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A Reconsideration of the human rights violations investigations commission in Nigeria, 1966-1999.

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Abstract

This article reconsiders the Human Rights Violations Investigation Commission (HRVIC) in Nigeria, its anatomy, predicaments, and evidence of implementation of the report. The paper argues that the need for a detailed study of the HRVIC to capture its predicaments and implementation of the report by successive governments is long overdue. Military rule in Nigeria began in 1966 and lasted till 1999 with a history of human rights abuses and a reign of terror. To heal the wounds of prolonged authoritarian rule in the country, the HRVIC was established following the successes of other truth commissions in Africa, Latin and South America. Drawing on literature, qualitative data, as well as the theory of social change and the theory of transformative justice, the paper sheds light on the subject matter. This study reveals that the implementation of the HRVIC Report has begun with the posthumous award on Moshood Abiola, the Police Reforms, and the Prison Reforms among others. The study establishes that the predicaments of the commission emanated from the perceived target attack of the military class. At the heart of this discourse is the fact that comprehensive implementation of the report and a review of the Nigerian Constitution would probably set the stage for "true federalism and a new Nigeria."

Keywords

Commission, human rights-violations, HRVIC-Report, military-rule, Nigeria,

Introduction

The Human Rights Violations Investigation Commission in Nigeria otherwise known as the Oputa Commission was one of the peace-building efforts since 1966. The commission was set up by the democratically elected government of Olusegun Obasanjo

in 1999, to heal the wounds of prolonged military rule and human rights violations between 15 January 1966 and 28 May 1999.¹ It was also an attempt at peace-building among different ethnic groups, particularly; those that felt marginalised or deprived of the opportunity to rule the country. However, this experiment suffered a setback in the hands of the military class who felt that they were targeted for humiliation and consequently approached the court for justice. In the process, the constitutionality of the commission was challenged and an injunction obtained from the Supreme Court of Nigeria which made it difficult for the HRVIC to publish its report or obtain justice and truth for victims of human rights abuses from 1966 to 1999.² This paper is important because reconsideration of the HRVIC and its predicaments have not received adequate scholarly treatment. More importantly, are the emerging evidence that aspects of the HRVIC Report have been implemented without publicity by successive government contrary to the assumption that the HRVIC in Nigeria was a failed attempt.

Several works already exist on Nigeria's truth commission and these include Ikhariale; Ikhariale³; Zwanbin⁴; Adeyemo⁵; Yusuf ⁶;

¹ <http://www.OputaCommission.com> (2002). Synoptic Overview of HRVIC Report: Conclusions and Recommendations (Including "Chairman's Foreword" Presented to President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, Chief Olusegun Obasanjo GCFR submitted by Human Rights Violations Investigation Commission. May, 2002, accessed August 8, 2019; HRVIC Report Vol. 1-7 Available at

<http://www.justiceinperspective.org.za/images/nigeria/Nigeria%20puta%20Recommendations.pdf>. accessed May 2019.

² United States Institute of Peace, <https://www.printfriendly.com/p/5mSn8M>. accessed November 14, 2019, 1-4.

³ M. Ikhariale, "The Oputa Reports: An Unfinished Job," http://www.nigerdeltacongress.com/oarticles/oputa_reports.htm, 2008, 1-4, accessed October 12, 2019.

⁴ E. Zwanbin, "The Challenges of Transitional Justice in Nigeria: Echoes from the Oputa Panel, 1999," *Journal of Language, Technology and Entrepreneurship in Africa* 8, 2(2017): 73-91.

⁵ D.D. Adeyemo, "Transitional Justice after the Military Regimes in Nigeria: a Failed Attempt," Unpublished LLM Degree in Transnational Criminal Justice, University of the Western Cape, South Africa. 2013.

Guaker⁷; and Akhiehiero⁸, among others. The interesting aspect of these studies lies in the fact that the authors discussed the task of the commission and its inability to achieve truth and justice without an in-depth analysis of the composition of the Nigerian state and her struggle for unity since 1914.

The authors also highlighted the objectives and mandate of the commission but were unable to conclude as to whether the mandate was adequate or not to prosecute perpetrators and provide justice to victims, these are some of the missing gaps. Also debatable was the hasty conclusion of Guaker and Adeyemo who in their different works claim that the commission was “a failed attempt” without a second look at the on-going implementation of the report which is of great concern to this paper.

My objective in this paper is to reconsider the HRVIC in Nigeria, 1999-2002, its predicaments and evidence of implementation of the report by successive administrations. It is an important aspect of knowledge because of the perceived attack on the military class and the broader issue of ethnicity. Therefore, this paper discusses the clarification of terms and theories, the background to Nigeria’s challenges, the anatomy of the HRVIC, the predicaments of the commission, as well as evidence of implementation of the report. The conclusion of the paper brings together the various arguments, findings and recommendations.

Clarification of Terms and Theories

This study is situated in the larger context of transitional justice, human rights abuses and authoritarian rule. A truth commission is a fact-finding process that borders on abuses of human rights. Its major task is to identify victims and perpetrators to forestall

⁶ H.O.Yusuf, “Travails of Truth: Achieving Justice for Victims of Impunity in Nigeria,” *The International Journal of Transitional Justice* 1 (2007): 268-286.

⁷ E. Guaker, “A study of the Nigerian truth commission and why it failed,” Unpublished Master’s Thesis, University of Bergensis, 2009.

⁸ P. Akhiehiero, “The Constitutionality and Powers of the Human Rights Violations Investigations Commission (Oputa Panel),” *University of Benin Law Journal* 7, 1 (2001/2002): 116-135.

future occurrence. According to some commentators, “a truth commission is an official body, often created by a national government to investigate, document, and report upon human rights abuses within a country over a specified period”⁹ As Hayner puts it:

Truth commissions are typically tasked with some or all of the following goals: to discover, clarify, and formally acknowledge past abuses; to address the needs of victims; to “counter impunity” and advance individual accountability; to outline institutional responsibility and recommend reforms, and to promote reconciliation and reduce conflict over the past.¹⁰

When we juxtaposed the views of both authors, we can deduce a common denominator and a confluence of ideas. In the first, both scholars agree that there must be human rights violations, authoritarian regime, victims, and government’s intention to ‘heal the wounds’. In the second sense, there must be government’s willingness to investigate, end the impunity of the autocrats and establish a rule of law. A truth commission is not a court of justice; it cannot punish offenders, rather it refers to its findings and recommendations to the government for further prosecution of offenders. This mechanism was employed in South and Latin American countries during the probe of the military juntas.

Two interrelated theories are useful to this study. These are the “theory of change”¹¹ and the “theory of transformative Justice.”¹²

⁹ R. G. Teitel, “Transitional Justice Genealogy,” *Harvard Human Rights Journal* (2003): 69-71; George Kasapas, “An Introduction to the Concept of Transitional Justice: Western Balkans and EU Conditionality,” UNISCI, Discussion Paper, no.18 (October 2008), 64.

¹⁰ P. B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed., (New York: Routledge Taylor and Francis Group, 2011), 20.

¹¹ Alfredo Ortiz Aragon and Alfredo Ortiz Macedo, “A Systemic Theories of Change: Approach for Purposeful Capacity Development,” *IDS Bulletin* 41(3)(2010): 89.

Though there exist other theories such as the theory of justice,¹³ liberal theory,¹⁴ and the realist approach,¹⁵ among others. The theory of change was propounded by Alfredo Ortiz Aragon and Alfredo Ortiz Macedo. According to the authors, the “theory of change can be understood in terms of setting out underlying assumptions about the relationships between desired outcomes and the way proposed interventions are expected to *bring them about*.”¹⁶ Extending the idea, Andrea Anderson pointed out that a “theory of change provides ‘a way to describe the set of assumptions that explain both the mini-steps that lead to a long-term goal and the connections between ...activities and the outcomes of an intervention.”¹⁷

Therefore, it is noted from the above that “theories of change” can have both negative and positive outcomes since it is based on assumptions and expected goals. In the case of Nigeria, the HRVIC was well-conceived but was ambushed by the military elite using the Supreme Court. The report was finally submitted but was not implemented at the time despite the good assumptions of government for reconciliation and peace-building and the long time goal of healing. On the other hand, Wendy Lambourne’s “Theory of Transformative Justice” is more appropriate for our discussion. According to the author, the theory of transformative justice “requires rethinking our focus on ‘transition’ as an interim process that links the past and the future, to ‘transformation’ that

¹² Wendy Lambourne, “Transformative justice, reconciliation and peace-building” in Susanne Buckley-Zistel, Teresa Koloma Beck, Christian Braun and Friederike Meith ed., *Transitional Justice Theories* (New York: Routledge, Taylor and Francis Group, 2014), 19-39.

¹³ D.A.Crocker, “Reckoning with Past Wrongs: A Normative Framework,” *Ethics and International Affairs*, (13) (1999):43-64.

¹⁴ J. Rawls, *A Theory of Justice* (Cambridge, M.A: Harvard University Press, 1971), 62.

¹⁵ D. Dyzenhaus, “Leviathan as a Theory of Transitional Justice,” in Williams, M.S., Nagy, R. and J. Elster (eds) *Transitional Justice* (New York: New York University Press, 2012).

¹⁶ Aragon and Macedo, “A Systemic Theories of Change,” 89, Quoted in Paul Gready and Simon Robins, “Transitional Justice and Theories of Change: Towards evaluation and understanding,” *International Journal of Transitional Justice* 14 (2020), 280-299 doi: 10.1093/ijtj/ijaa008.

¹⁷ Andrea A. Anderson, “Theory of Change as a Tool for Strategic Planning. A Report on Early Experiences” (New York: The Aspen Institute: Roundtable on Community Change, 2004), 2.

implies long-term, sustainable processes embedded in society....Transformative justice requires a transformation in social, economic and political structures and relationships.”¹⁸

The theory pays attention to psychosocial processes, socio-economic conditions and political contexts. The author emphasised that these elements have to be dealt with to enable the implementation of the rule of law, to stimulate the transformation of the antagonistic relationships between the parties to the conflict, and to build sustainable peace.¹⁹ When we juxtaposed the two theories, it is clear that events differ from country to country and what occurred in South America may not follow the same pattern and change in Africa. Besides, the field of transitional justice is extremely heterogeneous and laden with different schools of thought; therefore, no single theory (monocausal) can capture the complexities of conflict, human rights violations, peace-building and transitional justice.

Moreover, the HRVIC in Nigeria interrogated some of these elements - psychosocial processes, socio-economic conditions and political contexts in its quest for peace-building and reconciliation. The contemporary period has shown that some of the recommendations of the HRVIC have been implemented as underscored in an aspect of this study.

Background to Nigeria’s Challenges

Nigeria is one of the richest countries in Africa and sometimes referred to as the giant of Africa with a population of over 140 million.²⁰ It is made up of diverse ethnic groups, languages, and cultures. The dominant groups were the Yoruba, Hausa, and Igbo, and they had long been in contention for political space and hegemony. The country also boasts of some natural features such as the Rivers Niger and Benue, forest zone, and savannah

¹⁸ Wendy Lambourne, “Transformative justice, reconciliation and peace-building” in Susanne Buckley-Zistel, Teresa Koloma Beck, Christian Braun and Friederike Meith ed., *Transitional Justice Theories* (New York: Routledge, Taylor and Francis Group, 2014), 19-39.

¹⁹ Buckley-Zistel, Beck, Braun and Mieth, “Transitional justice theories: An introduction,” in Buckley-Zistel, Beck, Braun, and Meith ed., *Transitional Justice Theories*, 1-16.

²⁰ Max Siollun, ‘Preface’ *Oil, Politics and Violence, Nigeria’s Military Coup Culture* (1966-1976) (New York: Algora Publishing, 2009), 1.

grassland.²¹ On the economic front, the country thrived on agriculture, production and manufacturing, as well as trade.²² Available evidence suggests that it was the oil economy that changed the fortunes of the country but there was little to show in terms of development due to corruption and sectionalism of the political elite.

Before the coming of the British, the various ethnic groups had their political, economic, and social organisations, but were connected through inter-group relations. With the introduction of colonial rule and subsequent amalgamation of Southern and Northern Protectorates of Nigeria in 1914, obstacles to national integration were cleared for progressive political and economic unity. But the constitutional arrangement introduced by the colonial administration was lopsided and thus a legacy of maladministration and divide and rule policy which hampered nation-building.

As Smith underscored:

The world should hold the British accountable for an unstable Nigeria because, at independence, Britain did not hand over a model democracy, what they handed over were an arranged, custom-built democracy. The various pre-independence constitutional conferences in London were a charade to ensure that the talks went the way of Her Majesty's government.²³

Smith also averred that the new constitution for an independent Nigeria which emerged from the conferences of 1957-8 was the result of cooperation between the North, the East, and the British Government.²⁴ Also noted was the fact that the 1959 Federal

²¹ T. Falola, A. Mahadi, M. Uhomobhi and U. Anyanwu, *History of Nigeria Vol.1, Nigeria before 1800 AD* (Ikeja: Longman Nigeria, 1989), 14.

²² G.O. Ogunremi, "The Structure of Pre-Colonial Economy," in G. O. Ogunremi and E.K. Faluyi ed., *An Economic History of West Africa since 1750* (Ibadan: Rex Charles Publication, 1996), 14-30, specifically, 14-15.

²³ Harold Smith Quoted in Ayodele Akinkuotu, "The Evils the British Did," *Tell Magazine*, March 7, 2005, 33; Also see Cover Stories, "If Nigeria is Unstable, Hold the British," *Tell Magazine*, March 7, 2005, 34.

²⁴ Akinkuotu, "The Evils the British Did," 34.

Elections in Nigeria were rigged and coalitions formed even before the election results were known.²⁵ From the above one can deduce that colonial rule in Nigeria was one of the factors that hindered the unity and progress of the Nigerian State, it also laid the foundations of corrupt practices and election rigging.

Nigeria's political development after independence was fraught with challenges due to a constitutional crisis, regional, and ethnic politics.²⁶ Added to this, was the behaviour and unethical practices among the Nigerian political class which fostered sectionalism, nepotism, and prebendal politics.²⁷ These culminated in military intervention in 1966 with attendant human rights violations and the use of impunity. It was on the strength of ethnic and regional dichotomy that the Northern military officers launched a bloody putsch on July 29, 1966, that remove Aguiyi Ironsi regime because the first coup was tagged Igbo coup.²⁸

With the military incursion into politics, the Nigerian Constitution was suspended and replaced with decrees and repressive laws. Military rule continued until October 1979 when a short-lived democratic government was entrenched and lasted till December 1983 before it was overthrown by the Buhari/Idiagbo regime.²⁹ Since then, it had been one form of the military regime after another until 1999 when the Obasanjo civilian government came to power.

Therefore, to heal the wounds of prolonged military rule from 1966 to 1999 the Nigerian government established the HRVIC.³⁰ It was set up against the backdrop of successes of transitional

²⁵ Akinkuotu, "The Evils the British Did," 34.

²⁶ O. Nnoli, *Ethnic Politics in Nigeria* (Enugu: Fourth Dimension Publishing Co. Ltd, 1978), 215-217

²⁷ R.A. Joseph, *Democracy and Prebendal Politics in Nigeria, The Rise and Fall of the Second Republic*. (Ibadan: Spectrum Books Ltd. 1999), 5-6.

²⁸W. Alade Fawole, *Nigeria's External Relations and Foreign Policy Under Military Rule, 1966-1999* (Ile-Ife: Obafemi Awolowo University Press Ltd, 2003), 53.

²⁹ B. Onuoha and M. M. Fadakinte, ed., *Transition Politics in Nigeria 1970-1999* (Ikeja: Malthouse Press Ltd, 2002), 1.

³⁰ [http://:www. Oputa commission.](http://www.Oputa.commission)

justice in South Africa,³¹ Argentina,³² and Chile,³³ to mention but a few. As the Chairman of the Commission indicated, “In our comparative analyses of the work of truth commissions in Argentina, Chile, Guatemala, Uganda and South Africa...any society that has gone through the trauma of unbridled human rights violations and abuses is invariably confronted with a choice... revenge and/or Nuremberg-type trials; and (b) forgiveness and reconciliation.”³⁴

This implied that the commission made efforts to understand the workings of transitional justice in other countries contrary to the public assumption that there was no background investigation before the task, hence the cul-de-sac. In Nigeria, the option of ‘forgiveness and reconciliation’ was adopted on two grounds: First, the situation in the country at the time was volatile because the newly elected government in the country had not settled down in the office, hence the need for tact and diplomacy in order not to truncate the nascent democracy. This is why one of the commentators opined that amid a delicate transition, truth-telling can also increase tensions. Therefore, the government must enter this arena with care.³⁵

Second, the military junta that relinquished power to the democratically elected government left the stage unwillingly but with an eye for military intervention should the need arise. Therefore to blame the commission for its inability to prosecute the dictators at the time would have been likened to ‘stirring an active volcano.’ This is because it would not only have invited a reprisal, but ethnic tension in the land since most of the authoritarian Heads of State came from a section of the country.

³¹ J. L. Gibson, “The Contributions of Truth to Reconciliation: Lessons from South Africa,” *Journal of Conflict Resolution* 50, 3 (June 2006): 409-432.

³² K. Sikkink and C. Walling, “Argentina’s Contribution to Global Trends in Transitional Justice,” in Naomi Roht-Arriaza and Javier Mariezcurrena, eds., *Transitional Justice in the Twentieth-first Century, Beyond Truth Versus Justice* (London: Cambridge University Press, 2006), 301-324.

³³ A. B. de Brito, *Human Rights and Democratization in Latin America: Uruguay and Chile* (New York: Oxford University Press, 1997), 193.

³⁴ <http://www.oputa.commission>, 7.

³⁵ Hayner, *Unspeakable Truths*, 23.

These were some of the predicaments of the commission in the quest for truth, reconciliation, and justice.

The Anatomy of the Commission

The HRVIC in Nigeria was borne out of a desire to heal the wounds of past abuses caused by military rule for about three decades. At the outset, the commission was entrusted with the task of investigating human rights abuses that occurred between 1983 and 1998 and also given three months to accomplish its task. But the duration and scope were criticized by the Civil Liberty Organisation (CLO) and well-meaning individuals who noted that the time frame was restrictive. This led to the amendment in scope and date of submission of the report which covered between June 14, 1999, and May 2002 (2 years, 11 months).³⁶

The extension proved critical because of the size and ethnic composition of the country, as well as the need for people not to believe that a particular regime(s) was the target. Therefore, on the heels of issuing past Heads of States a summons, they were acquainted with the facts rather than speculating that they were being singled out for persecution.³⁷ This move appeared instructive in the eyes of political thinkers but little would the commission know that they would be ambushed in the end by the retired military generals using the court.

The extension of time also was to give the commission enough space to attend to the myriads of violations that occurred during the Nigerian Civil War (1966-1970), described as the 'Igbo massacre.' An oversight of this all-important event would have sent bad signals on the unity of the Nigerian state and the question of nation-building. Based on the amendments, it was assumed in some quarters that the Nigerian government was not properly educated on the task of transitional justice. This also lends credence to the issue of funding experienced by the commission during the period, similar to the travails of the Sierra Leone Commission that was starved of necessary funds for its operation. Another question of great importance is what was the

³⁶ <http://www.Oputa.commission>.

³⁷ HRVIC Report, Synoptic Overview.

<http://www.nigermuseum.com/nigeria-watch/oputa> accessed September 19, 2019).

composition of the membership of the commission? This will help us to understand whether membership of the commission was adequate for the task or not since it was part of the arguments of critics.

Membership of the Commission

The questions that generated broader issues are: What was the nature of membership of the commission, can we justify that it was adequate for the task or not? Indeed, membership of the commission was drawn from the six geo-political zones of the country to fit into ethnic configuration and equitable representation. The commission was made up of eminent Nigerians with good standing in public service. Beginning with the Chairman, Hon. Justice Chukwudifu Oputa (rtd), Mrs Elizabeth Pam (Member), Abubakar Ali Kura Michika (Member), Rev. Mathew H. Kukah, member, Mallam Mamman Daura (Member), Dr Tunji Abayomi (Member), and Mr T. D. Oyelade (Secretary).³⁸

One of the early challenges of the commission was the resignation of some members. These were Abubakar Ali Kura Michika (member), Mallam Mamman Daura (member), Dr Tunji Abayomi (member), and Mr T.D. Oyelade (secretary). They were subsequently replaced by Dr Mudiaga Odje, SAN, OFR, (member), Barrister. Bala Ngilari, (member), Alhaji Lawal Bamali (member), and Mr N. B. Dambatta (secretary).³⁹ The rejection of some members to serve the nation did not go down well with the majority of the public because it was an opportunity to contribute to nation-building. But the information in the public domain revealed that the task of nation-building was challenging and contentious. Others stressed that their actions were privately considered and not opposed to the welfare of the state.

With the replacement of these members, there was a ray of hope that the appointees were “people of high standing.” Yet, some politicians contended that the appointment was lopsided. According to them, there were no representatives from the CLO.⁴⁰ Also pointed out was that members were largely drawn from the Christian religious faith to the disadvantage of Moslems

³⁸ <http://www.Oputa.commission>.

³⁹ <http://www.Oputa.commission>.

⁴⁰ Interview with Nwabuwa Okonwa, Lagos, 26 May, 2019.

and traditional religious worshippers.⁴¹ Also mentioned was that some members had no prior knowledge of transitional justice compared to those of the South Africa Truth Commission.

More demanding was the argument of the CLO that the present membership was inadequate for the task compared to that of South Africa Truth Commission which had 17 Commissioners, and appointed through a consultative process with track records, as well as experts from different disciplines and vocations, compared to the 8 men Oputa Commissioners. But these arguments were strange to a lot of people because the commission was a Nigerian project and not that of a group or tribe. It is simply an effort in peace-building and not a mathematical equation of numbers. The argument in respect of the composition of members was not addressed by the government and neither did the commission oppose the status quo because it appeared to be adequate for the task.

With the appointment of new members, the instrument that established the commission was also amended just like the duration and scope. There was also a change of name from “The Human Rights Investigation Panel” to “The Judicial Commission of Inquiry for the Investigation of Human Rights Violations.”⁴² The change of name led to the amendment in the initial terms of reference for the commission. Therefore the salient amendments included the reference in terms of reference (a) and (b) in the amended instrument to “gross violations of human rights...,” as opposed to the more specific reference to “...all known or suspected cases of mysterious deaths and assassinations or attempted assassinations...” in terms of reference (i) and (ii) in the original terms of reference.⁴³ The question, therefore, is what might have informed the upgrading of the commission? The request to upgrade the commission was to gain acceptance, have the powers to enforce the rules and regulations and be able to invite perpetrators to testify. It was equally to conform to globally acceptable standards and principles of transitional justice.⁴⁴

⁴¹ Interview with Bahiru Mohammad, Lagos, 28 May, 2019.

