disciplined for offences against civilians in the last ten years? (12) How many politicians or civil servants have been tried and convicted for
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corruption in the last ten years?29

It is clear that many African governments, past and present, will fail on the scoreboard of these questions. Without doubt, the political, civil and social strife and, in some cases open war, which have raged or are currently raging in such African countries as Nigeria, Liberia, Benin, Zaire, South Africa, Togo, Somalia and some others, have deep roots in the abysmal failure of the present or erstwhile governments of these countries to fulfil the requirements of good governance. In all those countries and more, it has been a dreary story of racial disenfranchisement, political repression and persecution of opponents, massive corruption, press gagging, resource squander-mania, dictatorship, ethnic persecution, abuse of human rights, subversion of electoral mandate, contempt for the judiciary and the rule of law, "sit-tightism" and rule by law. These are the usual signs and manifestations of declining or lost legitimacy.

If, as has been contended in this paper, the consent of the governed – deriving from the ballot and/or the welfarist and just policies of government – is the basis of governmental legitimacy, it will be futile and indeed preposterous to presume the continued existence of that consent or will in favour of the governments involved in the above-listed acts. Hence, it would seem right, and even compelling, to conclude that the governments concerned have lost their legitimacy.

One reason, however, why many African governments are unable to design or implement meaningful welfarist or democratization programmes needs to be pointed out. It has to do with the general national poverty of many African countries. There is no doubt a consistent relationship between national poverty and the level of welfarism and democratization. The very parlous state of the economy in many African countries today would not enable governments to sustain an acceptable level of welfarism and democratization. Quite apart from endemic corruption (for which African governments have no excuse), there is an external factor in the economic situation. Africa's foreign indebtedness today stands at nearly 400 billion US dollars, while debt servicing alone takes over 30 billion annually.30 This utterly dismal picture once moved Justice C.A. Oputa, formerly of the Supreme Court of Nigeria, to lament that "the tragedy of many African coun-
tries is the monster of global structural injustice" which, according to Dr. E. K. Quashigah, "continues to choke many African nations pushing them deeper and deeper into economic doldrums".

4. Consequences of the Loss of Legitimacy.

Four principal consequences, one political and three legal, flow from the loss of governmental legitimacy. The consequences may be identified and explained as follows:

(1) Political insecurity. A government which lacks legitimacy becomes and feels politically insecure. That being the case, it becomes also politically temperamental and irritable in an attempt to cover its inadequacy and clothes itself with a superficial garb of authority. At the least pretext, it brandishes naked authority. In that way, the government sinks deeper and deeper into dictatorship and insensitivity and becomes liable to intensify those acts, as enumerated above, associated with loss of legitimacy, such as repression and persecution of political opponents and critics, abuse of human rights, contempt for the judiciary, etc. Ironically, by getting more involved in these acts of repression, the illegitimate government quickens its own demise, for the acts in turn provoke social and political agitation from the people. It is a veritable illustration of the biblical warning that "no one can escape from the consequences of his sin".

(2) Loss of right to govern. A government which lacks legitimacy thereby loses the legal right to govern. Its laws, strictly speaking, have no binding force. But since such a government is in de facto control of all the state apparatus of force, including the army and police, it is akin to a group of armed bandits who seize control of an assembly of persons. Such an armed group will of course be able to command obedience from the assembly because the people are obliged to obey the bandits out of fear or by force of arms and not because they are obligated - or duty bound - to obey them. This view may, of course, find no favour with adherents of traditional legal positivism. But in the neo-naturalist
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posture we have adopted, the laws made by an illegitimate regime, even de facto in control, will have no strict force of law\textsuperscript{36} because such a regime has no right to obedience. What, after all, is law but an instrumentality for harnessing the right of the law-giver to obedience of the citizens and a corresponding duty of its citizens to obey that law? According to Professor Bodenheimer:\textsuperscript{37}

\begin{quote}
A statute or decree may cease to be valid where the contrast between positive law and justice becomes so unbearable that the positive law being false must yield to justice.
\end{quote}

(3) Citizens are absolved from duty of obedience. As earlier pointed out, one attribute of legitimacy on the part of the government is that its citizens owe to it a duty of habitual obedience. A corollary of the government becoming illegitimate and thereby losing the right to govern is that citizens of the state become absolved from the duty of obedience. Obedience, if and to the extent it continues, is due more to habit, fear or compulsion than to obligation.

