

system of dumping multiple ballot papers.

Again, there is the fear that education, *per se*, is not an insurance against fraud. In fact, it was obvious that many of the most corrupt politicians of the last regime were university trained lawyers, doctors, teachers and university lecturers, while most of those who stood against corruption and resisted the regime until the Army intervened, were stark illiterates!

#### THE PATH TO NATIONAL UNITY

The conclusion that one can reach is that in Nigeria, today, thoughts on the constitution have not crystallised. Most people are still pouring invective on the former politicians, although if they return tomorrow they will receive wide ovations from many quarters. One thing is clear. That is, that Nigeria will never

be the same as it was before January 15. We are set along the path of national unity. It is sure that the influence of the Army has come to stay and check political excesses. The extent to which the new urge to oneness has really permeated the society cannot be assessed. The fear of the army does not permit centrifugal tendencies and separatist actions to rear their heads yet. What is evident is that a lot of water has passed under the bridge and divisionists are not likely to find equally fertile ground for their doctrines as they did before the January revolution.

The outside world has been expecting a volcanic eruption, a North-South polarised conflict. It may never happen. It will be an ill-wind that will not benefit anybody. It is unlikely. The new regime has mass support. It is, so far, doing fine. ●

## After Nigeria's 100 days

## 2—The failure of liberal democracy through federalism

A Review by  
SUZANNE CRONJE

*Nigeria: The Tribes, The Nation, or The Race*  
by F. A. O. Schwarz, Jr. (M.I.T. Press,  
75s.)

TWO WEEKS AFTER this book was published at the end of December, the situation which it set out to describe had ceased to exist. At first glance this fact may seem a pity for Mr. Schwarz, whose painstaking account of the political developments in Nigeria can now no longer serve as a guide to what many people consider the most confusing political scene in the world. The January military coup put an end to all the parties, alliances, regional and federal balances and alignments, and to some of the politicians as well. However, Mr. Schwarz's work is far from lost. Nigeria is about to reconstitute herself. General Aguiyi-Ironsi has recently instructed the Constitutional Review Study Group — on whose recommendations the future shape of Nigeria will largely depend — to "identify constitutional problems in the context of One Nigeria." In particular, the group is to discover those faults in the former Nigerian constitution which militated against national unity, and to ascertain how far the powers of the former regional governments "fostered regionalism and weakened the central government."

This is the very subject with which Mr. Schwarz occupies himself in his book, which is therefore of greater topical interest even than its author could have intended. Nigeria's political history has as its dominant theme the identification of region, tribe and political party: before January this year, each of the major parties was solidly supported by one of the regional ethnic majorities: the Action Group (AG) by the Yoruba of the Western Region, the National Congress of Nigerian Citizens (NCNC) by the Ibo of the Eastern Region and the Northern Peoples Congress (NPC) by the Hausa of the Northern Region. The federation started independence in 1960 as an entity composed of these three groupings (the Mid-Western Region was carved out of the Western Region at the end of 1963 to give the largely Edo-speaking peoples of this part of the country more autonomy; it supported the NCNC, and its creation was a political move against the AG in the Western Region).

The political balance of Nigeria was determined by tribal sentiments rather than ideological considerations. Of course, each of the regions contained a number of ethnic minorities whose rights were to be safeguarded against the concentration of political power in the hands of the predominant tribe. Linked to this was the imbalance in the size of the regions, with the North greater in area and population than all the other regions combined. This added to the fears of the minorities the fear in the South of

political domination by the North — a fear which later proved to be only too well justified. It was this built-in Northern predominance which finally led to the break-down of Nigeria's political system, and Mr. Schwarz's book contains a very illuminating chapter on the pre-independence Minorities Commission which failed to find in favour of the creation of more regions or states which might have cut the size and thus the political power of the North to more reasonable proportions. The Commission under the chairmanship of Sir Henry Willink feared that the creation of new regions would perpetuate tribal differences and set back efforts to build a nation. It put its faith in liberal democracy and parliamentary government: "votes will count and in the last resort it is the votes that will win fair treatment for the minorities".

At the same time, as Mr. Schwarz points out, the Commission appeared to fear too much democracy too fast. It argued against the transfer of the Yoruba-speaking areas of the Northern Middle Belt to the Western Region on the grounds that many people would suffer by the "revolutionary speeding up" of the area's democratisation that would follow such a step: "There had, to be sure, been votes by a number of local government bodies in favour of joining the West, but the Commission said it was not sure the people had understood the issue when they chose their representatives." There are many Nigerians who are convinced that the predominance of the pro-British North in Nigeria's political set-up was nothing but a neo-colonialist device to perpetuate British influence after independence, and Mr. Schwarz supports this view by saying, "It may also be that it (the British government) believed that the existing system with three large regions dominated by the North helped the conservative forces which it probably hoped would rule Nigeria".

IT WAS BRITISH POLICY which insisted on the regions and thus prejudiced Nigeria's chances of success; and Mr. Schwarz, whilst being critical of the composition of the federation and some of its institutions, tends to the view that a federal system was the necessary framework to accommodate the country's diverse entities: ". . . the system should probably be credited with enabling Nigeria's 50 million people to form a nation. The significant question to ask is not whether Nigeria is better off with or without a federal system. The significant questions are two. First, does Nigeria's federal system tend to accentuate or to mute the jealousies between the country's groups, large and small? Second, is its federal constitution capable of growing with the nation?"