⁴² <http://www.OputaCommission.>

⁴³ <http://www.OputaCommission.>

⁴⁴ <http://www.OputaCommission.>

It is clear from our discussion that there were gaps in the coordination of the HRVIC in Nigeria at the beginning. This is seen in the amendments in membership and duration of time as indicated above. Similarly, the idea that members were supposed to receive special training or participate in workshops on transitional justice need not have been a matter of debate but great importance for effectiveness. Though, it is in the public domain that in April 2000, the commission appointed independent researchers and experts from the CLO and the academia to understudy issues on human rights violations, legal issues and the writing of research reports which were done in nine months.⁴⁵

This researcher also recognized that the HRVIC selected research teams of lawyers, historians and social scientists to write background papers on various aspects of the mandate and terms of reference but in all, this was not sufficient. The point being made is that members of the commission were supposed to hold a retreat where grey areas need be discussed and harmonised, particularly, the constitutionality of the mandate and the position of the Nigerian Constitution in respect of truth commission. These were some of the lessons of the HRVIC in Nigeria. Apart from the composition, a cursory look at the commission's objectives and terms of reference will help us to situate the commission's work in a wider historical context.

Objectives and Terms of Reference

Many years after the ambush of the commission, there is still speculation whether the objectives and terms of reference of the commission were adequate or not for the task. In this section, an attempt shall be made to offer insight into the argument and by extension take a position as to whether the commission had the powers to summon persons, arrest and imprison violators of human rights or not. As the Chairman, Justice Oputa explained:

The main objective of this major undertaking is to document for posterity details of human rights violations in this particular, significant period in the development of Nigeria. It is also to help to unveil the nature, character and

⁴⁵ <http://www.OputaCommission.>

dynamics of human rights violations that might have occurred in each of the geopolitical zones, as well as provide details about the involvement of key agencies of the state, such as the police, the prisons, the military and other security agencies, in the violations of the rights of Nigerians.⁴⁶

In the same vein, Olusegun Obasanjo said, “The paramount intention of the commission was to pave the way for reconciliation and thus move the country forward in peace and harmony.”⁴⁷ He also stressed, “We want to reconcile all those who feel alienated by past political events, heal wounds inflicted on our people and restore harmony in our country. We want the injured and the seemingly injured to be reconciled with their oppressors or seeming oppressors. That is the way to move forward.”⁴⁸

It is noted that the main objectives of the HRVIC in Nigeria were ‘healing and reconciliation.’ And when we considered the views of Justice Oputa and President Obasanjo, there seem to be a connection in the understanding of the issues at stake, that is, to do everything possible to uncover the truth and bring about reconciliation rather than bitterness, discord and punishment. In the case of Hungary, for example, its primary aim was not to punish the criminals but to unmask them since its jurisdiction was rather limited.⁴⁹ While that of the South African Commission was to investigate gross human rights violations, defined as killing, abduction, torture, and severe ill-treatment. Therefore, every truth commission has its objectives, and this had to do with situations and circumstances.

The specific terms of reference in the case of Nigeria are: (1) to ascertain or establish the causes, nature and extent of all gross violations of human rights committed in Nigeria between January 15, 1966, and May 28, 1999. (2) to identify the person or persons, authorities, institutions or organisations which may be held

⁴⁶ <http://www.OputaCommission>.

⁴⁷ Obasanjo qtd. in <http://www.OputaCommission>.

⁴⁸ Obasanjo qtd. in <http://www.OputaCommission>.

⁴⁹ J. Pataki, “Dealing with Hungarian Communists’ Crimes,” RFE/RL Research Report, 28 February 1992, 21-22.

accountable for such gross violations of human rights and determine the motives for the violations or abuses, the victims and circumstances thereof and the effect on such victims and the society generally of the atrocities. (3) determine whether such abuses or violations were the product of deliberate State policy or the policy of any of its organs or institutions or whether they arose from abuses by state officials of their office or whether they were acts of any political organisations, liberation movements or other groups or individuals.⁵⁰

Others include (4) recommend measures which may be taken whether judicial, legislative or institutional to redress injustices of the past and prevent or forestall future violations or abuses of human rights. (5) To make any other recommendations which are, in the opinion of the Judicial Commission, in the public interest and are necessitated by the evidence. (6) To receive any legitimate financial or other assistance from whatever source which may aid and facilitate the realisation of its objectives.⁵¹

At the same time, the commission was statutorily required to submit its interim report to the President of the Federal Republic from time to time but shall, in any case, submit its final report not later than one year from the date of its first public sitting or within such extended period as may be required by the President in writing.⁵² However, some scholars were critical of the terms of reference during the period. To them, it was not well spelt out and the powers not clearly defined. Others believe that it was too elaborate and blanket to accomplish set objectives. However, the commission is better appreciated when we understood the dynamics of transitional justice which according to the government was not revenge and punishment, but healing and reconciliation. Therefore the main issue is to discover the intention of the government in the search for truth and justice for victims of past abuses in Nigeria since the commission was not an instrument of vendetta.

In the words of an informant, "It was probably the call for revenge that motivated the retired Military Generals and past Heads of State to fight against the commission because they were

⁵⁰ <http://www.OputaCommission.>

⁵¹ <http://www.OputaCommission.>

⁵² <http://www.OputaCommission.>

the target.”⁵³ Another informant observed that “the cry in some quarters that the commission’s terms of reference must be followed to the letter was perhaps one of the factors that motivated the Hausa/Fulani oligarchy to protect their political hegemony and future goals.⁵⁴ Nevertheless, it is clear that the commission’s objectives and terms of reference were adequate and comprehensive for the task, but can we say the same about the mandate?

The Mandate of the Commission

Since the judgment of the Supreme Court of Nigeria, the mandate of the commission has been under intense scrutiny by authors, jurists, and experts. Some authors argued that the mandate was not adequate for the task. Others believe that the mandate and constitutionality of the commission cannot be contested because it was rooted in the powers of the President and the Nigerian Constitution.⁵⁵ For many, the essential question is what was the mandate of the commission? The mandate of the commission was to ascertain the causes, nature, and extent of human rights violations or abuses committed between January 15, 1966, and May 28, 1999.⁵⁶ It was for this purpose that the commission was set up under the Tribunals of Inquiry Act, Chapter 447, Instrument No.8 of 1999, and Laws of the Federal Republic of Nigeria.⁵⁷ As the Chairman of the Commission argued, “A word on our approach to our mandate is pertinent here. In searching for the truth about our past, we tried to adhere scrupulously to the requirements of due process and fair hearing and the canons of historical and cultural scholarship.”⁵⁸ This statement has left us pondering, particularly the salient points, such as, “our past’ and ‘fair hearing.” These clearly showed that the commission was only a bridge-builder as against the thinking of the public that it would arrest and punish, or become a jailor of a sort.

Another issue of great importance was the instrument that established the commission. This has raised fundamental arguments on two fronts. First was the refusal of the three Heads

⁵³ Interview with Salisu Bello, Lagos, 27 May, 2019.

⁵⁴ Interview with Adama Bashiru, Lagos, 28 May, 2019.

⁵⁵ Akhiero, “The Constitutionality and Powers,” 118.

⁵⁶ <http://www.OputaCommission>.

⁵⁷ Cap 447, Laws of the Federation of Nigeria, 1990.

⁵⁸ <http://www.OputaCommission>.

of State - Generals Mohammadu Buhari, Ibrahim Babangida, and Abdusalami Abubakar, and their lieutenants to appear before the public hearings of the commission. The second was the pronouncement of the Supreme Court on the illegality of the commission in the eyes of the law, i.e. "that the HRVIC cannot summon General Babangida to give evidence on the allegation that he and his security chiefs were responsible for the murder of Dele Giwa' because the law does not back the work of the commission."⁵⁹

With this judgment in place, the predicaments of the HRVIC in Nigeria began. As Guaker noted, the three former Heads of State have successfully challenged the constitutionality of the Commission's coercive powers. The courts agreed with the appellants and held that those powers infringed the fundamental rights to liberty guaranteed by Section 36 of the Constitution.⁶⁰ Writing in the same vein, Yusuf noted that there is no unanimity of opinion on the effect of the Supreme Court judgment in the case on the enforceability of the recommendations.⁶¹ This means that the court would have given a wider interpretation of the different sections of the law, to bring it to the knowledge of the public, who in turn would weigh the various angles to the debate. More importantly is the question, where were the senior advocates of the Supreme Court when the mandate of the commission was framed or was it a case of political intrigues or conspiracy theory? Whatever was the position of the Supreme Court on the commission's work, it was clear when it granted that the commission lacked constitutional powers to invite Babangida and his lieutenants, and also, that the powers of the commission were not entrenched in Nigerian Constitution.

We can deduce from the above that the former Heads of State and their cronies would not appear before the commission because of perceived attack and the fear of ethnic vendetta since the annulment of June 12, 1993 Elections in Nigeria was a denial of Yoruba presidency and the Commission was sitting in Lagos. Babangida also reiterated that Lagos was not safe for him to

⁵⁹ [http://:www.OputaCommission](http://www.OputaCommission) ; Akhihero, "The Constitutionality and Powers," 117.

⁶⁰ Guaker, "A study of the Nigerian truth commission,"

⁶¹ Yusuf, "Travails of Truth," 273.

appear before the commission because “the guilty are afraid when no one pursueth.” The implications of the issue were wide-ranging; would the court override the instrument that established a commission? Would the Supreme Court over-rule the powers of the President of Nigeria that established the commission? On the interpretation of the mandate, one of the jurists said:

The President constituted the Human Rights Violations Investigation Commission (hereinafter referred to as “Oputa Panel”). The latter was constituted by the President of the Federal Republic of Nigeria by Statutory instrument No. 8 of 1999 as amended by Statutory Instrument No. 13 of 1999 in the exercise of the powers conferred upon him by section 1 of the Tribunals of Inquiry Act 6, 1990 and “all other powers enabling him in that behalf.”⁶²

The foregoing suggests that the legality of the commission lies in powers of the President. The President of the Federal Republic of Nigeria constituted it by the powers granted him not only by section 1 of the Act but also in the discharge of all other powers conferred upon him, enabling him in that behalf and this included executive powers vested on the President by section 5 of the Constitution of the Federal Republic of Nigeria 1999.⁶³ Furthermore, one of the scholars stated “that the Tribunals of Inquiry Act Cap. 447 is an existing law within the meaning of the 1999 Constitution and therefore a valid enactment. The Act was promulgated as Decree No. 41 of 1966 by the Federal Military Government... it took effect as existing law and a Federal enactment under section 315 of the 1999 Constitution.”⁶⁴

From the above analysis, one can deduce that the mandate of the commission was not only broad but adequate to ‘invite victims and perpetrators alike. The commission also had the powers to effect an arrest to ensure compliance but it did not exercise this authority because of its objectives. This is highlighted in the

⁶² Akhiero, “The Constitutionality and Powers,” 118.

⁶³ Akhiero, “The Constitutionality and Powers,” 118-119.

⁶⁴ Akhiero, “The Constitutionality and Powers,” 118.

chairman's statement, "We have tried to be faithful to our terms of reference and our mandate. This has been the *raison d'être* as well as the *leitmotif* of our work at the commission. If this Report contributes, even in the smallest way, to a national *risorgimento*, then our work will not have been in vain."⁶⁵

Apart from the commission's core objectives which centred on "healing and reconciliation," it was obvious that the establishment of the commission was ill-timed because the military cabal was still very powerful. The commission in its composite ruling argued that although Section 10 of the Act empowers it to issue a warrant of arrest to any person failing to attend on the summons, it believed that discretion is usually the better part of valour. This is also encapsulated as thus, "The commission is on a reconciliation process and one does not reconcile under duress... The failure or refusal of our former Heads of State to attend has rudely shaken the faith and confidence of Nigerians in the reconciliation process."⁶⁶ As we know, it is because military rule thrives on a culture of impunity, which means that the leaders were both above the law and beyond punishment.

It is clear from our discussion that the commission was duly and constitutionally established. It is also palpable that it had the powers of the President of Nigeria and backed by the Constitution of the Federal Republic. It is also safe to argue that the debate in the public domain that the commission had a weak mandate cannot be substantiated. Therefore issues relating to the three former Heads of State as well as the declaration of the courts were put to rest by the Government of Nigeria to save the nascent democracy. Perhaps, this is why Kasapas emphasised that the "forgive and forget" approach has often been justified on the grounds of promoting societal reconciliation or as the only viable solution where former human rights abusers preserve significant power concerning the new regime."⁶⁷

Therefore, considering its circumstance, an attempt by the commission to become authoritarian to achieve justice would

⁶⁵ <http://www.OputaCommission>.

⁶⁶ <http://www.OputaCommission>.

⁶⁷ Kasapas, "An Introduction," 59-61.

have undermined the process and objectives of the commission. It became clear to the commission that the nature of Nigeria's chequered and fractured history demand that the commission's work should serve as a mirror to reflect the trials and tribulations of our country.

The Predicaments of the Commission

The predicaments of the HRVIC came from different fronts between 1999 and 2002. First was the long-standing political disunity in Nigeria. Second, was the inherent challenges in the work of the commission, and third the ambush of the retired Generals and the conspiracy theory of the Supreme Court. In the first, the unity of the Nigerian State is still a matter of great debate in many quarters. This is because of the dichotomy among various ethnic groups in the country which led to human rights violations and efforts at peace-building.

Since Nigeria's independence, there has been a lack of fate in the Nigerian polity, particularly among the three dominant cultural groups. For instance, a gathering of Igbo leaders to chart a course of progress and development for its people was often perceived as a discussion of secession. Also a meeting of the pan-Yoruba group, 'the Afenifere' was often misconstrued as an agenda for separation. Similarly, the coming together of northern leaders known as the "Arewa Consultative Group" (ACG) in Kaduna was often viewed with misgivings. This sentiment had long affected the progress of the country due to the absence of true federalism and equality. It was also the fear of domination that led to the introduction of the "quota system," "federal character" and "revenue sharing formula" in the country.⁶⁸

Arguably, these principles have introduced mediocrity in the name of equity as against excellence. Perhaps, this is what informed Achebe statement, "What has consistently escaped most Nigerians in this entire travesty is the fact that mediocrity destroys the very fabric of a country as surely as a war-ushering in all sorts of banality, ineptitude, corruption, and debauchery."⁶⁹

⁶⁸ Asiwaju, A.I. 'The Evolution of Nigerian Culture,' in Akinjide Osuntokun and Ayodeji Olukoju ed. *Nigerian Peoples and Cultures* (Ibadan: Davidson Press, 1997), 22-43, specifically, 38-39.

⁶⁹ C. Achebe, *There was a Country, A Personal History of Biafra* (London: Penguin Books Ltd, 2012), 236.

His idea on how Nigeria can move forward was eloquently articulated in his celebrated work, *The Trouble with Nigeria* (Achebe 1983). The many troubles of Nigeria are indicators of a fragile state; little wonder some observers described Nigeria as “a failed state.”⁷⁰ Others ask, “Nigeria: What Manner of Federation is this?”⁷¹

Also worrisome is the fact that the problem of ethnic politics between the Yoruba and the Igbo did not allow any meaningful cooperation and collaboration against perceived domination of the north. Though, the Nigerian Civil War was fought over half a century ago; till date, Igbo presidency is still far from reality which is a sad reminder of the paradox of the acronym “Gowon,” meaning “Go on with one Nigeria.”⁷² The Yoruba also had their memories especially the June 12, 1993 Elections in which the infamous Association for Better Nigeria (ABN) helped to scuttle under the Babangida regime.⁷³

This event led to the isolation of Nigeria in the comity of nations and by extension the sanction of European countries. These were some of the issues that contributed to the predicaments of the HRVIC in Nigeria. Can the authoritarian regimes provide answers to these all-important issues without scathing themselves in the Public hearing of the HRVIC? Would they be able to convince Nigerians that they had no hand in the murder of Dele Giwa, publisher of the *Newswatch Magazine* in 1986, the murder of Kudirat Abiola and the hanging of Ken Saro Wiwa, the Ogoni Environmental Activists in 1995?⁷⁴ Indeed, these were matters of great concern to the HRVIC, for which it was

⁷⁰ Jide Ibieta and Joshua Segun, “Leadership and the Failed State Status of Nigeria (2010-2012). *An Enquiry*,” *Acta Universitatis Danubius Administratio* 5, 1 (2013): 49-69.

⁷¹ E.O. Oyewo, “Nigeria: What Manner of Federation is This?” Inaugural Lecture, University of Lagos, 20 March, 2019.

⁷² J. I. Elaigwu, *Gowon: The Biography of a Soldier-Statesman* (Ibadan: West Books Publishers Ltd, 1986), 137.

⁷³ T.O. Opeibi, *Discourse, Politics and the 1993 Presidential Election Campaigns in Nigeria: A Re-invention of June 12 Legacy* (Ibadan: Straightgate Publishing, 2009), xv-xvi.

⁷⁴ E. Ugwu, “In Search of Justice,” *Newswatch Magazine*, 16 August, 1999, 34.

ambushed by the retired Generals who exploited the Nigerian judicial system.

The commission was equally beset with internal challenges, such as the lack of a definite legal instrument to prosecute and enforce or direct to a court of competent jurisdiction. It was also burdened by the lack of technical expertise. Since the commission was only a panel of enquiry or a fact-finding commission. It was expected to function side by side with a judicial court to try and punish offenders as was the case in other countries or at least refer matters of great atrocities to the International Criminal Court (ICC) in The Hague for further adjudication since the commission did not possess the powers of victor justice or the authority to award damages.

Additionally, most members of the commission did not possess the technical and scientific know-how to extract the 'absolute truth' from violators and victims and this frustrated the efforts of witnesses and victims for retributive justice, some of whom even refused to make a second appearance in the public hearing, similar to the discontent of victims who learnt that compensation and reparations (materials or symbolic) were not part of the commission's task. It was also frustrating to know that records of arrest and offence, interrogation and deaths were virtually unavailable to the commission for examination; hence the denials of security officers implicated by witnesses in the torture, detention, or murder of loved ones.

The absence of local interpreters and translators in the Zonal Offices across the six geo-political zones of the country was a factor, knowing full well that not all witnesses could write their statement or speak in the English language. Consequently, victims who would have provided first-hand information were handicapped as their reports were either written by a third party or did not represent their opinion and thoughts. Apart from the internal hitches, the commission was beset with external challenges. For instance, the government of Olusegun Obasanjo did not demonstrate the political will to partner with the commission. This is evident in the fact that it starved the commission of the necessary funds for its activities, the same way it ignored the request of the commission for suitable office accommodation in Abuja. In consequence, members were

crowded in an office that did not afford them space for meaningful proceedings.

More worrisome is the fact that the democratic government did not provide them with the latest digital tape-recorders and video equipment that would have enhanced the process. It was based on these predicaments that the chairman of the commission said, "But it was not an easy task. We had to overcome serious obstacles and constraints - some institutional, some organizational, some legal, some cultural, some political, some logistical and financial and some inevitably arising from the very nature of a truth commission like ours."⁷⁵

Thus, the attack on the commission by the Generals using the courts was not surprising to political thinkers because their appearance before the commission will have initiated a new era in Nigeria's polity, as well as set the pace for true federalism. But since the retired Heads of State understood that they were targeted to account for the violations of human rights, they sought the protection of the judiciary. The impunity to ignore the commission summons arose from the fact that they understood the conflicting interpretation of the Nigerian Constitution, similar to developments in Uganda and El Salvador where military high commands responded with unkind statements against the nations' truth commissions and their verdicts.⁷⁶

Also worthy of mention was the alleged threat to life and pressure on members of the commission to throw a hammer into the work. And when this attempt failed, power politics and the manipulation of the judiciary by the retired Generals became an option. These challenges were not peculiar to HRVIC but a culture of the Nigerian government. The country had a culture of not implementing official reports for the public digest. For instance, the Okigbo Panel Report was not published even when it was submitted to the government that established it, neither was the National Political Reforms Conference (NPRC) of

⁷⁵ <http://www.OputaCommission, 4>.

⁷⁶ M.L. Popkin, *Peace without Justice: Obstacles to Building the Rule of Law in El Salvador* (USA: Pennsylvania State University Press. 2000), 159-160.

February 21, 2005, headed by Justice Niki Tobi, a Supreme Court Judge published⁷⁷

Also, the National Conference convoked by President GoodLuck Jonathan was not published and neither was it implemented. Therefore some scholars don't have to refer to HRVIC in Nigeria as "a failed attempt" because the report was not published by the government that established it? To the best of our knowledge, it was only a panel of enquiry and the powers to publish and implement remained with the government that established it.

Evidence of Implementation of Report

For about a decade or so, the Nigerian government had commenced the implementation of aspects of the recommendations of the HRVIC Report. Though, this development was without much publicity because of the challenges of ethnicity and politics. The report was suspended by the government at the time of submission in 2004 because of court injunction but was later deposited in Nigerian University Libraries, archives and online without the sanction of the Supreme Court of Nigeria.

Beginning with the recent implementation of the report, the *Punch Newspaper*, dated June 7, 2018, stated, "Buhari declares June 12, Democracy Day."⁷⁸ The report highlighted that Moshood Abiola had been posthumously granted the highest honour in Nigeria, the Grand Commander of the Federal Republic, (GCFR) and June 12, every year will henceforth be celebrated as 'Democracy Day' as against May 29, hitherto observed by previous administrations. This appeared to be a symbolic compensation on Moshood Abiola the acclaimed winner of June 12, 1993 Elections as recommended by the HRVIC headed by Justice Oputa.

However, it was symbolic that Moshood Abiola was posthumously compensated, but what happened to other freedom fighters of June 12, 1993 Elections? Why was the

⁷⁷ Iyibosa Uwugiaren, "And the Jamboree Begins," *Insider Weekly*, March 7, 2005. 25-28.

⁷⁸ Adetayo, O. Akinkuotu, E., Adepegba, A., and Fabiyi, O. " Buhari declares June 12 Democracy Day, Honours Abiola with GCFR," *The Punch Newspaper*, June 7, 2018, 1, 10.

president of the country not restored to the Yoruba as full compensation rather than the continuity of the oligarchy? Chief Moshood Abiola, Alhaji Kingibe, and Gani Fawehinmi were not the only freedom fighters of democracy, to the best of our knowledge. The likes of Chief Frank Ovie Kokori and Chief Wariebi K. Agamene of the Natural Union of Petroleum and Natural Gas Workers (NUPENG) and Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) who championed “the mother of all strikes” in Nigeria and the *Afenifere* group need be compensated for their struggle.⁷⁹ The compensation of a few probably seemed inadequate because the ethnic politics of one section of the country over others has continued without addressing the question of true federalism.