(4) Citizens acquire right and duty to change the government. An illegitimate government, being emptied of any right to govern, is technically a usurper, holding the citizens to ransom. This being the case, the citizens have a right, indeed a duty, to remove the government. To refer again to the immortal words of the American Declaration of Independence: whenever any government becomes destructive of the very ends for which it is established - thus (as we argued) becoming illegitimate - "it is the right of the people to alter or abolish it and institute a new government". Civilian and military revolts, founded on this principle, to remove dictatorial, sit-tight and illegitimate regimes have been rampant in African countries, including Uganda, Angola, Liberia, Somalia, South Africa, and so on.

Also recently in Nigeria, a former Head of State, General Olusegun Obasanjo, leading a new Association - the Association for Democracy and Good Governance of Nigeria (ADGN) - publicly joined other Nigerians in declaring the eight-years sit-tight military regime of General Ibrahim Babangida illegitimate, and called on all Nigerians to remove the regime.
through "a coup, massive protests and civil disobedience throughout the country." The adverse social and economic implications of governments allowing situations of this kind to arise should be clear to future leaders in Africa.

5. Conclusion: Safeguards Against Governmental Illegitimacy.

It has been urged in this paper there exists a right of African peoples to democracy and legitimate government. This is a right, not a privilege, guaranteed in international law. Indeed as most contemporary international lawyers know today, the right to democracy flowing from the right of self-determination of peoples, is no longer a question of domestic jurisdiction of states since its inclusion in several international legal conventions and treaties has taken it out from the internal affairs of states and placed it on the international plane. The domestic jurisdiction of a state is the sum total of matters left over from those which have been transferred to the international plane by states in exercise of their sovereign power to make treaties. Thus, we are of the view that African peoples, and indeed all other peoples, have a right to legitimate their governments if necessary by appropriate mass resistance and the use of at least defensive force. Professor Dunn has articulated the philosophical basis of such a stand thus:

To assert ... that The Revolutions of Government are not the subjects duty but God's prerogative' was simple function of power... The Greek Christians (and all peoples) have a continuing right of resistance to their Turkish masters (and all other illegitimate governments). They have never chosen the framework under which they live....

The right of the people voluntarily to take up arms in assertion of political freedom and government is a long established principle of both municipal systems and the international legal regime.

Lastly, we wish to state in passing that the practice of most States have in the recent past tended to lean in favour of
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cconcern for the human rights record of other states based on the removal of the issue of human and group fundamental rights to the international domain. Accordingly, the international community ought to employ every mechanism at its disposal both as aid and enforcement, to ensure that African dictators and sit-tight leaders are thrown out of office by the popular will.

We commend the recent United Nation's effort in Liberia, Togo, Somalia and even far away Cambodia. This is the age of our being our brother's keeper and this is the age of freedom guaranteed by collective security, and thus the collective will.

It is only hoped that African tyrants and illegitimate governments will hearken to the voices of freedom rising in pitch each moment and give way to popular participation in government as specifically guaranteed by Article 13 of the African Charter on Human and Peoples' Rights to which most countries are signatory, and have ratified. The beneficial implications for such change will, as we have shown, be tremendous. In this connection it is hoped that the Organization of African Unity will rise up to the demands of contemporary international relations and act appropriately on occasions in defence of human rights and democracy so that Africa will avoid another Somalia or Liberia.

There is perhaps no better way to end this paper than to refer with respect to the call by the former Zimbabwean President, Canaan Banana, on the Organization of Africa Unity at its recent Cairo Summit, to bar dictators from the Summit. According to him, the Organization's objective of achieving an enduring peace among states would be unattainable unless such a policy is enforced. He declared:

The recipe for durable peace in the continent resides in the establishment of unfettered freedom and democratic culture. We have as an organization to rid Africa of the notorious dictators that have held the majority of the people on the continent to ransom on account of unbridled political ambition.

This is where the present writer stands.
REFERENCE NOTES


2. [1961] 1 All N.L.R. 186.

3. See e.g. Art. 1 of the Montevideo Convention on the Rights and Duties of States, 1933 which lists among the four essential characteristics of a State the existence of a government.


8. See, e.g. Date-Bah (1971) 20 C.L.Q. 17.


10. For example, in the Federal Republic of Nigeria Constitution 1989, it is provided in s. 15 (1) that: "The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice".