To the second of these questions, Mr. Schwarz's answer is an unequivocal yes. "The powers of the national government are flexible

and capable of growing with the country and with sentiment for their use." He points out that the weakness of the federal government did not result from the constitution but from the fact that it did not choose to exercise all the power given to it. To the question whether regional and tribal jealousies were enshrined in Nigeria's federal set-up, Mr. Schwarz's attitude is less clear. On the one hand he regarded the trend towards single-party control of Nigeria's regions as dangerous: "The present party system and recent developments reflect and at the same time keep alive the ethnic divisions that could worsen to destroy the Nigerian federation. Time should be on the side of evolution toward greater national unity. But as the parties become entrenched in power in their respective regions there are dangers of a rigidity that will retard or prevent that evolution." On the other hand he regarded the regional system as a safeguard for democracy: "Under the present political set-up no single group is strong enough to impose its will on the others. The federal system, which protects the regions as relatively autonomous bases for the power of different political parties, has helped immeasurably to protect, preserve, and even create that balance of power."

But despite his conclusion that "the federal aspects of Nigeria's Constitution must be rated as very successful," he recognised that the rigidity caused by the one-party trend in the regions made it difficult, if not impossible, for political parties to broaden their bases as democratic theory would have them do: "Any existing party which attempted to become truly national through the adoption of an ideology that would appeal to an economic class from all ethnic groups would have to face an internal party upheaval." This diagnosis, which puts its finger on the main cause of Nigeria's political ills, is amply illustrated by the sad case history of the Action Group. "So long as the Action Group was a party of the Yoruba, or of the Yoruba plus minorities in the other regions seeking new states, so long as it was a party concerned primarily with the winning of independence or with the proper type of constitution for an independent Nigeria, it would hold together. When it attempted to pass beyond that it split." And it was this split, of course, which provided the immediate cause for the rigging of the 1965 Western Regional elections, the subsequent breakdown of law and order in the region, and for the military take-over.

THE EVENTS OF JANUARY 15TH practically wiped Nigeria's political parties off the scene. Although they were not outlawed, it was as if they had ceased to exist. In the North, the powerful NPC had been built around the aristocratic figure of the Northern Premier, the Sardauna of Sokoto. With his death, and with the take-over of the regional government by the military authorities, the party, which depended on traditional loyalties and on patronage for support, disintegrated. It had never been a mass party and had never constructed for itself any ideological basis, relying for its appeal on the tribal antagonisms and religious fears which it engendered among the Northern population. It had monopolised power in the North, and its passing left a political vacuum in that huge region. Its ally in the Western Region — the ruling Nigerian National Democratic Party (NNDP), the smaller of the two groups into which the AG had split — also disappeared almost without trace. It had been a majority party whose unpopular rule had set off the violence and political unrest which occasioned the military coup; it too had relied on the powers of coercion and persuasion for most of the support it enjoyed, and it lost its appeal when it lost office.

The passing of the NNDP should not have left a political vacuum, since the majority in that region supported the United Progressive Grand Alliance (UPGA) — a political front which combined the NCNC, the AG, and the small opposition parties in the North — and which enjoyed majority support throughout the South. In theory, the UPGA should have benefited from the new order. It was opposed to the Northern domination of the federal government, its enemies were the NPC and the NNDP which the military take-over had destroyed, and it consisted of mass-parties which depended to a much smaller extent on the instruments of political power to enlist or compel support. The UPGA might therefore have been expected to survive the loss of office which its main component, the NCNC, suffered in the Eastern and Mid-Western Regions as a result of the military take-over. However, even the UPGA seems to have lost most of its impetus after January 15th. Its main purpose had been to resist the domination of the North, and once this was broken through the army officers' uprising, it found itself without its immediate and overriding cause. The destruction of regionalism in Nigeria has brought with it the destruction of Nigeria's political organisations.

IT IS EASY TO SPEAK with hindsight, but if the events of January 15th have proved anything, it is that Nigeria's unconstructive tribal politics were the result of the country's regional structure. Ethnic considerations would never have assumed the importance they did had they not been provided with power-bases to entrench sectional interests. It is only fair to say that Mr. Schwarz seems to suspect this throughout the book, and that he makes his conclusions regarding the successful functioning of Nigeria's federal system dependent on the existence of liberal democracy. Liberal democracy in Nigeria had, however, broken down long before the book was written, one may ask if it ever existed.

Of this question, too, Mr. Schwarz seems

to be fully aware, and the most valuable of the chapters in his book deals with the constitution and democracy. Nigeria's constitution, although it enshrined human rights, spelled out so many exceptions that it lost much of its usefulness as an educative tool "with which to embue people with the spirit of liberty".

Mr. Schwarz remarks that, "spelling out the exceptions, as is done in the Nigerian Constitution, also makes it easier for a legislature to justify a restriction and a little more likely that a court will uphold a restriction of liberty . . . A legislature which has before it a bill restricting speech, or religious freedom, or movement, or a court which has before it the bill made law, has to overcome a lesser hurdle, and less moral and psychological resistance, when before it lies the inviting and reassuring lure of the multipurpose exceptions that are in the Nigerian Constitution."

This is one defect which Nigeria's new constitution makers can remedy. The new administration under General Ironsi has since its take-over declared itself against regionalism, tribalism and corruption, and it is very unlikely that the new constitution will repeat the mistake of regionalising the country in a way that might allow tribal sentiment to serve political purposes.

The old political system is fortunately dead; the new one will presumably be built on ideological principles, taking account of Nigeria's social and economic needs. Indeed, even under the old order there were the more radical left-wing parties — incipient, perhaps — which eschewed regional and tribal loyalties. Mr. Schwarz deals with them somewhat perfunctorily; before January 15th they had little chance of succeeding. What their chances are in the new Nigeria remains to be seen; much depends on the constitution-making which is now under way. Mr. Schwarz's book, which like some of his previous work is particularly interesting on Nigeria's fiscal arrangements, comes at the right time. If some of his conclusions are questionable, it must at least be said that his arguments are extremely stimulating.

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