There was also a recommendation for the reduction in the size of the army and this was carried out by the Obasanjo Administration. The reduction in the size of the force was necessitated by the domination of the Hausa and Fulani without recourse to the “quota system” or “the federal character” stipulated in the Nigerian Constitution. Moreover, the decision to prune the military was to give other ethnic regions the same opportunity to rise in rank and power since this was never considered since the Gowon administration. Similarly, in February 2005, there was the inauguration of the National Political Reforms Conference (NPRC) by the government, as recommended by the HRVIC. The purpose of the Conference was to discuss governance and the unity of the Nigerian federation.⁸⁰ The conference attracted eminent politicians and the report of the HRVIC was handed over to them as one of the working papers.

Additionally, the commission recommended that a bottom-up, broad-based series of national seminars to discuss the country’s political and constitutional structure be held as a matter of urgency. This recommendation was approved by President Goodluck Jonathan administration in 2014 when he convened a national conference with representatives from the six geo-political zones of the country. Though, the administration was

⁷⁹ Julius O. Ihonvbere, “Organised Labor and the Struggle for Democracy in Nigeria,” *African Studies Review* 40, 3(Dec. 1997), 77-110.

⁸⁰ Uwugiaren, “And the Jamboree Begins,” 25-28.

unable to publish the report before its tenure ended just like the fate of other Panel reports.

Another recommendation by the commission was that government should consciously and assiduously create jobs to reduce crime and poverty. This recommendation was partly implemented by the Jonathan Administration but vigorously pursued by the Muhammadu Buhari Government as cottage industries, infrastructure and manufacturing sectors were revived through loans and government support. Loans were also extended to small and medium scale enterprises, particularly graduates and big-time farmers to have a head-start in agriculture, especially rice farming in the country. Same as the “Traders and Market Moneys Programme” advanced to traders and small-scale Enterprises in the country. Nevertheless, these welfare schemes did not eliminate poverty because of population increase and wealth differentials between the poor and the rich, coupled with the rising wave of inflation in the country

Equally implemented at the political and judicial levels were the recommendations in the case of General Ishaya Bamaïyi and others pending before the Lagos High Court. The commission in its report emphasised that matters pending before the courts should take their normal course but stressed that, “in the spirit of forgiveness, reconciliation, unity and peaceful co-existence, which the commission has belaboured in its report, the President may wish to consider a political solution as an alternative to the on-going protracted judicial process or else accelerate the hearing of these cases.⁸¹ It was in the spirit of this recommendation that the likes of General Ishaya Bamaïyi, Sgt Rogers, Major Hamza and others were acquitted by the Court of Appeal.

Furthermore, there was a recommendation to stop the violations of workers’ rights to fair pay. The Government of Mohammed Buhari in an attempt to fulfil the recommendations provided the Paris Club Loan to State Governors in 2017 to enable them to settle the arrears of Teachers’ salaries and promotions accumulated over the years. In line with the HRVIC report, there was an overhaul of the country’s prison system, with priority

⁸¹ <http://www.Oputa.commission>.

given to the rebuilding and refurbishing of Prison facilities. The Prison Reforms began during the administration of GoodLuck Jonathan where several committees were established for this purpose, including prison decongestion which was concluded in 2018. The outcome of which was the transition from the Nigerian Prison Service (NPS) to the Nigerian Correctional Centre (NCC).

On the other hand, the Nigerian Police Reform had just concluded its work on the salaries and welfare of the Nigerian Police including that of the Special Anti-Robbery Response Squad (SARS), as recommended in the report of the commission. In August 2018, the Government of Mohammed Buhari called for the reform of the notorious SARS, an arm of the Nigerian Police that had long brutalised Nigerians with impunity, how far this reform had gone remained to be seen until the *ENDSARS Youth Protest* across Nigerian in September/ October 2020. It is clear from the above discussion that part of the recommendations of the HRVIC had been implemented in Nigeria contrary to the assumptions that it was a failed attempt. However, it is an incontestable fact that the commission achieved truth but not justice for victims of human rights abuses because of the time in our nation's history and the mandate of the commission which is "forgiveness and reconciliation."

Conclusion

We have attempted in this paper to reconsider the HRVIC in Nigeria established by the Obasanjo administration. From the issues raised, it is noted that the problems of the Nigerian State began with the British amalgamation of northern and southern Nigeria in 1914 for purposes of economic expropriation and political convenience. The opportunity for nation-building was compounded by the British constitution engineering in 1946 and 1951 which introduced ethnic politics, sectionalism and lopsided federalism. The attempt to change the existing political order after independence proved abortive. Consequently, complaints of corruption, discrimination, and minority question became worrisome in the Nigerian political space, hence the military intervention of 1966.

This study revealed that two interrelated factors contributed to the establishment of the HRVIC in Nigeria. These are the remote and immediate factors. The remote factor has been traced to the

colonial question, while the immediate was the authoritarian rule of the Nigerian military which hampered national development. These abuses culminated in the annulment of June 12, 1993 Elections purportedly won by Moshood Abiola, the presidential candidate of the Social Democratic Party (SDP). The events of the period led to the assassination of Kudirat Abiola, Ken Saro Wiwa, Chief Rewane, and others.

It also brought the country to a standstill in the economic and political fronts. She became a pariah state in the comity of nations. To heal the wounds of authoritarian rule, the democratically elected government of Olusegun Obasanjo established the HRVIC in 1999. The commission was mandated to investigate the violations of human rights from 1966 to 1999 and bring about reconciliation and forgiveness.

This study established that the composition and terms of reference of the HRVIC were adequate for the task of the commission. It also noted that despite the non-appearance of the three Heads of State at the public hearing, yet, the commission had the powers to arrest and imprison offenders but this was not done because of its mandate, the spirit of reconciliation and healing which the commission was set to achieve. The paper also pointed out the on-going implementation of the HRVIC report in Nigeria. Part of which was the posthumous symbolic award of the Grand Commander of the Federal Republic of Nigeria (GCFR) on Chief Moshood Abiola, the winner of June 12, 1993 Elections. There was also the declaration of "June 12" every year as Democracy Day as against May 29, hitherto observed as Democracy Day in Nigeria.

Also observed in our analysis is the Political Reform Conference (PRC) inaugurated in 2005 by President Olusegun Obasanjo, as one of the recommendations of the HRVIC to help chart a new political agenda. Others included the National Conference organised in 2014 by President GoodLuck Jonathan, the Constitution Review Panel, the Police Reforms, the Prison Reforms and the Welfare of Teachers paid through the Paris Club Loan. Additionally, there was the amnesty to political prisoners in which General Ishaya Bama, Major Hamza and Sergeant Rogers benefitted in the spirit of reconciliation and unity, to mention but a few.

These achievements by the HRVIC underpinned the “theory of change” and “the theory of transformative justice” highlighted above in our discussion. The paper demonstrated that the HRVIC succeeded to a greater extent despite the court orders and the conspiracy of the retired Generals. More importantly, is that the HRVIC reports are in the archives, the Nigerian Universities, and online for researchers and nations coming out of repressive rule. The study believes that Nigeria needs true federalism; this will help her develop in the political and economic fronts.

An assessment of dividends of democracy in Kankara local government area of Katsina State (1999-2020). A discourse using utilitarianism of John Stuart Mill

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Abstract

Adopting a utilitarian perspective helps to evaluate the good or bad consequences of public governance and management in Nigeria. In addition, is to proffering ways public governance and management can be improved, which is for the main reason of improving citizens' wellbeing. Despite the spread of democracy globally, it faces challenges. Thus with the democratic rule in (Nigeria) from 1999 to date, will the Kankara indigenes testify to meaningful change that has brought about any positive change in their lives? Have they reaped any meaningful dividends of democracy? Is there will at the polls true reflection of their leaders and representation? The study explores the linkage between the utilitarianism of John Stuart Mill and the dividends of democracy. Substantially relying on Primary and secondary source of data collection in our quest to adequately reflect the issues involved in this study. Oral interview, questionnaire and focus group discussion with stakeholders were used in generating data for this study. Basically, we argued that the failure of democratic consolidation in Nigeria is, in large measure, due to the failure of the Nigerian state to effectively promote the common good of the greatest number of Nigerians. That is, the failure of the ruling elite to adopt the basic tenets of utilitarianism in the business of governance in Nigeria. In addition, the joint account syndrome has eroded dividends of democracy Kankara L.G.A. It then recommends that democracy, as a people-oriented majoritarian form of government can be enthroned and equally consolidated in Nigeria only if the general good and collective welfare of the greatest number of Nigerians are guaranteed and subsequently promoted by the Nigerian state in accordance with the time honored principles of utilitarianism and a constitutional amendment to allow for local government autonomy and the abolition of the joint account system

Keywords: Utilitarianism, Kankara, Democracy, Development, Dividends.

Introduction

It is said that necessity is the mother of invention. Adversity generates ideas. The collapse of the Greek city-states and Alexandrian empires in ancient times and its attendant depressing social environment arising from the breakdown of social order led to the formulations of philosophies like Cynicism, Stoicism, Epicureanism, Hedonism, and Skepticism etc.¹. Nicola Machiavelli, Thomas Hobbes, Jean Jacques Rousseau and John Locke were inspired to profound their political theories because of the socio-political climate of their time marked by insecurity, devastation and anarchy.²

Philosophers from ancient times have offered their concepts on how humans ought to conduct themselves, and more generally, defined theories which they deemed as platforms, upon which ethical principles should be established. It is this attempt to recommended moral principles that led to different moral theories, and subsequently to utilitarianism as an ethical principle.³

Utilitarianism is often discussed as an ethical approach or theory in moral philosophy, because of its ideological influence on evaluating actions, laws, policies, governments, and institutions. The main proponents of utilitarianism as an ethical doctrine are Jeremy Bentham, James Mill, and John Stuart Mill. Utilitarianism rose in mediaeval England as an attack on the existing legal system. Therefore, a utilitarian approach to the study of

¹ Uduigwomen, A. (2006). *Introducing Ethics: Trends, Problems and Perspectives*. Calabar: Campus Life Arts. p 35

² Nisbet, R. (1989). *The Social Philosophers*. New York; Washington Square Press. P 24.

³ Ajom, S. B. (2006). *Political thought: a comparative analysis from the ancient Greek city states, the nation states of Europe and modern states of Africa*. Jamel Publishers.

Chinonye, B. (2007). *Political Theory*. Premum Publishers. Bariga, Lagos.

governance and management primarily aims at evaluating and criticizing.

As Katarzyna and Peter put it despite the differences in the views of the utilitarians, there is something important that they all share.⁴ Bentham's idea, which Mill endorses, that everybody is to count for one and nobody for more than one; Sidgwick's (1874) requirement that we regard the good of any one individual as equivalent to the good of any other; Harsanyi's choice in a position of ignorance that forces us to be impartial between all members of the group for which we are choosing; Smart's sentiment of 'generalized benevolence'; and Hare's analysis of moral language as requiring us to put ourselves in the position of all of those affected by our actions.⁵ All of these philosophers can be seen as presenting utilitarianism as the best understanding and application of the insight that underlies the Golden Rule. Nor is it an accident, we believe, that something akin to the Golden Rule lies at the core of the ethics of many different cultures and civilizations, from the Jewish and Christian traditions to those of India and China. That utilitarianism can plausibly be seen as an implication of the same insight is a further argument in its favour.⁶

Mill fights against a utilitarian conception centred on the maximization of individual pleasures, while refusing a moral perspective sacrificing the sensible inclinations. The idea is to orient the individual desire toward the care of others so that the search for personal happiness and the quest for the other are good merges. The same perspective can be found among contemporary thinkers, trying to make the most of the modern claim for autonomy and personal flourishing, for instance Scneedwind defends a paradoxical thesis in the context of what he considers as society's gradual slipping into a narcissistic cult

⁴ Richard, P. (1758). A Review of the Principle Questions in Morals, London: T. Cadell in the Strand, 1787

⁵ Sedgwick, H.(1874).Shahakian, Systems of Ethics and Values Theory. New Jersey: Littlefied Adam and Company.The Methods of Ethics. London: Cambridge University Press, 1995.

⁶ Sedgwick, H.(1874).Shahakian, Systems of Ethics and Values Theory. New Jersey: Littlefied Adam and Company.The Methods of Ethics. London: Cambridge University Press, 1995.

of the self: self-love, rightly understood, implies concern for the other.⁷ Despite the spread of democracy globally, it faces challenges. Some researchers have observed that “it is not universally accepted and practiced,”⁸ given the contradictions surrounding it. According to Richards “there still exist difficulties in adopting and translating its holistic values into the framework of sustainable development in most parts of the world.”⁹ He attributes factors hindering the proper translation of the values of democracy to poor development of democratic institutions, ideological confusion and misconceptions.¹⁰

With the advent of a civilian administration which came to usher in Nigeria’s present civilian dispensation on the 29th of May, 1999, various administrations and government policies and programs have been formulated, implemented and delivered to the people under the guise of the “dividend of democracy”. Accordingly, these dividends are the benefits that are supposed to accrue to the individual and the entire citizenry since the adoption of a so called popular form of government that is supposed to have been put into place by the people. A significant part of the problem arises out of the fact that there seems to be lack of proper perception, of the issues in its nature and forms. The basic ingredients which should be used as the criteria for assessing and evaluating the dividends of democracy have largely been mistaken, overlooked and relegated to the background.¹¹ To establish this article will require a proper explication of the concept of democracy. Understanding this properly, one can then analyze and relate the situation as it is obtainable in Kankara

⁷ Schneewind, J.B. (1977). *Sidgwick’s Ethics and Victorian Moral Philosophy*, Oxford: Clarendon Press

⁸ Douglas, L. (1990). “utility’ and the ‘Utility Principle’: Hume, Smith, Bentham, Mill,” *Utilitas*, 2:12-39.

⁹ John, G. (1731). *A Dissertation Concerning the Fundamental Principle and Immediate Criterion of Virtue in Frances King’s An Essay on the Origin of Evil*, London.

Richard, P. (1758). *A Review of the Principle Questions in Morals*, London: T. Cadell in the Strand, 1787.

¹⁰ Kant, I., (2002). *Groundwork for the Metaphysics of Morals*. Trans. Allen W. Wood. London: Yale University Press,

¹¹ Omotola J. (2007). *Democratization, Good Governance and Development in Africa: The Nigerian Experience*. *Journal of Sustainable Development in Africa*. Vol.9, 2007. Ayetteville State University, Ayetteville .North Carolina.(CBS News, 15 December, 2020).

L.G.A. It will then be easier to establish whether or not the citizens are truly enjoying the dividends of democracy as widely publicized.

Kankara. A Hausa word for ice. This uncountable noun is a name that reminds me of youth in two ways: One natural, the other artificial. When we were young, we entered the rain to collect “kankara” and ground them with our teeth. Another way of getting it was through the artificiality of the electric freezer. But instead of representing coldness, kankara early December was hot after the kidnap of 333 boys of Government Science Secondary School, Kamkara, in Katsina State. The home state of our president.¹² It heat seared through the nation’s abnormal atmosphere of crime infestation and dominated national discourse. It relegated every other crime due to its magnitude and the audacity of its perpetration. It promised to dwarf Chibok and Dapchi put together. With the democratic rule in (Kankara) from 1999 to date, will the resident testify to any meaningful change that has brought about any positive change in their lives? Have they reaped any meaningful dividends of democracy? Is there will at the polls true reflection of their leaders and representation? Are their leaders and representatives performance anything to hail up about? And have they held the trust invested on them sincerely?

Research Questions

The following research questions shall serve as guidelines towards the achievement of the objectives of this work:

- What is the state of development in Kankara L.G.A. of Katsina State before Democracy?
- What is the perception of people towards dividends of Democracy in Kankara L.G.A.?
- What are the challenges of democratic dividends in Kankara L.G.A.?
- What are the possible ways by which dividends of democracy can be equitably distributed so that the masses will enjoy them?

¹² Carolina, I. (2020). (CBS News, 15 December, 2020).

Research Hypothesis

The following assumptions were formulated in the pursuit of the set objectives:

- Dividends of democracy are been enjoy in Kankara L.G.A.
- Dividends of democracy are not been enjoy in Kankara L.G.A.

Definition of Terms

Democracy is a system of government by which political sovereignty is retained by the people and therefore exercised directly by them through their active participation. In continuation of his definition of democracy; William, posits that the original meaning of democracy is the capacity to do things, not majority rule.¹³ This is instructive, within our context of democracy and sustainable national development in Nigeria. This is because; there is this apparent Nigerian orthodoxy that equates democracy to majority rule. However, a basic assumption of democracy is that it should guarantee the welfare of the citizens. In Nigeria however Jega et al have demonstrated that democracy neglects the welfare of the citizens. Hence, any system of government that fails to guarantee the welfare of the citizens will be difficult to market as democracy. It may be more germane to call such a system ceremonial democracy. It does appear, however, as if the underpinnings of Nigeria's brand of democracy, fully shows the tendencies of democratic capitalism, otherwise known as a capitalist democracy.¹⁴

Dividends; can simply be called the gains or profits realized from democracy. It is an obvious fact that the military government operates by decrees while in an ideal democratic government, law operates. Rule of law is what is unique to democracy. It includes supremacy of the law, equality before the law and fundamental human rights. It is only in a democracy that

¹³ William, E. (1997) "Democracy" Colliers Encyclopedia, Vol.18; New Field Publication Inc.

Jega, H. Wakili& Ahmad, M. (Eds.) (2002). Democracy and Democratization in Nigeria, 1999-2001,CDRTMambayya House, Kano.

¹⁴ Jega, H. Wakili& Ahmad, M. (Eds.) (2002). Democracy and Democratization in Nigeria, 1999-2001,CDRTMambayya House, Kano.

rule of law can be obtained. Therefore, rule of law can be said to be part of the dividends of democracy. Many policies, programs and plans have been termed “dividends of democracy” by politicians and people since the beginning of the fourth republic till date.

Fourth republic: this is the period that began from the time the Abubakar regime disengage from office and hand -over to an elected civilian government that is, from May 29th 1999.

Biography of John Stuart Mill (1806 – 1973)

John Stuart Mill was born in London on May 20, 1806. His father, James Mill, was a journalist and an official of the East India Company. Two years after John Stuart Mill's birth, his father met the philosopher and reformer Jeremy Bentham; for the remainder of his life, he was Bentham's devoted friend, disciple, spokesman and an effective popularizer of his ideas, while his precocious child was soon seen as Bentham's intellectual heir. His commitment to the utilitarian creed involved his son, whom James Mill chose to educate at home in order to cultivate the perfect utilitarian individual.¹⁵

The young Mill never went to school, instead being intensively tutored by his father at home. Like Bentham, he learned a remarkable amount at a very early age, for he tells us in his Autobiography that he could read ancient Greek at 3, and Latin at 8. By 15, he had read most of the classics in their original language, knew French, read widely in history, and mastered a considerable body of thought in mathematics, logic, the sciences, and economics. Only then was he introduced to Bentham's work. On reading Bentham he became, as he later wrote, 'a different being. The feeling rushed upon me, that all previous moralists were superseded, and that here indeed was the commencement of a new era in thought.'

During Mill's childhood, his father earned only a very modest income from writing reviews and articles, while devoting much of his time to working on the first history of British rule in India.

¹⁵ Ajom, S. B. (2006). Political thought: a comparative analysis from the ancient Greek city states, the nation states of Europe and modern states of Africa. Jamel Publishers.

Chinonye, B. (2007). Political Theory. Premum Publishers. Bariga, Lagos.

The publication of that work in 1817, to wide acclaim, transformed the family's fortunes. Though James Mill was critical of much that the British had done in India, he was offered a position with the East India Company, the effective ruler of British India. In 1823 he was able to arrange for his son, then aged 17, to be employed by the company as well. Fortunately for posterity, the work was not so demanding as to impede the younger Mill's learning and writing.¹⁶

When Mill was 24, he met Harriet Taylor, who was to have a profound influence on his thinking. She was two years younger, but whereas he was single, she was married with children. They became close, so close that some of Mill's friends warned him that he was risking a scandal. He ignored their warnings. Twenty years later, in 1851, two years after the death of Harriet's husband, they married. Harriet died in 1858, and Mill felt the loss deeply. The following year he published his most celebrated work, *On Liberty*, and dedicated it to her, writing that, along with everything that he had written for many years, 'it belongs as much to her as to me'. After Harriet's death and his retirement, Mill wrote extensively, bringing to fruition many projects that he had begun during the eight years of their marriage. Among these were the considerations on Representative Government, published in 1861, and the *Subjection of Women*, his revolutionary defense of women's capacity for self-development, which was written in 1861 but appeared only in 1869.¹⁷

In October, November and December of 1861 Mill published three essays in a prominent intellectual monthly, *Fraser's Magazine*. It was his attempt to appeal to an educated lay audience about some fundamental matters concerning morality, religion, reason, pleasure, and duty. These essays, reworked into five chapters and published in book form as *Utilitarianism* in 1863, are an act of radical reform, an effort to defend the integrity of a benevolent, rational moral view that was humane and that would encourage positive change. The book was also an attack on Kant and intuitionist moral theorists and on Bentham, whose conception of the goal of utility was too narrow and

¹⁶ Mill J.S., (1991). *The Collection Works of John Stuart Mill*, ed. John M. Robson. Toronto: University of Toronto Press, London.

¹⁷Chinonye, B. (2007). *Political Theory*.Premum Publishers.Bariga, Lagos.

intellectualistic for Mill. It remains to this day a classic formulation of instrumentalist moral theory.¹⁸

Two years later Mill was elected to parliament from Westminster, serving three years until 1868. From then until his death on May 8, 1873, he wrote and avoided those who sought him. Tended in these last years by his stepdaughter Helen, Mill died quietly and was buried in Avignon, alongside his beloved Harriet.¹⁹

John Stuart Mill's Notion of Utilitarianism

Utilitarianism originated from the Latin word 'utilis'; which stands for utility, usefulness, helpfulness, convenience, or benefit. Utilitarianism as a doctrine from a historical thinking perspective has an intellectual pedigree that goes back to the hedonic and eudaimonic schools of thought, which are represented respectively by Epicurus and Aristotle who are classical Greek philosophers. While hedonism is the doctrine of pleasure, eudaimonism is the doctrine of happiness and wellbeing. The good life according to Epicurus is the life devoted to pleasure, while the good life according to Aristotle is a life devoted to happiness and wellbeing. It is rational to say that utilitarianism is the reappearance and marriage of the principles of hedonism and eudaimonism.²⁰

In his work on Utilitarianism, the claim that "happiness is the sole end of human action, and the promotion of it the test by which to judge all human conduct" stands at the center of Mill's practical philosophy, determining how individuals should act, individually and collectively.²¹ In line with Mill's claim, Omoregbe in his work *Metaphysics without Tears* highlights that:

¹⁸ Ogan, T.V. (2018). John Stuart Mill's Utilitarianism: A Critique. *International Journal of Peace and Conflict Studies (IJPCS)*, Vol. 5, No 1, June/July, 2018. ISSN: 2346-7258 (P) ISSN: 2354-1598 (E)

¹⁹Osifo, C., (2015). *Evaluating Governance and Management in Africa: A utilitarian Perspective*. Vaasanyliopisto University of Vaasa Publisher.