13. The concept of 'the rule of law' is distinguishable from that of 'rule by law'. The former implies equality before the law, that is, an unquestioning obligation upon all citizens (regardless of status or position) to obey the law. The latter concept, on the other hand, involves government by law or decrees. The Babangida Administration in Nigeria during the last two or three years has been stigmatized by its numerous critics as ruling by decrees.
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15. See Russel L. Barsh, op. cit., p. 121.


19. It was so called because the National Electoral Commission (NEC) which designed it, actually produced several "Options" (or modules) of MOBS, from which Option A4 was chosen by the Government.

20. Nevertheless, the election was unilaterally and - as universally believed - unjustifiably and tendentiously annulled by the military President of Nigeria, General Ibrahim Babangida, thereby plunging the country into an unprecedented political crisis. The annulment has been described by a former Nigerian Head of State, General Olusegun Obasanjo, as "a military coup d'etat" against the people of Nigeria. See The Guardian, Wed. July 14, 1993, p. 1.

21. See e.g. the Constitution of the Federal Republic of Nigeria 1989, ss. 69 - 77 and ss. 110 - 117.


35. This, briefly, is the philosophy that a rule is law properly so-called and demanding of obedience only because it has been formally enacted by the sovereign law-maker and no more. On legal positivism, see generally Dias, Jurisprudence. London: Butterworths, 1976, ch. 15; Hart, op cit., pp. 181 - 182 and 253-254.


40. Dunn, op.cit.

41. See e.g. Eze, op.cit.


1. For Sovereign National Conferences in post-colonial Africa:
A Review Article of,


A Sovereign national conference to examine the national question! This is the clarion call of human rights groups and other concerned groups and individuals in Nigeria. The former military president, Ibrahim Babangida, thought that such a conference would be an exercise in futility. According to him, the two houses of the national assembly, which were recently disbanded by the new military rulers, were already discussing the crucial issues affecting the nation. However, the call became louder after the Babangida deceit and with the return of the military under Sani Abacha. The Abacha junta played into the hands of the supporters of the national conference, or wished to mollify them, by calling for a "constitutional conference". If such a conference takes place, it will be the third under military dictatorship (1979, 1989, 1994). It appears to be the thinking of the new regime that a constitutional conference will be more effective than the national conference. But a "sovereign national conference" may, from experience, be very much different from a constitutional conference. This may become clear in this review article.

In his book, Les Conférences nationales en Afrique noire, Eboussi Boulaga treats the issue at length. The book was prompted by the national conferences held in Franco-phone Western and Central Africa (Mali, Niger, Togo, Benin Republic, Congo and Zaire). The on-going crisis in some of these countries shows that holding a conference is not like swishing a magic wand. However, the experience in itself, Eboussi argues, must be recorded and its potentialities for
The book is divided into two parts. In the first part, Eboussi chronicles, in the style of the journalist, the origin of this novelty, the "sovereign national conference", in Benin republic. The Benin assembly appears in many ways to be a rebirth of traditional African pattern of dialogue (African palaver). In the second section he takes the reader through a "philosophical trip", in order to situate the foundations of the national conferences which had taken place in Mali, Niger, Benin, Togo, Congo and Zaire. It is in this philosophical meditation that Eboussi teases out the root causes of the unparalleled cruelty and State terror that characterize post-colonial Africa, and the salvific lessons to be drawn from the national conferences. In an appendix the editors incorporated some texts of the resolutions of the national conferences.

1. The Experience of Benin Republic.

The immediate motivators of the national conference in Benin are the mass of people who have seen through the phoney of Marxism copied from Albania: civil service employees whose salary arrears remained unpaid, students demanding bursaries that are unremitted, teachers, and trade unions established by government. These and many more who were paying the heavy prize for the economic indiscipline of the ruling class trooped into the streets, defied bans on assemblies and demonstrations, and burnt effigies of their president (Kerekou). There were other groups who made an impact, directly or indirectly, on the convocation or the realisation of the aims of the conference. Top on the list of these are Beninois living in exile and religious leaders.

Beninois living abroad or in exile used their connections to influence international finance houses to force Kerekou to make concessions, democratize, and grant amnesty to all exiles. Religious leaders, and religion itself, played a non-negligible role in all the national conferences. With the exception of Niger, all the other conferences were chaired by catholic bishops. In Benin the chairmanship of the conference
by the auxiliary bishop of Cotonou – Isidore de Souza – saved the conference from certain disaster. In addition, the insistent preaching in the churches on pardon, repentance and reconciliation, especially in Benin and Congo, was the crucial means of appeasing a people enraged by the revelations of cruelty, brutality, murders, elimination of opponents, embezzlement of public funds etc., which emerged during the sitting of the national conferences. According to Eboussi, "People never prayed so much in Benin and Congo as they did during the national conferences" (p. 50).