²⁰Osifo, C., (2015). *Evaluating Governance and Management in Africa: A utilitarian Perspective*. Vaasanyliopisto University of Vaasa Publisher.

²¹ Mill J.S., (1991). *The Collection Works of John Stuart Mill*, ed. John M. Robson. Toronto: University of Toronto Press, London, X:237

In the moral sphere, being remains the foundation goodness of actions are judged morally good or bad in terms of their relations to the being of other people. Actions that enhance the being of other people are good while those that adversely affect the being of other people are evil actions. It is therefore with reference to being that is, the being of other people that actions are judged as good or evil, for being is the foundation of goodness. Mill claims that the happiness which forms the utilitarian standard of what is right in conduct is not the Agent's own happiness but that of all concerned.²²

By showing that happiness is desirable, that nothing other than happiness is desirable, and that every person's happiness is equally desirable, Mill holds that the principles of utility is proved. Of course, it is not a proof in the traditional sense of being a logical deduction of the principle of utility. For Mill acknowledges that in a strict sense, ultimate ends are amenable to proof. Being based on critical examination of how we do reason, claims about how we ought to reason-whether practically or theoretically-must remain provisional and open for Mill, presents considerations capable of determining the intellect. As such, the principle is shown to have rational grounds.²³

Mill introduced into utilitarianism that pleasure differs in quality and not simply in terms of quantity. For him some pleasures are superior to others and are desirable than others:

If I am asked, what I mean by difference of quality in pleasures, or what makes one pleasure more valuable than other, merely as a pleasure, except its being greater in amount, there is but one possible answer. Of two pleasures, if there be one to which all or almost all who have

²² Mill J.S., (1991). *The Collection Works of John Stuart Mill*, ed. John M. Robson. Toronto: University of Toronto Press, London, X:234.

²³ *Ibid.*, XI: 61

experience of both give a decided preference [...] that is the more desirable pleasure.²⁴

Mill claims that utilitarianism identifies that pleasure differs in quality as well as quantity; in the judgment of those who have experience of different pleasures, some are preferable to others. He then moves from preferable to higher, thus surreptitiously introducing a moral classification among pleasures.

Higher and Lower Pleasures

A difference in the quality of pleasure is determined, Mill claims, by the preference of those who distinguish among pleasures irrespective of their quality. To determine what sorts of pleasures are of higher quality than others. Mill holds that pleasures “of the intellect, of the feelings and imagination, and of the moral sentiments” are amongst the higher pleasures.²⁵

Mill’s view of the sense of dignity and intellect as consisting of the higher pleasures is well summarized by Mahajan who notes that Mill acknowledges the capacity of those who are acquainted with the lower and higher pleasures,²⁶ who exercise his intelligence and maintains his sense of dignity, give a most marked preference to the manner of existence which employs their higher faculties.²⁷

His doctrine however, needs not to be read as restrictively intellectual. As well as pleasures of the mind, he holds that pleasure gained in activity are of a higher quality than those gained passively.²⁸ Some suspect that in distinguishing qualities of pleasure, Mill depart from hedonism. For Mill’s anti-hedonist interpreters, his claim that “a small amount” of pleasure can be more valuable than a “high amount” suggests placing value on

²⁴ Ibid., X: 211

²⁵ Ibid., X: 211

²⁶ Mahajan, V. D. (2006). Political Theory. New Delhi: S. Chand and Company Ltd.

²⁷ Ogan, T.V. (2018). John Stuart Mill’s Utilitarianism: A Critique. International Journal of Peace and Conflict Studies (IJPCS), Vol. 5, No 1, June/July, 2018. ISSN: 2346-7258 (P) ISSN: 2354-1598 (E)

²⁸ Mill J.S., (1991). The Collection Works of John Stuart Mill, ed. John M. Robson. Toronto: University of Toronto Press, London, XVIII: 262

something apart from the pleasurable experience itself. As Nussbaum in his article Mill between Aristotle and Bentham holds that those who doubt Mill's hedonism have in general claimed that Mill moves towards a eudemonistic or perfectionist account of happiness.²⁹

Theoretical Framework

In choosing a suitable theoretical framework for this analysis, "the Marxist theory of democracy" was adopted which argues that under the spell of the bourgeois ideology and influence, the masses are made to believe that they are governed with their consent. They are being compelled to follow the dictates of the bourgeois class against their own interest. According to Lenin (1917), in capitalist societies, democracy has always been defined by the narrow limits set by capitalist exploitation and consequently always remains a democracy only for the propertied classes as the workers are crushed by want and poverty.

The majority of the population is debarred from participation in public and political life. The essence of the capitalist democracy is that the oppressed citizens are allowed once every few years to decide which particular representatives of the oppressing class shall represent and repress them in the executive and parliament. The basis of the bourgeois democracy is the capitalist economic system in which the means of production are owned by the capitalist class. The society is divided into two classes, the capitalist and the workers, the exploiters and the exploited.

The important features of the bourgeois democracy are elections, mostly on a multi-party basis. On a critical examination, it can be said that the elections are mere shams so far as the working class is concerned. Money plays a very important role in elections and the working class which consists of poor people cannot capture political power through elections. After winning elections, the

²⁹ Ogan, T.V. (2018). John Stuart Mill's Utilitarianism: A Critique. *International Journal of Peace and Conflict Studies (IJPCS)*, Vol. 5, No 1, June/July, 2018. ISSN: 2346-7258 (P) ISSN: 2354-1598 (E)

policies of the government serve the interest of the rich and the poor are appeased merely with slogans and speeches.³⁰

This kind of democracy creates ideological misconceptions by setting representative institutions which though pretending to work for all are actually working for the dominant class. The poorly educated masses are susceptible to distorted facts and capitalist propaganda through the government-controlled press. It pays lip-service to the sovereignty of the people to make itself legitimate thus maintaining and serving the bourgeois social order; but since every one regards such order as natural and proper and thus accepts their place within it, everyone then sees the state, in working this way as representing the people and acting on their behalf. Moreover, public choices are meant to serve the interest of the elites. The elites being rational and self-interested use the resources of the state at their disposal to maintain order in the society by managing a consensus that represents their interest which is aimed at maintaining the status quo. The elites in government try to structure the debate to quash any problem that would threaten their hold on power.³¹ This they achieve through elite repression of forced indoctrination in “political correctness”, limitations on dissent, speech and assembly in the name of law and order; and the subversion of democratic values in a paradoxical effort to preserve the system.³²

Methodology

This section of the paper presents an overview of methodological procedure used in order to obtain and analyze the data for the study. It comprises subsection covering the population, sample and sampling methods, and strategies for data collection and analysis.

³⁰ Mahajan, V. D. (2006).Political Theory. New Delhi: S. Chand and Company Ltd. P 829

³¹ Jordan, I. (1978). Nigeria and the Political Elites. Jos: Aha Publishing House. Justice Belgore Committee Report, 2010.

³² James, R. & Roger, M. (1996).The Theory of Decision Making” in James C. (Eds.).Contemporary Political Analysis.New York Free Press.

The complexity of the problem under investigation entailed the used of variety of data collection and evaluation techniques. Hence, interview schedule, questionnaire and review of existing documents had been used to obtain the data. The strategy for data analysis involved combining qualitative evaluation with quantitative methods of analysis. The former involved detailed and descriptive form of data evaluation in which description must adhere strictly to the facts and cultural environment must guide the discussion and analysis, while the latter involved the use of frequency counts and percentages.

It adopts the multidisciplinary approach and argues that the conscious return to, and applications of utilitarianism as the foundation of life will enhance the rectification of the development problem. The questionnaires were supplemented by the interview but much emphasis was placed on the questionnaires. In a nutshell, the researcher uses primary and secondary data.

A total number of 80 questionnaires were administered randomly by the researcher himself to the youth in Kankara L.G.A. of Katsina State. The questionnaires were supplemented by the interview but much emphasis was placed on the questionnaires. In a nutshell, the researcher uses primary and secondary data.

PRESENTATION AND DISCUSSION OF RESULT

In carrying out the research, a total of eighty 80 questionnaires were sent out to the respondents, The Eighty (80) questionnaires that were answered are found useful and relevant in the study and this constitutes 100% return of the entire questionnaires presented.

After a thorough and carefully reading, doing a computerized statistical analysis of my finding, the following was revealed, it is shown in a frequency table for the reader to understand also in line with this study therefore, data gathered and collected during the study shall be analyzed and interpreted using tabular form and percentages and frequencies. Hence the various questions asked and their respective responses are itemized below:

Respondents' Sex:**Table 4.1 Respondents' Sex**

Gender	Frequency	Percentage
Male	42	52.5
Female	38	47.5
Total	80	100

Source: Field Survey, 2020.

The table above and the information gathered shows that male respondents 42 (52.5%) were more than the female respondents 38 (47.5%)

Respondents' Age Group:**Table 4.2: Ages of the Respondents**

Age group	Frequency	Percentage
Less than 20	0	-
20-29	25	31.25
30-39	28	35
40-59	17	21.25
60+	10	12.5
Total	80	100

Source: Field Survey, 2020.

According to the table 4.2 above, it shows that most of the respondents 28 (35%) fell within age of 30-39, follow by age-group 20-29 with 25 (31.25%).The age-group 40-59 were 17 (21.25%) while those above 60years had the lowest with 10(12.5%).

Respondents' Educational Background**Table 4.3: Educational Backgrounds**

Responses	Frequency	Percentage
Tertiary	43	53.75
Secondary	24	30
Basic	10	12.5
Others	3	3.75
Total	80	100

Source: Field Survey, 2020.

From the above table one can see that 10 or 12.5% of the respondents only attended primary school. Those that attended

secondary school are only 24 or 30% while those with a degree from university or HND holders are 43 or 53.75% and they constitute the highest number. However, others are only 3 or 3.75% which most of them claims they have attended an Arabic school.

On the Respondent's by Occupation

Table 4.4: Occupation of the Respondents

Civil Servants	16	20
Traders	15	18.75
Farmers	10	12.5
Artisans	4	5
Students	20	25
Others	15	18.75
Total	80	100

Source: Field Survey, 2020

From the table 4.4.above 16 (20%) of the respondents were civil servants, traders were 15 (18.75%) of the respondents. Most of the respondents 10 (12.5) of the respondents were farmers and artisans were 4 (5%). 20 (25%) were students while 15 (18.75%) were engaged in other occupational activities.

Table 4.5: What are the Sources of Awareness about Dividends of Democracy by Respondents.

Variable	Frequency	Percentage
Media	44	55
Politicians	29	36.25
Religious leader	6	7.5
All of the above	1	1.25
Total	80	100

Source: Field Survey, 2020.

Table 4.5 above shows that, 29 (36.25%) of the respondents opted for politician as the *sources of awareness about dividends of Democracy* 44(55%) choose Media, another 6 (7.5%) went for the other category while 1 (1.25%) did not choose any.

We can therefore conclude that politicians and media houses talk of dividends of democracy more than religious leaders. Similarly, during the in-depth interviews conducted, all key informants said that though religious leaders talk about dividends of democracy,

politicians and media houses are more conversant with dividends of democracy. A youth leader said: Politicians and media houses are the major sources of awareness about dividends of democracy most especially during election campaigns. Though religious leaders do talk about dividends of democracy, it is not like that of politicians and media houses. Similarly, all the key informants opined that dividends of democracy stand for the gains and benefits of democracy. According to them: When we talk of dividends of democracy, it means what we gain from democracy that cannot be gotten from another system of government, let's say in the military. Example of dividends of democracy is enjoyment of rule of law, where there is respect for fundamental human rights, equality before the law and supremacy of the law. Other things like access to free education, health care facilities are additions.

Table 4.6: In your opinion what are the most important problems facing Kankara L.G.A that should be address?

Variable	Frequency	Percentage
Wages, income and salaries	11	13.75%
Management of the economy	4	5
Social infrastructure i.e water supply	18	22.5
Corruption	21	26.25
Poverty and unemployment	26	32.5
Total	80	100

Source: Field Survey 2020

The result in table 4.6 shows what the most important problems are facing Kankara L.G.A that should be addressed according to how important the respondents see each. It can be observed 26 representing 32.5% of the respondents ranked poverty and unemployment as the most important problems, followed by 21 representing 26.25% choosing corruption, social amenities especially water was 18 representing 22.55%, wages, income and salaries ranked 4 representing with 11 (13.75%) and management of the economy ranked 5 representing 5%.

Table 4.7 During the past year, how often have you contacted any of the following persons about some important problem or to give them your views (A member of state/ National Assembly, an Official of a Government Agency, Traditional leaders and Religious leaders)?

Variable	Frequency	Percentage
Never	66	82.5
Only once	10	12.5
A few times	4	5
Often	0	0
Total	80	100

Source: Field Survey, 2020.

From the above Table 4.7 shows that 66 (82.5%) of the respondents During the past year, never contacted any of the following persons about some important problem or to give them their views (A member of state/ National Assembly, An Official of a Government Agency, Traditional leaders and Religious leaders, 10 (12.5%) answered only once and a few times 4 (5%) while none representing 0(0%) went for often.

Table 4.8. How well or badly would you say the current government is handling the following matters (Managing the economy, Poverty and unemployment, Social amenities and Salaries)?

Variable	Frequency	Percentage
Very Badly	24	30
Fairly Badly	17	21.25
Fairly	32	40
Well	7	8.75
Very Well	0	0
Total	80	100

Source: Field Survey, 2020.

The table above shows that 24 (30%) of the respondents believe that the current government is handling the following matters (Managing the economy, Poverty and unemployment, Social amenities and Salaries) very badly, 17 (21.25%) opted for fairly badly, 32 (40%) went fairly while 7 (8.75%) opted for well and none representing 0 (0%) went for very well.

Table 4.9: How would you rate access to basic social amenities in Kankara L.G.A?

Variables	Frequency	Percentage
High	14	17.5
Very high	9	11.25
Low	20	25
Very Low	34	42.5
I don't know	3	3.75
Total	80	100

Source: Field Survey, 2020.

In response to the question on how they rate access to basic social amenities in Kankara L.G.A., 14 (17.5%) of the respondents said that it was high, 9 (11.25%) said very high and 20 (25%) of the respondents said it was low. Also, 34 (42.5%) of them said it was very low and the rest of the respondents 3(3.75%) opted for I don't know.

From the informants, a religious leader sums their views as follows: Though there is provision of electricity and free education. The people's enjoyment is to a low extent. The free education provided is not standard. This reflects in the parents' preference of private school for their children. The electricity provided is not equally enjoyed by all communities in the local government. On the contrary, one out of the 5 informants, a traditional community is of the view that dividends of democracy are enjoyed to a moderate extent. According to him. There is provision of basic amenities especially electricity. Our children can go to school on the bill of the government. As to the extent at which these dividends are enjoyed, I will say that it is to a moderate extent.

Table 4.10. Do you think the political leaders are well equipped to carry out their function effectively?

Variables	Frequency	Percentage
Yes	22	27.5
No	47	8.75
I don't know	11	13.75
Total	80	100

Source: Field Survey, 2020.

It could be observed from the table above that the people who think the political leaders are well equipped to carry out their function effectively 47 (8.75%) answered in the negative and the rest of the respondents 22 (27.5%) went for the 'I don't know' option.

Table 4.11 Do you agree that the political leaders Kankara L.G.A. are trustworthy and dedicated to the needs of their people?

Variable	Frequency	Percentage
Strongly agree	10	12.5
Agree	17	21.25
Strongly Disagree	32	40
Disagree	21	26.25
Total	80	100

Source: Field Survey, 2020.

The table 4.11 shows that 32(40%) of the respondents strongly disagreed that the political leaders in Kankara L.G.A. are trustworthy and dedicated to the needs of their people, 21 (26.25%) disagree to this, 10 (12.5%) strongly agree and 17 (21.25%) of the respondents agreed.

To the question that would confront the utilitarian, "why am I bound to promote the general happiness?" Shahakian in Systems of Ethics and Value Theory (126) notes that the utilitarian standard is not the agent's own greatest happiness, but the greatest amount of happiness altogether. For Mill, there are external and internal sanctions based on the principle of utility. The external sanction is provided by the approval of both men and God; men generally approve an action that aims at their happiness, and God is ordinarily conceived to be a spirit whose concern is for the general happiness.

Table 4.12: To what extent does the dividend of democracy enjoyed in Kankara L.G.A.?

Variable	Frequency	Percentage
Very high	0	0

High	6	7.5
Very low	24	30
Low	29	36.25
Total	80	100

Source: Field Survey, 2020.

From the table 4.12 shows 24 (30%) of them indicated a very low level of the extent dividend of democracy enjoyed in Kankara L.G.A., 29(36.25%) indicated a low level, 6 (7.5%) said it was high and 0(0%) said that the extent was very high.

Majority of respondents said that dividends of democracy are not equitably distributed, while none stated that it was equitably distributed. Similarly, four of the informants said that dividends of democracy are not equitably distributed. According to them, the dividends of democracy are not equitably distributed and that is why the people are not enjoying them. If you do not belong to the ruling party, or the ruling class, you are on your own. You might not even see them with your eyes let alone enjoying them. As for the reasons why dividends of democracy are not enjoyed, findings reveal that 100% (80) of the respondents agreed that it was due to corruption in governance. This implies that corruption in governance is a major reason why dividends of democracy are not enjoyed by the masses.

From the in depth interview, a youth leader stated that “The major factor militating against the growth and development of Kankara L.G.A. is corruption in governance. It is a major factor behind the non-equitable distribution of the country’s resources. It is a major reason why the masses are not enjoying the dividends of democracy. All other factors are secondary. Remove corruption in Kankara, Kankara’s L.G.A. problem is 99.9% solved.” Furthermore, other factors stated by respondents why dividends of democracy are not enjoyed include godfatherism 94% (111); costliest of Nigeria’s democracy 86% (100); electoral malpractices 92% (109) ethnicity and religion 90% (106) and externally triggered democracy 85% (100). The findings correspond with what was gotten from the in depth interview informants.

A women leader argued that “Apart from corruption, other reasons why dividends of democracy are not equitably

distributed are ethnicity and religion, god fatherism, and electoral malpractices. It is an obvious fact that getting jobs in Nigeria is not based on your qualifications but on your ethnic group or religion. Elections are violently rigged and that is why we don't have good leaders." Another informant, a religious leader said that: Nigeria's democracy is too costly. The cabinet is too large. Imagine having a Minister of Information and still having a Minister of State of Information whereas all the States have their own Commissioners for information. Also, the allowances that are paid to each senator or honorable are too much. Imagine a senator going home with millions of naira monthly. It is too much."

Reading through Mill's utilitarianism, we see its intention to free man from imputation. Utilitarianism stresses the nature of man and recognizes the sympathetic impulse in man as a natural endowment. It urges the individual to live not for one self but for the greatest happiness of the greatest number. It is democratic in its general tendency and aims at setting up a community in which all have equal rights and none enjoys special privileges to the disadvantage of the rest. Having x-rayed all the essential principles of John Stuart Mill, there is no doubt the existence of happiness and pleasures in human life, hence, from a utilitarian point of view, the systematic approach to ensure happiness is justified by its utility

Table 4.13: Do you think that public accountability issues as being a useful and required content of the media, religious leaders and politician?

Variables	Frequency	Percentage
Yes	42	52.5
No	33	41.25
I don't know	5	6.25
Total	80	100

Source: Field Survey, 2020.

The analysis of the response presented on table 4.13 shows that 62(77.5%) of the respondents believed that public accountability is a useful and required content of the media, religious leader and politician 16(20%) of them did not agree to this and the rest 2 (2.5%) could not say yes or no.

Table 4.14: Would you say that democracy programs reports in Kankara L.G.A. on public accountability and good governance are adequate in terms of frequency and prominence?

Variables	Frequency	Percentage
Yes	42	52.5
No	33	41.25
I don't know	5	6.25
Total	80	100

Source: Field Survey, 2020.

From the above table we can conclude that 42 (52.5%) of the 80 respondents said yes that democratic reports on public accountability and good governance are adequate in term of frequency and prominence, 33 (41.25%) said no and 5 (6.25%) did not have an opinion on this matter.

Table 4.15: Do you perceive media reports on Nigeria's (Kankara) Dividends Democracy as credible and believable?

Variables	Frequency	Percentage
Yes	47	58.75
No	22	27.5
I don't know	11	13.75
Total	80	100

Source: Field Survey, 2020.

From the above table shows that 47 (58.75%) saw media reports on Nigeria's Democracy as credible and believable, 22 (27.5%) did not see it as credible and believable and 11 (13.75%) could neither say whether it was credible or not credible.

Table 4.16: Do you think that the passage into law of the Freedom of Information Bill will enhance public accountability issues in Nigeria's Democratic Press?

Variables	Frequency	Percentage
Yes	69	86.25
No	7	8.75
I don't know	4	5

Total	80	100
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Source: Field Survey, 2020.

Almost all the respondents 69 (86.25%) believed that the passage into law of the Freedom of Information Bill will enhance public accountability issues in Nigeria’s Democratic Press, just 7 (8.75%) did not share this sentiment and the rest of the respondents, 4 (5%) said they did not know.

DISCUSSION OF FINDINGS

Mills Utilitarianism was developed as a practical criterion of judging the rightness or wrongness of an action, the utilitarian principle of consequences breaks down the exact estimate of the pleasant or unpleasant consequences of various possible courses of action. It would be worthy to contribute that, there are when a person ought to disapprove of conduct that results in the greatest happiness of the greatest in favour of doing that which is just, equitable, and right when it is called for, such as supporting the right of the oppressed and minority group. The specific findings of this study area are as follow:

The result in table 4.6 shows what the most important problems are facing Kankara L.G.A that should be addressed according to how important the respondents see each. It can be observed 26 representing 32.5% of the respondents ranked poverty and unemployment as the most important problems, followed by 21 representing 26.25% choosing corruption, social amenities especially water was 18 representing 22.55%, wages, income and salaries ranked 4 representing with 11 (13.75%) and management of the economy ranked 5 representing 5%.

The majority of respondents in table 4.12 said that dividends of democracy are not equitably distributed, while none stated that it was equitably distributed. Similarly, four of the informants said that dividends of democracy are not equitably distributed. According to them, the dividends of democracy are not equitably distributed and that is why the people are not enjoying them. If you do not belong to the ruling party, or the ruling class, you are on your own. You might not even see them with your eyes let alone enjoying them. As for the reasons why dividends of democracy are not enjoyed, findings reveal that 100% (80) of the

respondents agreed that it was due to corruption in governance. This implies that corruption in governance is a major reason why dividends of democracy are not enjoyed by the masses.

The research equally brought to the fore the importance of the Freedom of Information Bill. The research revealed that most information that is crucial to the public and the policy process are forbidden from getting to the public through the media as they are clouded under official secrecy. Public officers and elected leaders of the people are made to swear to or sign secrecy oaths which forbid them from revealing information related to their work-issues of public concern in most cases to conveyers of information and prevents such information from getting to places where they may be important to the accountability process.

The hypotheses tested (hypothesis 1), further buttresses the fact that dividends of democracy provided by the government for the masses are enjoyed at a low extent. They are also not equitably distributed. The major reason for the non-equitable distribution of dividends of democracy is corruption in governance. Hence, there is a significant relationship between corruption in governance and non- equitable distribution of dividends of democracy. Equally observed from the hypotheses (two) is that the citizens see are godfatherism, the costliness of Nigeria's democracy, electoral malpractices, and externally triggered democracy as another factor.

Mill's utilitarianism has positive implications for contemporary society. Utilitarianism as a principle deserves some recommendations for admitting and making explicit, the fact that the hidden quest of man is pleasure. Man consequently abhors pain. The denial of this would be a psychological impossibility. Virtually everybody seeks pleasure and avoids pain. Hence, the following arguments are in favour of Mill's utilitarianism. Elevation of the Intellect and Virtues Upgrading on the pleasure principle of Bentham, which some critics labelled "pig philosophy", Mill gave the "pleasure Principle" for the greatest number of more moral foundation by ascribing as pleasurable quality over quantity. By establishing that pleasures that is from the intellect is higher, and that pleasures coming from activity higher than passive pleasures, Mill abstains from reducing morality to mere sensations and feelings. Altruistic Way of Living

Mill's utilitarianism is an expression of the life most of us live. It recognizes man as a social being, thus, Mill's principle is a great stimulus to social improvement. It takes man's egoistic tendencies and harnesses them to social needs. Since each individual sees his own happiness integrated in that of the group. Promotion of the Common Good Those charged with public welfare can hardly use any other principle, since they must seek the common good and at the same time protect individual rights. Mill's principle gives each person(Ogan, 2018).

Conclusion

The dividends of democracy provided by the government for the masses are enjoyed at a low extent in Kankara North L.G.A. They are also not equitably distributed. The major reason for the non-equitable distribution of dividends of democracy is corruption in governance. Hence, there is a significant relationship between corruption in governance and non- equitable distribution of dividends of democracy. Other reasons for the non-equitable distribution of democracy are godfatherism, costliness of Nigeria's democracy, electoral malpractices, ethnicity and religion and externally triggered democracy. Various measures have to be put in place for the dividends of democracy to be equitably distributed. The equal distribution will enable the masses to enjoy the dividends of democracy. In achieving this, government and individuals have role to play. This work examines the dividends of democracy programs using the lens of Mills Utilitarianism. Findings from the field research show that Kankara L.G.A. state of underdevelopment is as a result of lack of credible and committed leadership, corruption, inequality, selfishness, and lack of unified and participatory development agenda. The vibrant group of the society such as youths and women are often marginalized or underrepresented in decision-making that relates to development. When they are included in decision-making, their opinions do not make any change to what has already been concluded by those in authority.

Recommendation

It is worrisome that many Nigerians are very hardworking, full of initiatives and resourcefulness. Therefore, efforts should be made in supporting grassroots women, men, and youths, as well as in promoting income generation for them. Entrepreneurial education seems to be the major key policy to promote

entrepreneurship development. Therefore, entrepreneurship education should be inculcated into school curriculum at all levels.

Furthermore, efforts should be made to prevent electoral malpractices in whatever its manifestations. Culprits found guilty of electoral offences should be punished accordingly and where an incumbent rises to power through established cases of electoral misconduct, the relevant legal statutes should be invoked to address the anomaly. Also, there is a need for political leadership and public officials to be exposed to continuous training which will enhance their efficiency.

Sound anti-corruption policies that will be devoid of rhetoric should be enforcing. There should be transparency and accountability in the policies adopted. There should also be popular participation. People should be carried along in decision-making processes without ethnic or religious bias. When every member of the society is carried along irrespective of his/her class, status, religious or ethnic background, there will be development which will deliver dividends of democracy. The government should ensure that cost of governance is reduced to the barest minimum.

Analysis of the powers of the national assembly to create a constitution under the 1999 constitution of federal republic of Nigeria (as amended)

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Abstract

In a civilized society like ours where constitutional democracy system of Government is being practiced, power to make, alter, amend or repeal any law are adequately provided for by the relevant provisions of the constitution. Executive, Legislature and Judiciary which are the three arms of Government and the organs which keep Government at all levels functioning are products of the constitution. Their powers are rights to act accordingly and are derived from provisions of the constitution. Where any organ does any act which the constitution had not provided for, such act will be declared illegal, unconstitutional or null and void. Section 4(1) of 1999 constitution of the Federal Republic of Nigeria (As amended) provides that "The legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the Federation which shall consist of a Senate and a House of Representative". Section 4(2) of the same constitution also provides that "The National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Executive Legislative list set out in part 1 of the second schedule to this constitution". The combined interpretation of section 4(2) and section 4(3) and other subsections in that section 4 are that "absolute power to make laws for the Nigerians, or alter relevant sections of the constitution as provided by the constitution lies on the powers to any part of the National Assembly". This paper however, analysed relevant sections of 1999 constitution of the Federal Republic of Nigeria (As amended), the powers of the National Assembly to make, alter, amend or provide new constitution to the people of the Federal Republic of Nigeria as

requested by the Nigerian citizens. The paper concluded on the strong notion that unless power to make new Constitution is inserted in this present constitution, National Assembly lacks power to make or give new constitution.

Key words: National, Assembly, Make, New, Constitution,

Introduction

In a general acceptable way, constitution has been defined to mean the ground norm of a particular society. It presents a digest of the underlying normative values upon which the nation's socio-political structure rests. Also, it serves as controlling organ of all departments, parastatals and even defining the responsibilities of the various organs of governments. Accordingly, the privy council in *Minister of Home Affairs vs Fishers* defined constitution as a "legal instrument giving rise, amongst other things to individual rights capable of enforcement in court of law" In *PDP vs INEC*¹ the Supreme Court however, defined constitution to mean the organic law or ground norm of the people. It further defines it to include the book which provide the machinery of government, also bestows rights and imposes obligations on the people it meant to serve.

From the foregoing, constitution could also mean the Alpha and Omega of any day to day activities between the authority and the governed. Power(s) on the other hand, has been defined to means strength which the law has to do things in an acceptable way. Power(s) of the National Assembly to make constitution is therefore their strength to provide new constitution or another book of law which shall have binding forces on all the authorities and persons. This has to come into existence within the purviews of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

The constitution being the cardinal subject of discussion in this paper collates the controlling subject of discussion in this nation's socio – political relationships, the relationship between acknowledged units of the constitutional structures, that is, the government and the people, between the various arms of government, and in the case of nation like Nigeria, that operates a

¹ (1960) A.C.319 AT 329
(2001) F.W.L.R (Pt3D 2735 at 2776-2777

Federal system of government, the relationship between the various tiers of government. Besides, it also provides the value base for legislation affecting the future socio-economic development of the country, all the three (3) arms of government are slaves of the constitution not in the sense of undergoing servitude or bondage but in the sense of total obeisance and loyalty to it.

This is in recognition of the supremacy of the constitution over and above every statute, be it an act of the National assembly or a law of the House of Assembly of a state.²

The National Assembly and their Powers.

As provided by the constitution,³ the powers to make and to amend laws stated in the constitution is vested in the National Assembly which comprises the senate and the House of representatives. The main power of the legislature is that of law-making purposes or the passing of bills. The constitution⁴ provides thus:

“The National Assembly shall have power to make laws for the peace, order and good government of the federation or any part thereof with respect to any matter included in the exclusive legislative list set out in part 1 of the second schedule to this constitution.”

This explains the nature of the powers vested in the National Assembly. Thus, the powers to make laws for the stated purposes is the crux of the power – grant to the National assembly, and the scope of the power is delineated further when it is limited “to any matter included in the exclusive legislative list”, and as provided for under the various provisions in the constitution. It is important to note at this juncture, that it would be necessary to note some significant constitutional limitation on the power of

² Section 1 (1) constitution of Federal Republic of Nigeria 1999 (As amended)

³ Section 4 (1) constitution of Federal Republic of Nigeria 1999 (As amended)

⁴Section 4 (2) constitution of Federal Republic of Nigeria 1999 (As amended)

the National Assembly to make and amend law. For instance, the constitution⁵ provides as follows:

“save as otherwise provided by this constitution, the exercise of legislative powers by the National Assembly or by a House of Assembly shall be subject to the jurisdiction of courts of law and judicial tribunals established by law; and accordingly, the national assembly or a House of assembly shall not enact any law that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law.”

Also, as provided by other section of the constitution⁶ which states that;

.....the national assembly or a house of assembly shall not, in relation to any criminal offence whatsoever, have the power to make any law which have retrospective effect.

These are however constitutional provisions which explicitly limiting the strength and powers of the national assembly or States Houses of Assembly to make law or amend it as the case may be.

As rightly pointed out and as powerful as they are, the question that need answer is “Does the National Assembly have the constitutional power to make new constitution outside constitutional provision? The answer is no. Can National Assembly assume power without having regard to what is contained in section 4(a) and 4(8) of 1999 Constitution of Federal Republic of Nigeria? Does the National Assembly have power to make new constitution? Are there any provision(s) in the 1999 Constitution which is the ground norm to make new constitution? If they embark on such processes, would their action be valid in the light of provision of sections 4(a) and 4(8) of 1999 constitution (as amended). The answer to above questions are not far-fetched, this paper is however, ready to provide answer(s) in the light of several section of the constitution as contained in the 1999 Constitution (As amended) and judicial decision of the courts in these regards.

⁵ Section.4 (8) constitution of Federal Republic of Nigeria 1999 (As amended)

⁶ Section 4 (8) constitution of Federal Republic of Nigeria 1999 (As amended)

The Constitutional provisions

The primary concern of the judicial challenge of legislative conduct is to examine the nature and scope of the powers being exercised and to ensure that the constitutional grant enables the legislature to so act. Considering the challenge of the legislative action, it might be useful to examine them in these three groups:

- (i) Challenges addressing the nature and scope of the power, and seeking to establish that the conduct in question was based on an enabling provision or ultra vires of such provision;
- (ii) Challenges which acknowledge the existence of the power but claim that the legislative had abused or exceeded the discretionary aspect of the power; and
- (iii) Challenges which acknowledge the grant of power but claim that there have been non-compliance by the legislature with constitutionally laid down procedure.

Competence of the National Assembly to act as at when due.

Basically, the competence of the National Assembly to act on a matter as they have allegedly done. As with other arms of the governmental structure, the questions of competence raises the issue whether;

- (i) There is an enabling constitutional provision(s)
- (ii) The nature and scope of the power-grant under the said provision, and
- (iii) Whether the exercise of power can properly be fitted into the power granted.

It is pertinent to note however, that if constitution has spelt out the limit which a parliament or the so called National Assembly can go with respect to law making processes, they are bound by the provisions of the constitution which stipulate that, attempt to go beyond that limitation will amount to illegality. The court in *A.G Bendel State v. A.G The Federation*⁷ was faced with question – Does the National assembly has the power to delegate its powers to pass a money bill to a joint committee? Was there any constitutional provisions to back the actions of the National

⁷ (1982) 3 NCLR

assembly? The constitution provided for the power to pass such bills and involvement of the joint committee on finance established under section 58(3) of 1999 constitution of Federal Republic of Nigeria (As amended). While trying to do justice to the case before it, Eso JSC as he then said this:

“It is my view that there could be no question of delegation of legislative powers to the committee”

In his own decision Nnamani JSC explained that:

“Parliament in a written constitution which has spelt out the limits of its powers cannot go outside these limits in the exercise of that legislative power. Such parliament cannot go contrary to the constitution which has set down the conditions under which it will make laws.”

The courts in most occasions have insisted that upon the right of the National Assembly to exercise its express and implies powers without interference but National Assembly must have such powers. In *Okitipupa Oil Palm Co. Ltd v Hon. (chief) J. E. Jegede & Ors*⁸. In this case, the Ondo State House of Assembly had set up a special committee of the House to investigate the affairs of the plaintiff company. The plaintiff raised the issue that the House did not have the competence to investigate the company since they were limited by section 20 ‘to direct or cause to be directed an inquiry or investigate into:-

(a) “Any matter or thing with respect to which it has power to make laws, and ...”

The court while referring to item 31 of part 1 of the exclusive legislative list, pointed out that “it is the National Assembly only that have exclusive powers to make laws with respect to companies.⁹ The same view was held by the court, also in the case of *Oil Palm Company v. A.G. Bendel State*¹⁰

Denying the competence of the house to investigate the Oil Palm company regardless of the fact that the chairman and other members of the company are appointees of the Bendel State government:- The court further held that

⁸ (1982) 3 NCLR 509

⁹ (1985) 6NCLLR344

¹⁰Ibid

“whichever way one looks at this matter, the Bendel State House of Assembly cannot investigate the affairs of Limited liability companies, the plaintiff Company, having regards to all I have said above, particularly the fact that the Bendel State House of assembly has no legislative competence to enact laws touching on companies, I am of the opinion that the defendants/respondents have no constitutional powers to conduct an inquiry into the affairs of the plaintiff’s company”

Therefore, if a legislative body enact any law in respect of any matter which it does not have power or necessary competence to do so, it means it lacks the required or necessary power to deal with the matter decisively and therefore, whatever law or resolution it comes out with, goes to no issue and such actions will be declared unconstitutional. Court reached similar decision in the case of *Anago Amanze v. Federal Electoral Commission*¹¹. Where it asked this question – what kind of powers does the state House of Assembly has under constitution?¹² with regards to this process, the court pointed out that “no other power” has been granted to the House of Assembly. Araka CJ, state

“It must be emphasized that the state House of Assembly can only exercise such powers as had been granted to it by the constitution. It must be emphasized also that as far as a state commissioner’s appointment is concerned the House of Assembly has only powers to confirm or ratify the appointment of that commissioner. The question of the revocation of the appointment of a commissioner or not is completely outside the powers of the House of Assembly.”

Therefore, the attempt by the House to influence the tenure of a commissioner by motion was incompetent, ultra vires and therefore void. It is pertinent here that the legislature must have the constitutional grant of power before it can act on such power, otherwise any conduct of the legislature purportedly based on such non-existent grant will be ultra vires, null and void also.

Powers outside the Provisions of the Constitution

¹¹ (1985) 6 NCLR 638

¹²SECTION 192 of constitution of Federal Republic of Nigeria 1999 (As amended)

Here, the question that arises here is whether in the exercise of these powers, the National Assembly can sometimes go outside its sphere of authority? The answer would appear to be in the affirmative provided which is in consequences of the exercise of its authority to make laws for peace, order and good government in relation to matter at hand –new constitution!

In Canada, the court has been faced at various times with the issue of the nature and scope of this power. In *“Re The Regulation and control of Aeronautics in Canada”*¹³. The court held that if a statute made by the Central Dominion Power is substantially covered by powers, it is specifically given by the constitution, any portion not so covered is not necessarily vested in the states, but is covered under authority of the central government to make laws for the peace, order and good government of Canada. That is, the portion do not covered will not be treated as residual powers. In *Attorney General for the Dominion v Attorney General for British Columbia*¹⁴ prohibition of Insurance in Canada unless on license from the minister was held, *ultra vires*, because it did not fall under “the Regulation of Trade and Commerce” and could not come under its general powers for peace order and good government, but encroached on the powers of the provinces. In *Sunders case*¹⁵, it was held that the Dominion parliament could exercise its powers only in emergency. And to adhere to the constitution that gives the enabling powers to the National Assembly, section 1 and (3) of the constitution of the Federal Republic of Nigeria 1999 (As amended) provides that “this constitution is supreme and its provisions shall binding force on all authorities and persons throughout the Federal Republic of Nigeria”- including the National Assembly in all its legislative business, otherwise, its act shall have be declared unconstitutional by the court. In Canada, it seemed that the general power of the parliament often conflict with the authority of the provinces on concurrent matters. But here in Nigeria, there is no provision in the 1999 constitution which gives power to make new constitution to the National Assembly and as such National Assembly cannot exercise or arrogate such power to itself, if it does that, it will amount to constitutional crises and to beheld illegal and unconstitutional.

¹³ (1932)AC54

¹⁴ (1916)AC588

¹⁵ (1925)AC396

Limitation to the Powers of the National Assembly

Express Limitation

Despite all the powers granted to the legislation as stated above, the constitution expressly limits these powers. First, under the omnibus provision of section 1 (of the Constitution) the provisions of the constitution are binding on all authorities and persons in Nigeria. Further, “any law made which is inconsistent with the provisions of the constitution is to the extent of its inconsistency, null and void and of no effect¹⁶.” The phrase “any law” in the section no doubt encompasses those made by past and present governments at the Federal, State and Local Government levels. It however does not include resolutions of the National Assembly¹⁷.

The word “inconsistent” in the section has been stated to mean:

*.... mutually repugnant or contradictory, contrary the one to the other so that both cannot stand, but the acceptance...of the one implies the abrogation...of the other.*¹⁸

According to the court in *Adegbenro v. Attorney General of the Federation*¹⁹, the phrase “shall to the extent of the inconsistency be void” in the subsection²⁰ implies that a law may be valid in part and void in part vis-a-vis the constitution²¹. Once found inconsistent, there is no need for another law to invalidate it²². In *Attorney General of Bendel State v. Attorney General of the Federation*²³, the court declared null the Appropriation Bill passed by the National Assembly in a manner contrary to the provisions of the constitution.

¹⁶ Chief S.E. Oteri v. Chief J. Awhinwawhi (1982) 2 NCLR, 680

¹⁷ Koenig v. Flynn 258 N.Y. 292; 179 OK 1368,56 P.2d 136,137.

¹⁸ Berry v. City of Forthworth. Tex Civ App; 110 S.W. 2d 95, 103

¹⁹ (1962) I.A.N.L.R 431, FSC

²⁰ That is section 1(3) constitution of Federal Republic of Nigeria 1999 (As amended)

²¹ NDIC v. Okem Enterprises Ltd (2004) 50 WRN 1

²² Government of Imo State v. Greeco Construction and Engineering Ltd (1985) 3 NWLR pt. 11,71.

²³ (1982) 2 NCLR 1

In the words of the court in *Balogun v. Attorney General (Lagos State)*²⁴,

Court only has power to strike down a law passed by the House of Assembly of a State (or by the National Assembly for that matter) where the enactment violates commands of the Constitution. The Court has no power to measure constitutionality by its belief that Legislation is arbitrary, capricious or unreasonable or that it is offensive to its own notion of civilized standards of conduct. But where the Constitution itself provides that the validity of a law must be judged or measured by prescribed standards, then it is for the Court first to ascertain the scope and limit of those standards and measure the constitutionality of the law by or against those standards. Laws may be unjust, may be unwise, may be dangerous, may be destructive and yet not be so unconstitutional as to justify the judges in refusing to give them effect.

In *Akomolafe v. Speaker of Ondo State House Assembly*²⁵, the court stated that it would not generally interfere with the internal proceedings of the legislative except where there is a breach of the constitution or statute or where they act *ultra vires*. The court noted in that case that it is not within the powers of the legislature or try criminal offences.

More, specifically, section 4 of the constitution provides that the National Assembly or State House of Assembly is subject to the jurisdiction of the courts and judicial tribunals established by law, and shall not oust such jurisdiction under the law²⁶. In addition, both levels of government cannot make retrospective 'criminal' laws²⁷. Thus, the court in *Adikwu v. Federal House of Representatives*²⁸, recognized the fact that section 4(8) provides

²⁴ Ibid.

²⁵ Ibid. The judgement of Nassir President of the Federal Court of Appeal in Honourable Edwin *Ume Ezeoke v. Alhaji Isa Aliyu Makarfi* (1982) NCLR 663

²⁶ Section 4(8) section 4(9) constitution of Federal Republic of Nigeria 1999 (As amended)

²⁷ Section 4(8) constitution of Federal Republic of Nigeria 1999 (As amended)

²⁸ (1982) 3 NCLR, 394 SC

for the control of the legislative powers by the courts. As per Eso JSC in *Attorney General of Bendel State v. Attorney General of the Federation*²⁹.

The powers conferred on the Courts by section 4(8) are wider than the inherent powers to interpret the Constitution admittedly vested in the Courts in a Constitutional system such as ours. The express provision of the powers vested in the Courts and the mandatory nature of it indicate, to my mind an intention on the part of the framers of the constitution that the courts should have this power to scrutinize the exercise of legislative power by the National Assembly. The inherent power is provided in section 6(5)(d) and the ultra vires doctrine could be applied in respect of any law which violated section 4(2) and (3) but yet, the Constitution stipulated section 4(8). It seems to be one of the many checks and balances contained in our Constitution. It is also unique among written Constitutions.

In *Esemode v. Obanor*³⁰, the court stated, *inter alia*, that it amounts to contempt of court for a House of Assembly to initiate a bill that would frustrate an earlier ruling of the court.

In England, which operates the concept of parliamentary supremacy, the judges have sometimes expressed the opinion that the powers of the Parliament are not necessarily limitless except in relation to its internal proceedings. Thus, for example, in *Bradlaugh v. Gosset*³¹, Lord Coleridge CJ said:³²

Cases must be put, cases have been put, in which did they ever arise, it would be the plain duty of the Court at all hazards to declare a resolution illegal and no protection to those who acted under it. Such cases might, by possibility occasion unseemly conflicts between the Courts and the Houses. But while I do not deny that as a matter of reasoning such might happen...no doubt, to allow any review of parliamentary privilege by a Court of law may

²⁹ (1981) 10 SC 1.

³⁰ (1984) 5 NCLR 600, see also *Peacock v. Hotel Presidential* (1984) 5 NCLR 122.

³¹ 12 QBD 27.