The anti-government uprising whose immediate cause was the unbearable economic conditions testifies to the collapse of the institutions of governance because of the loss of credibility. Kerekou could have followed the advise of the hawks – hard-core communists – to crush the rebellion. But he decided to "invent" the "national conference" which would assemble Beninois from all walks of life to discuss the national question. The expression "national conference" came from Kerekou himself (p. 66). In his opening address to the conference, Kerekou insisted that the assembly was not a tribunal nor should its convocation be interpreted in terms of victor–vanquished. Rather, the conference should set up a political platform for the emergence of a consensus on issues affecting the nation.

What irked the assembled Beninois representing various groups and segments of society [groups whose voice has been more or less suppressed throughout the 17 years of Marxist dictatorship], is how a government with such a stinking record of decay, inhumanity, robbery of the treasury, etc., could behave as if it is indispensable. Consequently the preliminal, though crucial and radical, question was posed as to the power of the national conference. Alexis Hountondji, a medical practitioner with little political experience, proposed the motion to the assembled delegates, "The national conference proclaims its sovereignty and the supremacy of its decisions" (p. 72). The statement was not part of the standing order. The debate was stormy. Supporters of the old regime attacked the motion ferociously. Then, Kerekou himself decided to appear before the assembly to answer its questions: there was no question of his government resign-
ing; but the cabinet could be reshuffled. Besides, what did a person like Nicéphore Soglo do as World Bank administrator to help shore up the economy of Benin which he now feels justified to sit in the conference and judge as a wreckage? It was the critical and opportune time for Soglo, thrown into the limelight by the president's outbursts, to score a major political gain. His response to the president's attack was respectful, moderate, but forceful. He had warned Kerekou about the on-coming economic disaster; had given his advice, but it was not heeded!

The timely intervention of Mgr Isidore de Souza with the president, saved the conference, and brought it to a successful end. A vote was taken on the issue of the sovereignty of the national conference. There were 370 delegates in favour and 17 against. The sovereignty of the conference was to ensure that action followed discourse. At the conclusion of the conference which had been sitting for twelve days, the resolutions were presented to the president. Kerekou, finally, declared his commitment to carry out the resolutions of the conference on February 28 1990. On August 1, 1991, Nicéphore Soglo took the oath of office as the elected president of the republic.

2. Foundational Questions About the Sovereign National Conference.

Eboussi felt the need for a philosophical reflection on the national conference and the issues raised during its sitting so that such a momentous event may not be reduced to the banal, to mere prattle. In words drawn from the world of symbolism he describes the conference as the "revelation of a new spirit, a flashing flare, a luminous signal that the future projects". Consequently, it harbours amazing possibilities for interpreting or unveiling our history (p. 9). The memory of cruelty and inhumanity conjured during the sitting of the conference is described in Marxian terms as the "expression of total alienation and an equally radical protest against such an alienation, its disclosure" (p. 20). Following the prevailing mood of the conference, Eboussi's philosophical meditation on the conference is from the under-side of history: i.e. the
poor, the silenced beasts of burden, those who bore the burden of the State. They are the "radical witness" of a history of unjust, useless and enormous human suffering stretching from the period of slavery through colonialism to the post-colonial period. The reality of a terrible past of which we are accomplices.

The shocking revelations of cruelty during the sitting of the national conferences make one to reflect on the enormity of "man-made" evil in sub-Saharan Africa and to wonder at the insensitivity of the African elite to this evil situation. Why is it that the ruling class has to be coaxed and cajoled, pressurized and threatened to respect the human dignity of fellow Africans (fellow human beings)? What controlling ideology undergirds the exercise of power in post-colonial Africa to yield this dividend of inhumanity? To answer this question, according to Eboussi, is to get to the roots of the pathological abuse of power and the cultivation of a State of violence. Eboussi unveils the roots of the pathology in four theorems, and then shows how the national conference is the antithesis of the prevailing ideology. (a) African independence was a ratification and renewal of a situation of heteronomy. Ethnic groups were artificially linked. There was no mutual and creative encounter between the groups. Their medium of encounter was their master's language, interests, and values. Unity became weakness. (b) The idealized heteronomy transforms the colonies into ideological States. The emergent States are not living organisms because the history and traditions of African societies are despised as archaisms. Western patterns of government took flesh miraculously (through incarnation or transubstantiation) in Africa. (c) The emergent fetish State which is out of touch with African reality is structural falsehood and murderous violence. The State defines itself without and against the people. A deep misunderstanding reigns, leading to the destruction of the very basis of human and political life: a distortion of language or speech, taboo or law, resulting in loss of trust or credibility. (d) Consequently, the fetish State is a return to the state of nature. In the situation of domination by the privileged few and the servitude of the majority, barbarism reigns supreme: the rulers ratify and
renew slavery and colonization through their actions. The army is effectively used against the society. With the depersonalization of humans in Africa, any level of social or political evil is taken to be normal. Such an enthronement of structural evil makes the fetish State irreformable. Only a revolution like the sovereign national conference may establish a new beginning.