³² *Supra* at 274,275

lead. Has led to very grave complications, and might in many supposable cases end in the privilege of the commons being determined by the Lords. But to hold the resolutions of either House absolutely beyond inquiry in a Court of law may land us in conclusions not free from grave complications too.

Under the United States constitution, apart from the general concept of constitutional supremacy, section 9 of article 1 limits the powers of Congress by prohibiting or denying it certain powers. Thus, for example, the Congress cannot suspend the privacy of the writ of *habeas corpus* unless in the cases of rebellion or invasion³³. The third clause prohibits bill of attainder or *ex post facto* laws. Bills of attainder are acts of legislature imposing capital punishment for capital offences without conviction in the ordinary course of judicial proceedings, thus amounting to legislative judgement³⁴. *Ex post facto* laws are retrospective legislations, and in *Colder v. Bull*³⁵, The Supreme court held that the section applied only to penal and criminal statutes. The section also prohibits imposition of tax or duty on articles exported from the states. Further, by clause 10 of same article of the United States constitution, the various states are prohibited from engaging in various acts. For example, they cannot enter into treaties, alliance or confederation, coin money, emit bills of credit, grant any title or nobility, and pass any bill of attainder or *ex post facto* law. They cannot also, without the consent of congress keep troops or ships of war in time or peace, or enter into agreement or compact with any state or foreign power, or engage in war unless invaded. No doubt, some of the acts prohibited under the United States constitution would also be prohibited under our laws, but are not as easily ascertainable and can only be got from various sections of the constitution. For example, in Nigeria, states cannot enter into treaties, engage in war with foreign power or coin money, because these are

³³ *Grasquet v. Lapetre* 242 U.S. 367, (1971).

³⁴ Story J., Commentaries on the Constitution of the Unites States, Chicago,(Boston Publishing, (1833) and 1838) *Cumming v. Missouri*, 4, Wall (71 U.S) 277, 323 (1867); *Unites States v. Lovett*, 328 U.S. 303, 315 (1946); see also *United States v. Brown* 381 U.S. 437 (1965) where the legislation was directed towards the Communist party.

³⁵ 3 Dall, U.S 386, 393 (798).

matters under the exclusive legislative authority of the national government.

Implied Limitation

Apart from the above-mentioned express limitations, the courts have also recognized the implied and / or traditional limitations to the grant of legislative powers. One of these is the limitation which arises as a result of conflict between the legislative acts of two separate houses. When there is rigid division of legislative topics, there is no problem of interpretation. However, when there is a joint grant of power, the courts have read the traditional rule of "covering the field" as implied in our constitutional structure, the classical illustration on this was seen in *A.G Ogun State v. A.G Federation*³⁶ where Fatai William CJA (as he then was) stated:

"It is of course, settle law, based on the doctrine of covering the field with which I shall deal in more details later, that if parliament enacts a law in respect of any matter in which both parliament and regional legislative are empowered to make laws, and a regional legislative enacts an identical law on the same subject matter, the law made by parliament shall prevail. That made by the regional legislature, shall become irrelevant and therefore, impliedly repeal".

Similar provision was provided for in the 1999 constitution which provides: -

*"If any law enacted by the House of Assembly of a state is inconsistent with any law validly made by the National assembly, the law made by the National Assembly shall prevail and that other law shall to the extent of the inconsistency be void"*³⁷

However, the question that need answer is Does the national assembly have constitutional power to make new constitution since people whom absolute power reside have started clamoring for new constitution? Though, having stated those

³⁶ (1982) 3 NCLR 166

³⁷ Section 4 (5) constitution of Federal Republic of Nigeria 1999 (As amended)

things which National Assembly has power to make law in respect of and those it does not have power or necessary competence to act on. The constitution³⁸ only made provision for alteration of any section and it provide thus:-

“The National Assembly may, subject to the provisions of this section 9(1), alter any of the provision of the constitution”.

Subsection 2, 3 and 4 of the constitution earlier quoted only provided for mode of altering this present 1999 constitution or any section thereof but not criteria that can bring a new constitution contrary to the statement which preamble to the 1999 constitution contained which say “we the people of Federal Republic of Nigeria” the statements which have generated a lot of criticisms since 1999 when the constitution itself was made and up till now. Attempt was made by 7th Assembly to see whether a new constitution can be made for Nigerians but despite the curiosity of the then members to see whether a new constitution can be made for Nigerians they were restricted by the provisions of the constitution, since they could not find any constitutional provisions to support their plan, the idea was later dropped and abandoned.

The legal implication of not having constitutional provisions is that National Assembly cannot embark on such exercise, what at the end of the day, their actions would amount to illegality. The question that follows is that ‘for how long would the doctrine of non-inclusion persist?

In response to the above question, for the National Assembly to have the necessary competence and power under the 1999 constitution of the Federal Republic of Nigeria to give Nigerians new constitution; they must amend the present constitution to give them the necessary constitutional power to embark on such process otherwise they will forever lack power(s) to give Nigerians new constitution which citizens desired.

Secondly, in an egalitarian society where peoples’ opinion is recognized, citizens must have direct or indirect way of

³⁸ Section 9 (1) (4) constitution of Federal Republic of Nigeria 1999 (As amended)

expressing their mind in respect of certain issues and to have that, it means referendum must be conducted without delay, doing that will address a lot of issues which are long overdue.

Conclusion

In conclusion, the present National Assembly members must have political will to address the plight of Nigerians to have new constitution. Giving Nigerians new constitution will address a lot of issues and at the same time will bring an end to all lacunars and conflicts which 1999 Constitution (As amended) known for. They must be sensitive enough to do what will not likely plunge Nigeria as a nation into a state of comatose. From the foregoing, it is clear that 1999 constitution of the Federal Republic of Nigeria (As amended) does not have any provisions as regard new constitution but certain sections of the constitution can/may be amended so as to give the National Assembly power(s) to make new constitution.

Recommendations

- 1) The National Assembly must urgently amend relevant sections of this 1999 constitution of the Federal Republic of Nigeria (As amended) and insert therein sections that will enable it to have power(s) to provide new constitution whenever such is desired.
- 2) Referendum must be urgently conducted so as to allow this present constitution to reflect the wishes of the people.
- 3) Citizens of the Federal Republic of Nigeria must demand new constitution and National Assembly must be given target to realize such.
- 4) Sovereign National Conference where people from different tribes will be allowed to express their feelings and concerns must be called upon as urgently as possible.
- 5) Other arms of government such as the Executive and Judiciary must be willing to provide support to the National Assembly to have new constitution.
- 6) Cumbersome procedure must not be required to amend any sensitive area of the constitution, for example, any area or section that will empower the National Assembly to amend or give new constitution to the people of the Federal Republic of Nigeria must not be too rigid or cumbersome. We need flexible one like that of United

Kingdom that can provide for quick or urgent amendment.

Refences

1. Story J., Commentaries on the Constitution of the Unites States, Chicago,(Boston Publishing, (1833) and 1838) *Cumming v. Missouri*, 4, Wall (71 U.S) 277, 323 (1867); *United States v. Lovett*, 328 U.S. 303, 315 (1946); see also *United States v. Brown* 381 U.S. 437 (1965) where the legislation was directed towards the Communist party.
2. 1999 Constitution of the Federal Republic of Nigeria (As amended)
3. *Peacock v. Hotel Presidential* (1984) 5 NCLR 122.
4. *Akomolafe v. Speaker of Ondo State House Assembly* (1982)
5. *Adegbenro v. Attorney General of the Federation*, (1982)
6. *Adikwu v. Federal House of Representatives*, (1981)
7. *Attorney General of Bendel State v. Attorney General of the Federation* (1984)
8. *In Attorney General for the Dominion v Attorney General for British Columbia*, (1916)
9. "Re The Regulation and control of Aeronautics in Canada, (1932)
10. *Anago Amanze v. Federal Electoral Commission*, (1985)

Ethical wit, artisanal refining business and environmental wellbeing in Niger Delta, Nigeria

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Abstract

The economic benefits of artisanal refining of petroleum product in the Niger Delta (ND) of Nigeria appear to have resulted in ethical subjectivism among artisans, with attendant environmental effects. The covid-19 lockdown was viewed as an alternative approach to environmental succour especially for the ND region. This research evaluates the ethical implications of artisanal refining in the ND amid the lockdown; examines the effects of the activities on the environment with suggestions for a sustainable environment. Descriptive analysis and Key Informant Interview (KII) was adopted for the study. Nineteen (19) booths within Rivers; thirty-five (35) in Bayelsa State and one (1) in Delta State respectively comprise the scope of the study. The data were content analysed. This paper hypothesizes that the Niger Delta region is confronted with environmental assault resonating from man's deviation from responsible relationships in the society as well as the environment hence it adopts the Aquinas' paradigmatic theory of natural law which stresses the need to maintain law and ethical principle on which all creation is ordered. Findings reveal a deliberate violation of ethics of obedience to constituted authority, ethics of respect as well as ethics of environmental stewardship. The lack of economic motivation by the government resulted in ethical breaches which translated into environmental degradation. The ethical consciousness of the people needs to be strengthened for needed environmental transformation especially in moments when the

economic gains of this business interfaces with lived realities of poverty in the region.

Keywords: *ethical consciousness, ethics of environmental stewardship, refining business, covid-19 lockdown, Niger Delta of Nigeria,*

Introduction.

The local artisanal refining of petroleum product in the Niger Delta region of Nigeria comes along with prospects and challenges. Owubokiri, highlighting the environmental implications of local Artisanal refining of Petroleum Products (also known as *kpo-fire*) in the Niger Delta of Nigeria, avers that in the course of acquiring crude oil for the refining process, the locals or better say, natives of the Niger Delta, resort to vandalizing of oil pipelines.¹ This in turn resonates in spillages, and in the process of refining, hydrocarbon compound emits into the atmosphere in the form of soot with high damaging effects on the human population within the region. *Kpo-fire* is local parlance that describes Artisanal refining of Petroleum products especially in the Niger Delta region of Nigeria. Etymologically, the word is derived from the sound generated from fire when fuel is poured into it during the process of oil refining.

The economic prospect of this informal economy is revealed in the prevailing daily activities within the coastal regions of the Niger Delta States of Rivers, Bayelsa and partly Delta. For instance, in Asari Toru Local Government Area of Rivers State specifically in Iyalama community, between three (3) to four (4) million litres of diesel were refined daily before the interception by the Nigerian Navy in 2017.² Besides, Yenagoa, the State capital of Bayelsa, harboured over 2000 fabricated refineries that were destroyed by the military within three months.³ Some of these

¹J.I. Owubokiri, 'The Niger Delta & Kpo fire millionaires: Unraveling ecological Ruination', 2019, <https://sweetcrudereports.com/the-niger-delta-kpo-fire-millionaires-unraveling-ecological-ruination/> (accessed 27 April 2020).

² V. Edozie, 'Rivers community where illegal bunkering thrives', Daily Trust, 29 July 2018 <https://www.dailytrust.com.ng/rivers-community-where-illegal-bunkering-thrives-263115.html> (accessed 18 May 2020)

³ *Nairaland Forum*, 'Army Destroyed 2000 Illegal Refineries', 2017.

youths lose their lives to raiding by the Joint Task Force (JTF) as they operate in the mangrove and forest regions. The Federal Government of Nigeria employed this approach to scare and discourage the artisans from such business in the region possibly for the protection of the environment from continuous pollution.⁴

Despite this measure, the economic gains of this business seem to dwarf the inherent ethical implications and environmental dangers. However, in recent times, Dickson observes that an alternative, effective, efficient and natural approach to environmental succour in the Niger Delta region is the Covid-19 pandemic lockdown which probably would restrict artisans' movement to operation sites.⁵ Given the foregoing, this research focuses on how the Covid-19 pandemic lockdown in Nigeria has hitherto, enhanced or otherwise hampered the environmental situation in the Niger Delta (ND) region. Thus, the main research questions are, "to what extent did the Covid-19 induced lockdown in Nigeria affect the Niger Delta environment in relation to the *kpo-fire* business in the region? Could this effect translate into any environmental good for the Niger Delta region? Were the restrictions on the artisans productive or counterproductive? Could the Covid-19 lockdown in Nigeria elicit some ethical concerns regarding the situation the artisans found themselves?

In responding to the above questions, this research intends to: (1) evaluate the ethical implications of artisanal refining in the ND during the Covid-19 lockdown; (2) examine its effects on the environment, and (3) recommend way forward for a sustainable environment of the Niger Delta of Nigeria. Nevertheless, this research is set to contribute significantly to the fields of religion as well as environmental ethics.

<http://www.nairaland.com/784726/army-destroyed-2000-illegal-refineries> (accessed 2 November, 2017).

⁴ I. Daminabo, C. Aloni and B.A. Chinago, 'KPO-Fire: the effect of unharnessed technology in Niger Delta, South - South Nigeria', *Journal of Resources Development and Management*, 34 (2017): 10-14.

⁵B. Dickson, 'Niger Delta: coronavirus forces illegal crude refiners out of business', 2020.

<https://theportcitynews.com/2020/05/14/n-delta-coronavirus-forces-illegal-crude-refiners-out-of-business/> (accessed 17th May, 2020).

I. *Brief History and Prevalence of Kpo-fire Business in the Niger Delta of Nigeria*

The Artisanal refining of Petroleum Products is what is known as *kpo-fire* business in the Niger Delta Region of Nigeria. The word *kpo-fire* is a postcolonial local slang or parlance used in describing refining/bunkering business that has been thriving in the Niger Delta region. It is coined from the explosive sound generated when fuel is poured on fire in the process of refining the crude within the mangrove forest. It is also regarded by the people involved, as their own “way of getting a piece of the national cake”.⁶

This business began in 2003 when Alhaji Mujahid Asari-Dokubo, the leader of the Niger Delta Peoples Volunteer Force (NDPVF) held sway as it were, as a warlord in the creeks of Niger Delta. By this period of its inception, any petroleum product that was not produced by the Nigerian National Petroleum Corporation (NNPC) within the West Africa region was nicknamed “Asari Oil or fuel”.⁷ Recently this informal economy has become a fanfare.

The Literature

The burning quest for environmental-justice has been a global concern.⁸ Even Africa is not exempted from this issue.⁹ Clearly,

⁶ *Dailytimes* ‘Kpo-Fire! Crude, Oily Way of Eking out a Living’, *Daily Times*, 23 December 2014. www.kpo-fire-crude-oily-way-of-eking-out-living/amp/ (accessed 29 March 2015).

⁷ C. Akasike, ‘Appraising a Country’s Solution to Illegal Bunkering’, *Nigerian Best Forum (NBF)*, July 28 2012. www.nigeriabestforum.com/index.php?topic=175302.0 (accessed 5 January 2021).

⁸L. Rasmussen, ‘Global Eco-Justice: The Church’s Mission in Urban Society’ in Dieter Thessel (et.al) (eds.) *Christianity and Ecology Seeking the Well-Being of Earth and Humans*, (Cambridge, Massachusetts: Harvard University Press, 2000). See also, S.M. Nwaomah, ‘Biblical Ecology of Stewardship: Option in Quest for Sustainable Environment in the Niger Delta Region of Nigeria’, *The Living Word: Journal of Philosophy and Theology* 113 (2) (2007): 89-103.

⁹ U.G Josiah and G.H. Amah, ‘The Mourning of the Land as Occasioned by Oil Mineral Pollution in the Niger Delta of Nigeria’, *IOSR Journal of*

Africa's (including Nigeria's) religious ideas were very much about relationships with people, animals, and land where respect for these was not a matter of negotiation. The foregoing is captured by Mbiti¹⁰, Ranger¹¹ and Taringa¹². But in the Nigeria's Niger Delta Region today, this value is gradually eroding thus resulting in environmental degradation as a result of some economic realities such as oil exploration and exploitation especially, by Oil Companies. This view is expounded by Nwaomah¹³, Abodunrin¹⁴, Ademiluka¹⁵ and Josiah & Amah¹⁶. Accordingly, Nwaomah and Abodunrin, opined that certain provisions in the 1969 Petroleum Act (CAP 350) prohibiting oil-based activities in certain areas of the human community were violated by oil companies in the Niger Delta Region. On one hand, Ademiluka applied the message of the eighth-century BCE prophets in Israel against injustice to the situation of unrest in the Niger Delta of Nigeria. He identified a collaborative role of the multinational companies such as Shell-BP and the governments in the degradation of the region and its resultant effect of unrest in the region. And on the other hand, Josiah & Amah in their quest for eco-justice for the Niger Delta

Environmental Science, Toxicology and Food Technology (IOSR-JESTFT) 4 (6) (Jul-Aug 2013): 44-49 www.iosrjournals.org

¹⁰ J.S. Mbiti, *African Religions and Philosophy* (Ibadan: Heinemann Educational Books, 1969)

¹¹T.O. Ranger, 'African Traditional Religion', in Stewart Sutherland (et.al) (eds.) *The World's Religions* (London: Routledge, 1988)

¹²N.T. Taringa, 'Towards an African-Christian Environmental Ethic' in Joachim Kuegler, Masiwa R. Gunda, Lovemore Togarasei, Eric Souga Onomo in cooperation with Ezra Citando & Nisbert Taringa (eds.) *Bible in Africa Studies* 13 (Bamberg: University of Bamberg Press, 2014).

¹³S.M. Nwaomah, 'Biblical Ecology of Stewardship: Option in Quest for Sustainable Environment in the Niger Delta Region of Nigeria', *the Living Word: Journal of Philosophy and Theology* 113 (2) (2007): 89-103.

¹⁴Abodunrin, A.O. 'Anti-Pollution Laws in Deut 23:13-14', in C.U. Manus (ed.), *Biblical Studies and Environmental Issues in Africa* 1(143) (2008): 137 -145.

¹⁵Ademiluka, S.O, 'Interpreting the Eighth-Century Prophets in Israel in the Context of Unrest in the Niger Delta Region of Nigeria', *Bible in Africa Studies: from Text to Practice, the Role of the Bible in Daily Living of Africa People Today*, (eds.) Joachim Kuegler, Lovemore Togarasei & Masiwa Ragies Gunda, 2nd Edition., 4 (Bamberg: University of Bamberg Press, 2011), Pp. 45-62.

¹⁶Josiah and Amah, 'the Mourning of the Land as occasioned by oil Mineral pollution in the Niger Delta of Nigeria', *IOSR Journal of Environmental Science, Toxicology and Food Technology*.

region of Nigeria observed that the region is highly predisposed to pollution assault occasioned by hydrocarbon (oil-mineral and related products).

These scholars have addressed the role of successive governments in alliance with oil companies in the degrading of the Niger Delta Region, as well as the part played by residents of the region in the formation of ethnic movements leading to unrest. However, little or no attention has been given regarding *kpo-fire*, a postcolonial concept¹⁷ which currently, is detrimental to the Niger Delta environment as well as the role of the prevailing Covid-19 pandemic in ameliorating the environmental situation in the region. Nevertheless, beyond government's negligence and its aftermath unrest by youths, this work, seeks to extend the environmental discourse to the apparent thriving business of *kpo-fire* in the context of Covid-19. This calls for ethical consideration generated from African traditional and Christian religious viewpoints. It is important because morality in Hebrew as well as in the African mind takes a dimension where moral truth about God is the basis for justice in society and prosperity in nature.¹⁸ Therefore, justice as a fair and right relationship is not only between humans but also includes "nature" which means that justice as a moral obligation deals with fairness among humans and between humans and all other parts of creation.¹⁹

¹⁷K. Donkor, 'Culture, Emerging Issues, and Adventist Theology in Africa' in Sampson M. Nwaomah, Eriks Galenieks and Davidson Razafiarivony , (eds.) *Culture, Adventist Theology and Mission in Africa* (Nairobi, Kenya: The Theological Seminary of Adventist University of Africa, 2016), Pp. 3-30.

¹⁸R.R. Ruether, 'Conclusion: Eco-Justice at the center of the Church's Mission' in Dieter Thessel (et.al) (eds.) *Christianity and Ecology Seeking the Well-Being of Earth and Humans*, (Cambridge, Massachusetts: Harvard University Press, 2000), Pp. 603-614. See T.D. Hammond. 'Establishing dialogue: Thoughts on 'cosmology', 'religion' and science' in C.W. du Toit (ed.), *Faith, science & African culture African cosmology and Africa's contribution to science* (Pretoria: UNISA, 1998), Pp. 1-9. See also G. Setiloane, 'Towards a bio-centric theology and ethic — via Africa', in C.W. Du Toit (ed.), *Faith, science & African culture, African cosmology and Africa's contribution to science* (Pretoria: UNISA, 1998), Pp. 73-84.

¹⁹Ferguson, R.J. 'the Ancient Egyptian Concept of Maat: Reflections on Social Justice and Natural

i. *Covid-19 in Nigeria: History and Stages of Lockdown*

Consequent upon the information passed globally by the World Health Organization (WHO) on the novel disease, COVID-19, the following data become a very useful first-hand document in writing the history of coronavirus in Nigeria as a prima facie statement or information on the existence of the disease. This is so because without this very important introductory statement of fact about this new disease from *the World Health Organisation -WHO*, there will be no history of COVID-19 in Nigeria.

WHO in her article on *The Events as they happen* describes the first appearance and nature of this novel disease as follows: “a pneumonia of unknown cause detected in Wuhan, China was first reported to the WHO country Office in China on 31 December 2019.”²⁰ It was WHO who first declared the outbreak of this novel disease as “a Public Health emergency of International concern on 30 January 2020.” And subsequent upon this declaration, WHO, on February 11, 2020, “announced a name for the new coronavirus disease: COVID-19.”

Roseline O. Ogundokun and others, associate the novel disease in Nigeria with a pandemic already declared by WHO to be “caused by severe acute respiratory syndrome corona virus 2 (SARS-CoV-2).”²¹ The first known and confirmed case of this novel disease in Nigeria was announced on Friday, February 27, 2020. Further information on this first case was reported by the Nigeria Centre for Disease Control (N.C.D.C), of “an Italian citizen who works in Nigeria and returned from Milan, Italy to Lagos, Nigeria on the 25th of February 2020. He was confirmed by the Virology Laboratory of the Lagos University Teaching Hospital, part of the

Order’, *CEWCES Research Papers* 13 (2) (2016): 2

http://epublications.bond.edu.au/cewces_papers/13

²⁰*WHO* ‘Events as they happen: Rolling updates on coronavirus disease’ 2020.

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen> (accessed 9 June 2020).

²¹ R.O. Ogundokun, A.F. Lukman, G.B.M. Kibria, J.B. Awotunde and B.B. Aladeitan ‘Predictive Modelling of COVID-19 confirmed cases in Nigeria’, 15 August 2020.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7428444/#bib18> (accessed 9 October 2020).

Laboratory Network of the Nigeria Centre for Disease Control”²². The second case was announced by the Minister of Health, Osagie Ehanire at the boardroom of the University of Benin Teaching Hospital, to have been “a contact of the index case and not a new importation into the country”.²³

By these two known COVID-19 cases, the Federal Government of Nigeria was alerted to quickly shut down from operations five of her international airports, namely: Enugu, Lagos, Rivers, Kano, and FCT as immediate surveillance and control of international transmission of the disease from other international communities, as was announced by the Minister of Health, Osagie Ehanire, at a news conference in Abuja.²⁴

Among other measures taken by the Federal Government to get at the root of the invading presence of this virus in Nigeria was the inauguration of a Presidential Task Force on COVID-19 by President Muhammadu Buhari on March 9, 2020 “to coordinate and oversee Nigeria’s multi-sectoral inter-governmental efforts to contain the spread and mitigate the impact of COVID-19 pandemic in Nigeria”.²⁵

ii. *Covid-19 Lockdown in Nigeria*

Lockdown, one of the measures to control the spread of the novel disease - COVID-19, was embraced by the Nigerian Government.

²²Nigeria Centre for Disease Control (NCDC). ‘First Case of Corona Virus Disease Confirmed in Nigeria’ February 28, 2020. <https://www.ncdc.gov.ng/news/227/first-case-of-corona-virus-disease-confirmed-in-nigeria>.

²³Okwumbu, R. ‘Nigeria records second case of COVID-19’, *nairametrics.com*, 9 March 2020 <https://nairametrics.com/2020/03/09/nigeria-records-second-case-of-covid-19/> (accessed 27 April 2020)

²⁴*Premium Times*. “Coronavirus: Nigeria “strengthens” surveillance at five international airports.” *Premium Times, Nigeria*, January 29, 2020. <https://www.premiumtimesng.com/news/top=news/374865-coronavirus-nigeria-strengthens-surveillance-at-five-international-airports.html>

²⁵State House. ‘About the PTF: 2020 Presidential Task Force on COVID-19 powered by Vovida Communications Limited’, <https://statehouse.gov.ng/covid19> (accessed 23 Sept. 2020).

Fedelis Mbah reports that the first lockdown which lasted for 14 days, a little over a month after Nigeria confirmed its first covid-19 case, kicked-off by 11.00 p.m local time (22:00 GMT) on Monday, March 30, 2020, was relaxed on Sunday, April 12, 2020, was announced Sunday, March 29 by President Muhammadu Buhari that, all citizens in Lagos, Abuja, and Ogun States "are to stay in their homes. Travel to or from other states should be postponed. All businesses and offices within these locations should be fully closed during this period." Mbah reported that the first lockdown announcement did not "include hospitals and stores selling essential items such as groceries and medicine." For Buhari, the lockdown was intended to enable the NCDC to "identify, trace and isolate all individuals that have come into contact with confirmed cases." Lagos being the epicentre of COVID-19 Nigeria, Nigerians in Lagos were concerned about hike in prices of commodities as one of the effects of a lockdown. So on Monday following the day of President Buhari's announcement, they flooded Lagos markets to buy food items for stocking against the unforeseen lockdown.²⁶

Yomi Kazeem reported that the Nigerian president, Muhammadu Buhari, on Monday, April 27 announced the easing down of the first lockdown saying, "a phase and gradual easing of lockdown measures" in the three States - Abuja, Ogun, and Lagos effective, May 4, due to "heavy economic cost" brought about by the lockdown. The Federal Government also added that easing the lockdown balances "the need to protect health while also preserving livelihoods." The easing of the lockdown did not, however, make way for interstate travel and neither did it remove restrictions on social and religious gatherings; the citizens were also required to make use of face mask.²⁷

²⁶F. Mbah, 'Nigeria announces lockdown of major cities to curb coronavirus: The 14-day lockdown enforced in the commercial hub, Lagos, neighbouring Ogun and the nation's capital, Abujah', *Al Jazeera Media Network, 2003-2020*, March, 2020, <https://www.google.com/amp/s/www.aljazeera.com/amp/news/2020/03/nigeria-announces-lockdown-major-cities-curb-coronavirus-200330095100706.html> (accessed 9 June 2020).

²⁷Y. Kazeem, 'Nigeria is set to ease its coronavirus lockdown in major cities despite mounting cases', *Quartz Africa.com*, 27 April 2020.

Adenike Aloba reporting in Premium Time (Abuja) of June 1, 2020, reflected that "the first phase of the lockdown was subsequently extended by two weeks which elapsed by midnight of May 4. The second lockdown was an extension of the first lockdown both of them concurrently lasted for five week from March 30 to April 27, 2020, hence, may not be referred a second phase but an extension of the first phase. However, President Muhamadu Buhari had on April 27 announced the gradual easing of a five-week lockdown in FCT, Lagos, and Ogun State. A nationwide night curfew from 8 p.m to 6 a.m from 4-17 May, 2020, marked the end of this lockdown. Aloba reported that Mr. Mustapha, chairman of PTF," while speaking on the daily presidential Task Force on COVID-19 briefing said "the commencement of the second phase of the lockdown was approved by President Buhari." The PTF had submitted a recommendation to President Buhari and a presidential approval has been granted on the second phase of the lockdown to begin from June 2nd - 29th, but it is subject to the report of the PTF on the trending nature of the virus in the country.²⁸

Aloba alludes to three statements in the assessment of Mr. Mustapha on the way forward and Nigeria's preparedness for the second phase of the lockdown, as follows:

1. Nigeria is ready to allow science and data determine her caution advancement into the second phase of the eased lockdown for a period of four weeks.
2. "Application of science and data to guide the targeting of areas of on-going high transmission of COVID-19 in the country.
3. That COVID-19 is not over he said, "This is a fight for life and our advancement to phase two does not mean that COVID-19 has died; It is still potent and highly wasteful of human lives. I implore all Nigerians and corporate citizens to the responsibility and play the expected role."

<https://www.google.com/amp/s/qz.com/africa/1846758/nigeria-to-ease-coronavirus-lockdown-from-may-2-says-buhari/amp/> (accessed 7 June 2020).

²⁸A. Aloba, 'coronavirus: Nigeria 'strengthens' surveillance at five international airports." *Premium Times, Nigeria*, January 29, 2020.

<https://www.premiumtimesng.com/news/top=news/374865-coronavirus-nigeria-strengthens-surveillance-at-five-international-airports.html>

iii. *The Effect of COVID-19 Lockdown in Nigeria*

Whatever might be considered as the effect of lockdown in Nigeria, the bottom-line will be traced to the economic atmosphere of the citizenry. Tolu Olarewaju, a lecturer in Economic, Staffordshire University, examines lockdown in Nigeria on her economy and citizens. Though the lockdown was a nation-wide phenomenon, it was propelled by the federal government and implemented by state governments in Nigeria. Olarewaju considers the two states and Federal Capital Territory where the federal government implemented the lockdown, namely: Lagos, Ogun, and Abuja, and their citizens, and focuses on those to be affected hardest to constitute “households that rely on day to day activities of self-employed individuals for consumption.” A survey of the Nigerian economy as a developing economy compared to other developed economies or nations in the face of COVID-19 pandemic reveals unequivocally that these nations “have implemented economic support measures to mitigate the impact of lockdown on their economies,” but Nigeria will certainly have a huge shortfall in this regard. This weakness was enshrined in President Muhammadu Buhari’s speech in which he avers that, “he acknowledge that the restrictions may make it hard for people to feed themselves and so ‘relief materials’ would be distributed to communities around the states affected.” However, whether this official statement worked out equitably, is yet to be verified. Olarewaju wishes Nigeria government would have taken “into account the country’s peculiar economic circumstances when it “implemented” its mitigation measures. In particular, it must bear in mind the millions of Nigerian households whose livelihoods depend on the self-employed and small scale entrepreneurs.” In his research on the population distribution and classes in the Nigeria economy, Olarewaju points out the following:

Nigeria has a very high self employment rate. In terms of occupational proportions from household perspective, his research showed that 41.4% household members reported being own account self-employment; 26.5% in paid employment, 2.8% reported that they were employers of labour, 15.7%

indicated that they were unemployed, while 13.6% reported being non-active in the labour force.²⁹

This percentage distribution, according to Olarewaju, agrees with “the figures from the National Bureau of Statistics,” but reveals that, “employment rate in Nigeria has recently grown worse and the national employment rate does not reflect the situation in individual states.” Such an economy under lockdown, according to his research, will manifest the following features:

1. Occupational status has implications for household consumption, in that employers were typically the greatest contributors to household consumption ranging between 12% and 66%.
2. Paid workers were typically the second highest contributors to household consumption, especially for wealthier households, and tended to rely more on the activities of non-account self-employed individuals.”

The result of his analysis includes:

- a. There will be significant consequences for household consumption in the cities that are under lockdown.
- b. Loss of income will be the immediate concern for individuals who have been contributing to household consumptions through their entrepreneurial activities and engage in hand-to-mouth self employment.
- c. It will be hard for such individual to participate in the lockdown when their households depend on them for consumption.

Suggested solution:

1. Food bank such that has been put in place by the governor of Ekiti State, with stipend to self-employed citizens whose daily

²⁹T. Olarewaju, ‘Lockdown will hit Nigeria's small scale entrepreneurs hard. What can be done’, *The Conversation, 2010-2020*, <https://www.google.com/amp/s/theconversation.com/amp/lockdown-will-hit-nigerias-entrepreneurs-hard-what-can-be-done-135362> (accessed 9 June 2020).

income would be interrupted. If the lockdown affect self-employed workers - they would be considered in the stipend.

2. Emergency food response.
3. Nigerian entrepreneurs should control donations of large sums to government, but such money should be given to self-employed individuals who are lifeblood of cities like Lagos.
4. The big entrepreneurs should remember their customers as the lockdown has kept them at home without business.
5. Entrepreneurs tax burdens should be reduced.

Methods and Design

This study is purely a qualitative research. Therefore, to achieve the study's preoccupation, the descriptive analysis and the Key Informant Interview (KII) were utilised. Relevant data from informants who also doubled as artisans from selected locations of the *kpo-fire* business within the ND region of Nigeria were generated using Purposive Random Sampling technique. Given the reality of the inter-state lock down in Nigeria at the time of the research, the chosen pattern for the interview was electronic in nature. The interview was granted to four key informants who also doubled as artisans in order to generate useful information on the refining business in different locations within the Niger Delta region. The breakdown of the locations are as follows: nineteen (19) booths or locations within Rivers; thirty-five (35) booths or locations in Bayelsa and one (1) booth or location in Delta States respectively. The informants requested anonymity regarding their identity hence, as part of the research ethics, and due to the sensitive nature of the business currently, their identity is kept confidential with the use of "informant A-D" to represent the respondents within the four (4) different locations of operations. The three States of Rivers, Bayelsa and part of Delta were chosen from the Niger Delta region as the scope of our study for their high presence of artisanal modular refineries. The data generated for this study were subjected to content analysis arriving at various inferences and conclusions in the paper.

Theoretical Framework

This paper hypothesizes that the Niger Delta region is confronted with environmental threats resulting from human's deviation from responsible relationships in the environment hence it adopts Thomas Aquinas' paradigmatic theory of natural law which stresses the need to maintain law and ethical principles on which all creation (including humans), is ordered.³⁰ It therefore organically follows that any deviation from these ethical principles results in dislocation. In the case of this study, such departure from set laws sustaining the fabrics of the society as well as the environment translates into environmental damage. This view is echoed by certain scholars of theology who have developed the term eco-justice to reflect a universal religious aspiration for a balanced relationship between humans and the earth.³¹ Thereby, emphasizing that the fate or good of human beings is dependent on the fate and good of the earth because they are interdependent and that environmental degradation and economic injustice go hand in hand; thus implying a link between environmental justice and human rights.³²

FINDINGS

This section focuses on the information gathered from the Key Informant Interview where certain informants labeled "A-D" offered information regarding artisanal refining of petroleum products in the Niger Delta region of Nigeria.

According to Informant A, four locations were identified as Inyonoron, Asarama, Opokiri and Ataba locations all in the Andoni/Okrika region of Rivers State. According to him, these locations are functioning very well even amid the Covid-19 lockdown. This is major because they are located on the coastal wing of the State. When asked if the business was affected by the

³⁰ Murphy, Mark, "The Natural Law Tradition in Ethics", in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (winter Edition, 2011), <http://plato.stanford.edu/archives/win2011/entries/natural-law-ethics/> (Accessed 25th October 2012).

³¹ Warner, and Decosse, 'what: using ethical principles in moral reasoning about the environment', *Markkula Centre for Applied Ethics*.

³² Onyeyonwu, 'Christian ethical perspectives on waste accumulation and evacuation in Port Harcourt metropolis, Rivers State, Nigeria'.

Covid-19 lockdown, the response was negative. He gave the reason why the business was not affected by lockdown. According to him, the sites are in the interior area where security personnel would hardly get to. Regarding how they get the crude for the refining, the respondent disclosed that the crude was bought from bunkers and then subjected by them to the refining process. This becomes very obvious and corroborated in the light of the account of Informant B below. Again, according to Informant A, the location at Creek Road, Port Harcourt was affected by lockdown. The reason for that is said to be the fact that this location is at the heart of the city where security patrol scuttled the flourishing business. When asked if the government should step in to the business and standardize the refining process, the response was that they lack trust in the government of Nigeria. The respondent avers that as soon as the government steps into the business, the boys will lose their livelihood.

When asked about how the artisans got the raw product for refining, Informant B submits that in Eleme-Oyigbo axis of Rivers State, the usual deal is bunkering of the oil pipe in various boots. They have to get either already refined petroleum product or the raw crude itself given the information that gets to them from their informant within the legally established refinery depot. There are about 14 oil booths within the Eleme-Oyigbo axis. These booths are dedicated to different products. Some already refined and others raw crude. The youth through their informants get information on the particular product transported through the pipes to the depot. As they get refined products, they keep them in their storage and then commercialize them. The informant referred to certain youth presidents within the region who have their storage ready for product disposal. And when asked about the motivation for their activities, the informant reiterates that it is a way of getting their share of the "national cake." According to the informant, the raw crude is sold to those who in turn refine the products. This informant disclosed that the *kpo-fire* business is mostly done within the coastal regions of the State especially because of the presence of water and the mangroves. When asked the effect of the covid-19 lockdown on their business, the informant avows that they always have their way as the security personnel around the region are being compromised.

In Delta State, a location was identified by Informant C who appeared to be economical with information. However, he was able to name a location called the *Ekogbene* location. Describing the location, Informant C explained that the location is in the interior part of Delta State close to the Atlantic. In this location, he admits that the artisanal refining process takes an active toll. When asked how they got the raw crude for refining, he explains that the artisans get their crude from legal operators who go through the high sea to the depot. He held that these legal dealers reserve some crude which they sell to the artisans in this location. On whether or not the Covid-19 lockdown had affected operations in the site, he replied that there was slight restriction especially at the point where artisans tried to locate their way to the location which lies in the interior part. However, he suggested the fact that the security personnel were compromised as some of them aided the business because they have their share as well.

According to the Key Informant D, at least thirty-five (35) locations within the Ayama Ikirimo Local Government Area of Bayelsa State were blocked by law enforcement agencies thereby posing difficulties for the artisans to operate. However, they were able to operate skeletally as some security personnel were tipped. But amongst these locations, the most secured zone was the Okaki region. This region according to the informant had much security personnel and there was barely any operation in that region. But for the locations that were operating skeletally, the rift between the artisans and the Civil Defense personnel was eminent.

Again, when asked about their economic experiences during the Covid-19 lockdown in the State, the Informant responded that the lockdown affected the business adversely in that no buyers of their product were available also as there was no much supply either. According to Informant D, before the lockdown, a drum of the raw products was bought by artisans of these locations at the rate of sixteen thousand naira (#16,000), an equivalent of \$44.4, whereas, as the lockdown commenced, a drum was bought at twenty-five Thousand Naira (#25,000), equivalent of \$69.4. The current price of the raw product and the economic status of buyers made it difficult for artisans. When asked where the buyers come from, the informant D, noted that some come from a

distance as far as Abuja, and others from Onitsha in Anambra State. Asked about the quantity of refined diesel in their location, the informant responded that per night, a camp produced one hundred and twenty (120) drums and eight hundred (800) drums per week during the lockdown. This is quite small compared to the period before the lockdown according to informant D; at least, four hundred and fifty (450) were refined in one of the thirty-five (35) locations per night. When asked how and where they get their raw product from, the informant said the raw products were bought from the Beniside Bayelsa Flow Station. Usually, the use of a chopper (helicopter) for the flight was the means for transporting the raw product from the flow station after purchase.

Discussion and Inferences

i. Violation of Ethics of Obedience/Respect to Political Order or Authority

There was a deliberate violation of the ethics of obedience to government exemplified in disobedience to lockdown rules in some booths such as Inyonoron, Asarama, Opokiri and Ataba locations all in the Andoni region of Rivers State. According to the findings, these locations functioned very well even during the Covid-19 lockdown although there was slight restriction especially at the point where artisans tried to locate their way to the booths which lie in the interior part. Initially, man's instinct for survival induced fear on the people at the very early stage of the lockdown. But the reduction in the people's economic power led the people out to the site for survival.

Another manifest and the worrisome act of disobedience to legitimate orders of government is the compromise on the part of some security agents. When asked the effect of the covid-19 lockdown on their business, some of the informants submit that they always have their way as the security personnel around the region are being compromised. The reason the security personnel were compromised and aided the business was that they have their share as well. According to the Key Informant D, at least thirty-five (35) locations within the Ayama Ikirimo Local Government Area of Bayelsa State were blocked by law

enforcement agencies thereby posing difficulties for the artisans to operate. However, they were able to operate skeletonally as some security personnel were tipped. In other words, the security officials received some form of inducements either in cash or getting some quantity of crude which they sale.

This group of security agents who indulge in bribery slow the wheel of progress of government. Their action shows that they are loyal to their stomach rather than their country. They play the role of traitors and saboteurs of the very government and people they swore to serve and protect. Their action is a mark of moral irresponsibility. They have breached the trust of both the government and the larger sections of the citizenry. And this is a sign of a bad work ethic.

As it has been observed, obedience to government embodies many ideas such as respect, loyalty, patriotism, cooperation, participation and commitment. Obedience to legal authority and law, especially, environmental regulations, as well as moral values and standards of behaviour is the distinguishing factor between a civilised and ordered society and anarchist society. Obedience to political order and law implies that substantive rules and procedures are observed and change will be effected following such rules and procedures. Obedience to the rules and procedures arise from their creation by an elected parliament, an independent judiciary, and so on.³³ Respect for government and its laws is not just a legal obligation, but also a moral one. Loyalty to a legitimate government is one of the true tests of the citizens' responsibilities.³⁴

On the other hand, disobedience to or disrespect to political order breeds indiscipline, lack of trust, conflict and tension in the

³³C. Mark, '*Respect for law and authority: the Australian achievement*', <http://www.ourcivilisation.com/cooray/btof/chap19.html> (accessed 2 August 2012) and cited in Onyezonwu, L.C. 'Christian ethical perspectives on waste accumulation and evacuation in Port Harcourt metropolis, Rivers State, Nigeria', (PhD thesis, University of Ibadan, Ibadan Nigeria, 2014).

³⁴L.C. Onyezonwu, 'African Indigenous Religious Ethics and Modernization: A Tale of Culture Contacts and Contests' *AKSU DIAKONIA: Journal of Religion and Culture*, 1(1) (2018): 129.

polity. Respect for constituted authority exemplifies loyalty. It means a person answering allegiance to his/her country. He/she is loyal to the country to which he/she belongs because what serves its interest also serves the interest of the individual. What threatens the country threatens the individual as well. This is the essence of national loyalty. Disobedience to a legitimate government, in ethical terms, symbolizes indiscipline. Indiscipline births a variety of civic problems such as lawlessness, divisiveness, disorder, intolerance, idleness, laziness, inefficiency and poor attitude to work and public property. But disciplined citizens show respect and commitment to the law, rules, duty, the dignity of labour and others' rights. Disciplined people respect orderliness and agreements.³⁵

When citizens respect government authority, they will obey the laws that promote public interest such as sanitation and environmental laws. The ethics of respect or obedience to the authority of a legitimate government imposes on the citizens the obligation to cooperate and partner with the government in building an orderly and pollution-free environment. The citizens understand their cooperation with the government to improve the health and general well-being of the society, as one expression of their social engagement. The degree citizens respect environmental laws of the state reveals the level of their ethical reasoning about the environment.³⁶

In Christian ethical thought, Christians are under moral imperatives to subject themselves to the political order in the various communities and countries where they live and work. They are equally religiously required to respect and care for the

³⁵A. Dzugba, *Nigerian Politics and Moral Behaviour: a Study in Politics and Ethics* (Ibadan: JOHN ARCHERS, 2007), Pp. 36-39, cited in Onyizonwu, L.C. 'Christian ethical perspectives on waste accumulation and evacuation in Port Harcourt metropolis, Rivers State, Nigeria' (PhD thesis, University of Ibadan, Ibadan Nigeria, 2014).

³⁶K.D. Warner, and Decosse, D., 'what: using ethical principles in moral reasoning about the environment', *Markkula Centre for Applied Ethics*. http://www.scu.edu/ethics/practicing/focusarea/environmental_ethics/ (accessed 9 July 2012) cited in Onyizonwu, L.C. 'Christian ethical perspectives on waste accumulation and evacuation in Port Harcourt metropolis, Rivers State, Nigeria', (PhD thesis, University of Ibadan, Ibadan Nigeria, 2014), 116.

environment. A Christian, who understands these two divine imperatives, will live responsibly in society by desisting from flouting environmental laws of the State. The biblical injunction on obedience to authority is unambiguous.³⁷ Paul, the apostle of Christ made this point in one of his letters:

Obey the government, for God, is the one who has put it there. There is no government anywhere that God has not placed in power. So those who refuse to obey the laws of the land are refusing to obey God, and punishment will follow. (Romans 13:1, 2 LB).

This same instruction is re-echoed by Peter in I Peter 2:13, 14 LB. In his letter to Titus, Paul issues similar instruction (see Titus 3:1, LB).

A sign of moral irresponsibility and the breach of the trust of both the government and the larger sections of the citizenry as well as a sign of bad work ethic were exhibited by the artisans and the security agents under study.

ii. Crude oil bunkering as a violation of environmental ethics

Regarding how they get the crude for the refining, the respondent disclosed that the crude was either bought from bunkers or bunkered by them directly and then subjected by them to the refining process. This is evident in the response of Informant B who submits that in the Eleme-Oyigbo axis of Rivers State, the usual deal is bunkering of the oil pipe in various booths. They have to get either already refined petroleum product or the raw crude itself.