The institutional crisis of the African State underlines the objective of the sovereign national conference. Eboussi defines its aim as "establishing individuals and heterogenous groups, [artificially] tied together by a monstrous system, into one community of destiny articulated in the form of word and freedom" (pp. 126-127). The realisation of this objective of the national conference would move Africa out of the jungle of idolatry ("statolatry"), falsehood, robbery and murder. It is a restoration of language and word as means of communication, a reestablishment of credibility and belief in political institutions. In the symbolic language of myth and ritual, the narrative of the negative experiences and its ritualization by the assembled national conference is, according to Eboussi, a victory over idolatry, falsehood, etc. As a beginning, a new beginning, the national conference realises within itself its very objective. The following models, derived from the science of anthropology, may demarcate any national conference which may be held or may have been held in Africa: festivity - it is a festival of new found liberty; play - every beginning contains the ludic element; as play the conference is its own end; therapy - the conference is a ritual which symbolically names the malady in order to heal the whole body and save it from instant death; palaver - it is the reemergence of the African pattern of dialogue where all have the right to speak; in this way communal problems are resolved and the communal meal ritualizes the reestablished harmony; initiation - the conference is a ritual passage through which the generation gap is bridged, the society is rebuilt on the ancestral foundations, individuals are transformed [through a process of healing and expiation as in the Beti So ritual], illusions are banished and each member of the society assumes his or her responsibility.

The story of the national conferences held in Africa is not
recounted simply to inform. Rather it brings out salient factors or attitudes which constitute Africa, attitudes or values which are foundational to the nature of the African, the cultural matrix which must be taken on board as Africa dialogues with modernity. The sovereign national conference shows us the way to modernize without losing our identity: "The actualization of our culture makes us subjects and agents of the universal civilization of which science and technology are the form and necessary condition" (p. 169). In the national conference the core of a civilization, as described in the myth-ritual and ethical characteristics, become active and creative; and the creative encounter of diverse cultures is shown to be possible. Consequently, as Eboussi concludes, the national conference is a project to be continued.

3. Concluding Reflections.

The convocation and assembling of national conferences are not only good for post-colonial Africa but have been shown to be an imperious necessity. The national conference is not seditious. Incumbent governments, no matter how unpopular, are responsible for their convocation. The greatest benefit derived from the national conference is the establishment of the foundations for the emergence of civil society; a society to which the State is subject and which is served by the State. The emergence of such a society where harmony and consensus may reign must be the result of frank dialogue. Problems which beset us must be off-loaded through free speech and just action. As the African native wisdom insists, one either speaks or dies.

In Nigeria, the military and opportunistic political class, do not see government as under civil society, rather government must hold civil society hostage. Instead of a state of law to protect humane living, we have a state of barbarism where monstrous decrees protect the ruling military elite. In Nigeria the military are scared of a national conference to discuss the national question because such a conference forebodes the erosion of the privileges of the few over against the dominated majority. Some believe that to discuss the national question or
to reevaluate federalism may lead to the disintegration of the nation along ethnic or tribal lines. But they overlook the gross injustice of one or two ethnic groups taking others hostage through the monopoly of State or economic power. Our cohabitation has not been based on core values, mutual interests and objectives emanating from frank dialogue where the freedom of each group is respected.

The time is ripe for all segments of the Nigerian society, all regions and ethnic groups, all associations — religious, professional or otherwise — to assemble and discuss the national question, in order to lay the firm foundation for the emergence of a Nigerian nation. Eboussi has shown us in his book that such a conference, whose agenda must vary in accordance with the divergent situations and histories of the amalgamated societies, has the potentialities of carrying Africa forward. Those who oppose it, and deny the voice of the majority because they hold military power, are the real enemies of progress. Progress in Nigeria and in post-colonial Africa must be built upon the firm foundations of truthfulness and liberty.

Elochukwu E. Uzukwu.


General Obasanjo's farm is useful to Nigeria for at least two reasons. First, it helps feed a hungry nation. Second, it provides a haven for creative thinking in the service of the nation. Elements of Democracy is a fruit of such a creative thinking. It is the outcome of a number of dialogues, by intellectuals of international fame, on democracy. These dialogues took place when Nigerians were trying to make sense of Babangida's program for transition to democracy. The circumstances of the time dictated the topics discussed by the participants in the Farm House Dialogue; informed the
conclusions they reached, and determined the recommendations they made to the government. Their overriding concern is to secure a stable democracy in Nigeria. This concern is the guiding thread of the arguments of the book. It makes it easier to appreciate the many recommendations by the book.

The book contains eleven chapters, a detailed and very useful index, and a complete list of the names and addresses of the participants in the Democracy Dialogue. The contents of the eleven chapters form a very good analysis of the dynamics of a once-colonized African nation struggling to define its identity, and to articulate a vision of its future, using the ideal of democracy as a guide. While maintaining that democracy is the way out, the book insists that democracy as defined by the West is not for Nigeria given: the prevailing level of poverty and illiteracy; the resilience of traditional institutions; the dominant presence of an over-politicized military which has subjected the nation to so many years of government by decrees with its attendant flagrant abuse of human rights; and the peculiar nature of Nigeria as a multi-national nation characterized by religious pluralism.

It is clear from the book that the Nigerian terrain is an over-determined one. Any meaningful project of building a political democracy in it must take into account the insights gained from a thorough analysis of this terrain.

For at least three reasons, the book will outlive the establishment of a viable democracy in Nigeria. First, future historians will always find it a useful reference material in their bid to reconstruct the period in Nigerian history when a starving nation was ruled by decrees by an over-politicized military which lacked the will to effect a change in the direction of greater freedom for all. Second, the penetrating and insightful analysis of the different forces at work in Nigeria will always make it easier to appreciate the difficulties involved in governing a complex nation. Third, its insistent demand for an African-styled democracy will always be seen as prophetic. Its warning is unmistakable: to be rooted in its traditional values is the most effective way of securing a nation's identity in the family of nations. For these reasons and more, the book is destined to reward any reading, no matter how casual.
To be more rewarding, however, a number of issues raised in the book needs to be fine-tuned by a future edition. Four of these come readily to mind.

First, a future edition should tidy up the concept of African democracy. Present attempts to define "democracy" in the book are, at best, only restatements of some of the very many definitions available in the West (see pp. 2, 12, 118). It is not enough to insist that Western-styled democracy is not for Africa (pp. 30, 40, 98 and 179 for example). A coherent concept of African democracy is necessary to guard against the concept becoming so fuzzy that forms of government like gerontocracy qualify for membership in a summit of democracies.

Second, the book urges a radical transformation of the electoral attitude of the populace (p. 7). This transformation is seen as necessary for establishing democracy in Nigeria. But if the Nigerian situation is as corrupt as the analysis leads one to believe, the reader needs to be told how the transformation will hopefully be effected. Who, for example, is the subject of this transformation process? The corrupt military? The inexperienced politicians who exploit ethnic and religious sentiments for their selfish ends? This is the thorny question Karl Marx raised years ago: Who educates the educator?

Third, a future edition should reproduce, in the interest of the readers, a good chunk of the arguments of the Dialogue. Most of what we have in the book (apart from the papers presented by some of the participants) are conclusions reached by the participants and recommendations made by them. This explains the copious use of such expressions as: "The Dialogue noted", "The Dialogue agreed", "The Dialogue observed", etc.

Fourth, a future edition should examine more critically the link between human nature and democracy. In its present form, the link is simply asserted, not argued (p. 106). It will be interesting to know which of the many theories of human nature should ground the theory and practice of democracy in the African context.

In spite of these and similar gaps to be filled by a future edition, Elements of Democracy remains a significant contri-
bution to the project of building a stable democracy in Nigeria. It is a book that has to be read by all interested in moving countries like Nigeria in a direction that resounds with more freedom for all.

Iwuchukwu Oliver. Spiritan School of Philosophy, Isienu-Nsukka.
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