Previous research on the causes of the crude oil spill in the Niger Delta reveals that more than 30% of the spills were due to unknown causes, while 20.74% were attributed to third party

³⁷L.C. Onyizonwu, 'Christian ethical perspectives on waste accumulation and evacuation in Port Harcourt metropolis, Rivers State, Nigeria', (PhD thesis, University of Ibadan, Nigeria, 2014), Pp. 115-116 & 129.

activity.³⁸ Illegal oil bunkering and artisanal refining is on the rise in various communities in the Niger Delta and worsen the ecological destruction and social conflict caused by the oil industry. Oil theft and artisanal refining are widespread resulting in an estimated daily loss of 2,000 to 3,000 barrels of crude oil. Environmental degradation is the most noticeable and direct impact of illegal refining and oil theft. Vegetation is visibly affected; crude saturates the mangroves and oil disturbs the surface water. The environmental destruction associated with illegal oil refining harms traditional livelihoods tied to the land and water.³⁹ Accordingly, Osuagwu and Olaifa opine that oil spills in the ND occur largely due to the continuous incidence of vandalism and corrosion of oil pipelines.⁴⁰ Such spillages destroy aquatic life and hamper agricultural activities in affected communities. The long term effect of oil spillage is usually associated with a reduction in crop yield and fish mortality.

These destructive acts of bunkering violate both African and Christian environmental ethics. Christian ecological ethics recognizes the common origin and interdependence of all creation. It emphasizes the divine origin and nurture of nature thus, advocates for respect for the human and non-human environment. Theologians have developed the term eco-justice to reflect a universal religious aspiration for a balanced relationship between humans and the earth.⁴¹ It emphasizes that the fate or good of human beings is dependent on the fate and good of the earth because they are interdependent; that environmental

³⁸ B. Ordinioha and B. Seiyela, 'the human health implications of crude oil spills in the Niger Delta, Nigeria: An interpretation of published studies', *Nigerian Medical Journal*, 54 (1) (2013): 10-16. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3644738/>

³⁹M. Obenade, and G.T. Amagbara, "Perspective: The Environmental Implications of Oil Theft and Artisanal Refining in the Niger Delta Region." *Asian Review of Environmental and Earth Science*, 1, no.2 (2014): 25-29. Retrieved from <http://www.asianonlinejournals.com/index.php/AREES/article/view/674/668>

⁴⁰Osuagwu, E.S. and Olaifa, E. 'Effects of oil spills on fish production in the Niger Delta' *PLoS ONE*, 13 (10) (2018): 1-14, <https://doi.org/10.1371/journals.pone.0205114>.

⁴¹ Warner, and Decosse, 'what: using ethical principles in moral reasoning about the environment', *Markkula Centre for Applied Ethics*.

degradation and economic injustice go hand in hand; and that there is a link between environmental justice and human rights.⁴² Similarly, African environmental ethics teaches the sacredness of nature and uncompromising reverence for the same. This was vividly demonstrated by isolating and designating certain places as sacred. Alamu observes that in an ecological sense, sacred places are regarded as part of the ecosystem; that the concept of the sacred/holy spots was a tool in the hand of the people in antiquity to preserve their environment.⁴³ The environmental features framed in sacred spaces are drivers for sustainable development; hardly would a fire engulf these sacred spots because the people and the community are mindful of their safety. Thus, life-sustaining effects of sacred places have positive effects on ecosystems. Onyazonwu also submits that in primordial Africa, nature was highly cherished and preserved. Land could remain uncultivated for a long time. The land was considered sacred and belonging to the living, the unborn and the dead. Forests were kept to preserve wildlife.⁴⁴ In contrast, environmental behaviour today is characterised by unethical use of the environment typified in oil theft/bunkering and *kpo-fire*. Without a doubt, uncontrolled resource extraction and unsustainable development are degrading most of Africa's ecosystems particularly the Niger Delta of Nigeria. Such unethical environmental behaviour has resulted in a loss of human and non-human lives thus, in essence, it has reduced the value and dignity of the human person as well as threatens the sustainability of the flora and fauna.

iii. Lack of trust in government

When asked if the government should step in to the business and standardize the refining process, the response was that they lack trust in the government of Nigeria. The respondents aver that as

⁴²Onyazonwu, 'Christian ethical perspectives on waste accumulation and evacuation in Port Harcourt metropolis, Rivers State, Nigeria'.

⁴³A.G. Alamu, 'Sacred Places in African Traditional Religion and the Quest for Sustainable Environment' in Okon, E.E. (ed.) *African Traditional Religion and Philosophy*, (Calabar, NI: University of Calabar Press, 2013), Pp. 253, 258.

⁴⁴Onyazonwu, L.C. 'African Indigenous Religious Ethics and Modernization: A Tale of Culture Contacts and Contests', 129.

soon as the government steps into the business, the boys will lose their livelihood. And when asked about the motivation for their activities, the informant reiterates that it is a way of getting their share of the "national cake." This suggests that the 'national cake' is not equitably shared by those who are in charge of handling and distributing the 'cake'. If not, why would the people lose their livelihood when the government steps into the crude oil refining business as claimed by the informant? According to the informant, the raw crude is sold to those who in turn refine the products. This informant disclosed that the *kpo-fire* business is mostly done within the coastal regions of the State especially because of the presence of water and the mangroves. The implication of this is that there is a disconnect between the people/citizens and their government. Some section of the citizenry sees the government as irresponsible and incapable of commanding their loyalty. This disillusionment may not be unconnected to the glaring but preventable poverty that is ravaging the oil-rich Niger Delta region while government officials and elites live in opulence/extravagance.

Our opinion on this particular finding of this research has been validated by the previous submission of Uslaner⁴⁵ where he argues that in building trust, equitable distribution of resources is of greater importance than the wealth of society itself. He further asserts that trust in government is a reflection of whether the citizens have favourable impressions of the people in power and the institutions of government, as well as whether they agree with the policies of the government in power; that confidence in government is a product of one's experiences.

With the collaboration of the security personnel and this breed of disillusioned youths, there is a looming danger of a gradual and unchecked entrenchment of a 'banana republic' within a republic, controlled by a cartel of non-state actors. Such a foreboding would birth negative economic, ethical, security and environmental outcomes.

Conclusions/Recommendations

⁴⁵Uslaner, *the Moral Foundations of Trust*

This paper has been able to identify the origin, motivations, methods of operation as well as gains and pains of *kpo-fire* business in the Niger Delta viz-a-viz the extent Covid-19 lockdown affected illegal refining of crude oil (*kpo-fire*). Data generated from the key informants interviewed reveal that there was very minimal obstruction of artisanal refining of crude oil during the Covid-19 lockdown. They largely aided by compromised security agents who collected bribes and relaxed enforcement of legitimate restriction orders of government. Consequently, despite inter-state lockdown, oil bunkering and artisanal refining of such stolen crude thrived across the three states under study namely: Rivers, Delta and Bayelsa.

The findings of this research also revealed that the real motivation for *kpo-fire* business is the individuals' economic survival. This survival instinct took centre stage and dethroned fear of possible infection by Covid-19, in the minds of the people. Artisanal refining of crude oil is not just an economic issue it is also an environmental issue.

The study affirms that dealers in *kpo-fire* lack trust in government; that their activities before, during, and after the Covid-19 lockdown violates ethics of obedience to constituted authority; the environmental footprints occasioned by the destructive effects of *kpo-fire* business hurt and harm the entire ecosystem – both human and non-human elements. Its destructive impacts on the flora and fauna violate both Christian and African ecological ethics – both of which recognise the interdependence of all creation as well as advocate for respect for nature.

It is however observed that the failure of economic motivation in the Niger Delta region of Nigeria has been revealed in the failure of ethical motivation⁴⁶which has translated into environmental degradation. To this end, therefore, there is the need to strengthen, through seminars and workshops, the Ethical wit of the people with regards to the environment since a region's

⁴⁶P. Koslowski, 'Argumentum Ethico-Economicum: The Argument for the Existence of God from Ethical Economy', *Filosofia Della Religione Oggi?* 75, (1&2) (2007): 381-396. <https://www.jstor.org/stable/24488472>.

ecological system may not be transformed until its ethical system is reformed.⁴⁷

Declaration of Interest Statement

We wish to declare that we do not have any conflict of interest regarding this study.

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⁴⁷ C.U. Manus, 'Towards a Holistic Environmental Ethics and Sustainability in Africa' in Chris Ukachukwu Manus (ed.) *Biblical Studies and environmental Issues in Africa*, (Ibadan, Nigeria: M.Alofe Nig. Enterprises, 2008), 306-320).

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Interview granted regarding the effect of Covid-19 lockdown on artisanal refining of Petroleum Products in Niger Delta Region of Nigeria

S/N	Key Informants	Region	Date of interview
1	Key Informant A	Andoni region of Rivers State	19 th May, 2020
2	Key Informant B	Eleme-Oyigbo region of Rivers State.	Thursday 21 May, 2020
3	Key Informant C	Delta State region.	19 th May, 2020
4	Key Informant D	Bayelsa State region.	7 th August, 2020

APPENDIX



Figure 1: The crude in trough ready for local refinery processing
(Image taken by Informant A at Opokiri booth, 2020)



Figure 2: The condition of the arena arising from artisanal refining processing
(Image taken by Informant A at Opokiri booth, 2020)



Figure 3: The condition of the environment arising from artisanal refining processing (Image taken by Informant A at Opokiri booth, 2020)



Figure 4: The condition of the environment arising from artisanal local refining process.(Image taken by Informant A at Opokiri booth, 2020)

**Viewing Human Faecal Waste Disposal through the Lens of
Biblical Sanitary Code**

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Abstract

The concept of cleanliness is clearly revealed in the Biblical Sanitary Code of Deuteronomy 23:12-14. Therefore, adherence to the Biblical Sanitary Code (BSC) (Deut 23:12-14) remains essential for faecal waste disposal challenges. This study examined the practice of faecal waste disposal and challenges in Igburu clan of Rivers-West Senatorial District vis-à-vis the Biblical Sanitary Code. The selected communities are situated along the Orashi-Sombreiro confluence. The work utilised the textual/inter-textual analysis and the quantitative approach. A hundred and fifty copies of questionnaire were distributed. Data generated were subjected to content analysis and the use of SPSS. The findings revealed that 79% of respondents understood the BSC while 72% affirmed they never implemented the BSC. Also, 80% confirmed that faecal waste in the community designated site was often evacuated into the streams by rainfall. About 70% and 93% of the respondents respectively claimed the prevalence of air pollution and water-borne diseases in the region. The environmental and health challenges observed could be reduced if the BSC is implemented.

Key words: biblical sanitary code, faecal waste disposal challenges, pollution, environmental wellbeing, igburu clan

Introduction

The theology of cleanliness is clearly seen in the Biblical Sanitary Code of Deuteronomy 23:12-14. Therefore, adherence to the Biblical Sanitary Code (BSC) of Deuteronomy 23:12-14 remains essential for faecal waste disposal challenges in Igburu clan of Rivers State. In the early 1800s human faecal waste remained a valuable and lucrative economic product sold and bought by scavengers and farmers until the inception of the white Americans' notable sanitary revolution in 1868.¹ The adoption of the notable sanitary revolution at that time appeared to have been based on the Biblical Sanitary code but rather, was borne out of racial disposition from the white Americans against the Native Americans as well as the darker-skinned peoples of the period. For whatever reasons, however, the white American's sanitary revolution, underpins the Biblical sanitary rule of Deuteronomy 23:12-14 which in deed reveals the "cleanliness motif" for a faith community especially, ancient Israelites on transition to Canaan. This sanitary code falls within the traditional laws enshrined in the book of Deuteronomy 21 – 26:19. Specifically, it is preserved in Deuteronomy 23: 12-14 and explains how ancient Israelites were to dispose faecal waste. It provided the process involved in their obligation namely: the designation of a place for faecal waste disposal, the use of implement such as shovel in digging small holes in the ground for faecal waste disposal.

According to Kizhakkeyil the motivating force for this rule could possibly be the concern for cleanliness and hygiene, holding that this sanitary code suggests the need for adequate and basic toilet facilities especially in modern times.² This concern is considered as the enforcement on sanitation with regard to faecal waste disposal where violation results in attendant epidemics of dysentery, cholera and typhus, and related diseases. Such concern is also regarded as God-revealed-principle in the Bible given to mankind thousands of years before scientists

¹D.M Gerling, 'Excrementalisms: revaluing what we have only ever known as waste', *Food, Culture & Society*, 22 (5) (2019): 622-638, DOI: 10.1080/15528014.2019.1638126

² S. Kizhakkeyil, *The Pentateuch: An Exegetical Commentary* (Bandra: St. Bombay Paul Society, 2009), 488-499.

understood its benefit.³ Observably, adherence to sanitary laws has been essential for human health and well-being even in the face of global environmental pollution.⁴ Apparently, it appears that in recent centuries, the benefits of adhering to the Biblical toilet code (Deut 23:12-14) has not been clearly understood amongst communities in Igburu clan in Ogba-Ndoni-Egbema L.G.A (ONELGA) of Rivers State. This limited understanding of the advantage of the Biblical toilet code is exemplified in their practice of open defecation as would be revealed subsequently in the data generated for this discourse.

Nevertheless, this study examined the practice of open defecation/toilet system among the people of Igburu clan in Ogba-Ndoni-Egbema L.G.A (ONELGA), Rivers State, especially within communities along the *Orashi-Sombreiro* confluence; with the view to achieving the following objectives: 1. to investigate their attitude open defecation system; 2. to test their understanding of the Biblical toilet code; 3. to investigate the attendant health challenges of open toilet system, and 4. Make recommendations for the people of Igburu clan in Rivers State.

The Literature

Discussing the divine nature of sanitation, Adu-Gyamf and Marfo,⁵ Mumuni⁶, Afolabi⁷, Fatubarin and Alabi⁸, Appiah⁹,

³ S. Adu-Gyamf & C. Marfo. 'Preventive healthcare tapestry: ensuring a resonance' *Arts and Humanities Open Access Journal*, 2(6) (2018): 416, 418.

⁴ R. Kelishahi, *Environmental Pollution: Health and Operational Implication for Pollutants Removal*, 2012. <https://www.environmental%20Pollution%20%20Health%20Effects%20and%20Operational%20Implications%20for%20Pollutants%20Removal.xht> (accessed 10th October, 2018)

⁵ S. Adu-Gyamf & C. Marfo. 'Preventive healthcare tapestry: ensuring a resonance' *Arts and Humanities Open Access Journal*, 2(6) (2018): 416, 418.

⁶ R.J. Mumuni, *An Interview with Joy News Multi TV*, 11 August 2014. <http://Www.Myjoyonline.Com/News/2014/August-11th/God-Abhor-Open-Defecation-Health-Officer-Php> (accessed 16 March 2016).

⁷ A.J. Afolabi, 'Environmental Pollution; A study of Matthew 21:12', *Religions Journal of the Nigerian Association For the Study of Religions* 23 (2013).

Mwambazambi¹⁰, and Kizhakkeyil¹¹ link sanitary laws with God who seeks to dwell in a harmonious, restrained and tidy environment, and who requires that humanity protect, promote and conserve the environment for sustainable development. These scholars further emphasised the need to adhere to the Deuteronomic toilet code which has the potential for environmental protection against pollution.

On the prevalence of the practice of Open toilet system, that is, the emptying of bowels in the open without the use of properly designed structure (such as toilets) built for the handling of human waste in Nigeria, Obinna¹² and Oluseyi¹³ reveal that Nigeria is ranked amongst the top five countries, if not the second, that practice open defecation system. It further shows that 47 million Nigerians defecate in the open while another 75 million use unimproved toilets leading to the country's loss of ₦455 billion annually to poor sanitation. Emphasizing on the negative contribution of open toilet on the environment and the economy, Nkechinyere and Ugo enumerate amongst other factors, open defecation system, as detrimental to the

⁸A. Fatubarin and D.O Alabi. 'The Role of Religion in the Natural Environment of Man', *Religions Journal of the Nigerian Association For the Study of Religions* 23 (2013).

⁹S.E. Appiah, *A Religious Response To Environmental Degradation In Kumasi Metropolitan Assembly And Ejisu Juaben Municipal Assembly*, 2011.

<http://www.ir.knust.edu.gh/bitstream/123456789/4049/1/Final.pdf> (accessed 3 March 2019).

¹⁰K. Mwambazambi, 'Environmental Problem in Africa: A Theological Respons', *Ethiopian Journal of Environmental Studies and Management* 3(2) (2010): 54-63

¹¹S. Kizhakkeyil, *The Pentateuch: An Exegetical Commentary* (Bandra: St. Bombay Paul Society, 2009), pp. 488-499.

¹²C. Obinna, 'Why Nigeria Ranks second worst open defecating country in the world -report', *Vanguard News Paper*, September 2018. <https://www.vanguardngr.com/2018/09/why-nigeria-ranks-second-worst-open-defecating-country-in-the-world-report/> (accessed 17 March, 2019).

¹³A. Oluseyi, 'Nigeria's Sanitation Crisis 2016 World Toilet Day Nigeria Supplement', *Water Aid*, November, 2016. <https://www.google.com/search?q=oluseyi+Abdulmalik.+Nigeria%e2%80%99s+Sanitation+Crisis+2016+World+Toilet+Day+Nigeria+Supplement%spell=1&sa=X&ved=0ahUKEwjtfiuNzAhUGMuwkHcCoDhwBQgpKAA&biw=1366&bih=576> (accessed 03 January, 2021).

environment and economic growth of the nation.¹⁴ The foregoing suggests that there is a challenge of fecal waste management given the prevailing practice of open toilet system in Nigeria which this work seeks to address.

According to the *WHO and UNICEF*¹⁵, open defecation has been associated with water-borne diseases especially when it is practiced near waterways (as noticed in the water regions of Igburu clan). As a result, the feces are carried into the water system, and the contaminated water ends up in the main water source used for drinking or cooking. This eventually attracts the attendant water-borne diseases such as Cholera, Typhoid, and Trachoma. From this literature, the health implication of open toilet system is generally exhibited.

Narrowing down to the Ogba-Ndoni-Egbema LGA (ONELGA) of Rivers State, several scholars have attributed the prevalent environmental pollution of the State to oil exploration and exploitation activities. Amongst these scholars are Nwaogazie, Abali and Hanshaw¹⁶, Iyorakpo and Wagio¹⁷, Josiah and Amah¹⁸, Nwaomah¹⁹, Affonne²⁰, Abodunrin²¹, Nwaomah²², Okaba²³,

¹⁴G.O Nkechiyere and K.C Ugo. 'The Role of Christianity in Environmental Protection in Nigeria', *Religions Journal of the Nigerian Association For the Study of Religions* 23 (2013).

¹⁵ World Health Organization/UNICEF Joint Monitoring Programme for Water, Sanitation and Hygiene', *UN-Water*, 8 May, 2015 <https://www.unwater.org/water-facts/water-sanitation-and-hygiene/> (accessed 3 January 2021).

¹⁶I.L. Nwaogazie, H.W. Abali and T. Hanshaw. 'Assessment Of Standard Pollutants In A Gas Flaring Region: A Case Of Ogba/Egbema/Ndoni Local Government Area of Rivers State of Nigeria', *International Journal Of Civil Engineering And Technology*, (2016): 7.

¹⁷J. Iyorakpo and O.P. Wagio. 'Impact of Gas Flaring on the Built Environment: The Case of Ogba/Egbema/Ndoni Local Government Area, Rivers State Nigeria', *In European Scientific Journal*, (2015).

¹⁸U.G. Josiah and G.H Amah. 'The Mourning of the Land as Occasioned by Oil Mineral Pollution in the Niger Delta of Nigeria', *IOSR Journal of Environmental Science, Toxicology and Food Technology (IOSR-JESTFT)* 4 (6) (Jul-Aug 2013): 44-49 www.iosrjournals.org

¹⁹S.M. Nwaomah, 'Biblical Ecology of Stewardship: Option in Quest for Sustainable Environment in the Niger Delta Region of Nigeria', *The Living Word: Journal of Philosophy and Theology*, 113 (2) (March- April 2013.): 89-103.

Clement Ikpatt and Scott²⁴, Spalling, Zwier and Kupp.²⁵ All these scholars have looked at oil and gas related pollution. Nevertheless, the need to revisit the environmental challenge of open toilet system in Igburu clan of Rivers State through the lenses of the Deuteronomic Toilet Code remains invaluable for this study.

Method and Materials

As a sociological study, this research adopts the analytical and quantitative research approaches to study. For the analytical aspect of the study, the text of Deuteronomy 23:12-14 which constitutes the Deuteronomic Toilet Code, was subjected to textual and inter-textual analysis where important Hebrew words within the texts were analysed in the context of the study's preoccupation. Also for the quantitative approach, a hundred and fifty (150) copies of questionnaire were distributed to the respondents using the purposive simple random sampling technique. The Ogba-Ndoni-Egbema L.G.A (ONELGA) is made up of 67 villages and towns and the residents are predominantly Christians. It covers three regions of the Ogba, Ndoni, and Egbema people of Rivers-West Senatorial District of the State. However, the Ogba region is sub-divided into three clans namely: Egi (dry land), Igburu (swamp or wet-land) and Usomini (water

²⁰E. Affonne, 'Ogoni: Justice at Last', *Nigerian News World* 15(25) (August 22, 2011): 14-20. www.nigeriannewsworld.com

²¹A.O. Abodunrin, 'Anti-Pollution Laws in Deut 23:13-14' in C.U. Manus (ed.), *Biblical Studies and Environmental Issues in Africa* 1(143) (2008): 137-145.

²²S.M. Nwaomah, 'Water in the Bible in the Context of the Ecological Debate in the Nigerian Delta', *The Journal for Faith, Spirituality and Social Change* 1.1(2) (2008): 187-204.

²³B.O. Okaba, *Petroleum Industry and the Paradox of Rural Poverty in the Niger Delta* (Benin City: Ethiope Publishing, 2005), Pp. 18-20.

²⁴C. Ikpatt and L.G. Scott. The Niger Delta Problems and Solutions: The Equilateral Resource Control (ERC) model as an Alternative Dispute Resolution (ADR) concept, *Niger Delta Peoples' World Congress*. 2001. http://nigerdeltacongress.com/narticles/niger_delta_problems_and_solution.htm (accessed 5 June, 2011).

²⁵H. Spalling, J. Zwier and D. Kupp. 'Earthkeeping and the Poor: Assessing the Environmental Sustainability of Development Projects', *Perspectives on Science and Christian Faith*, 53(3) (September 2001): 142-151.

side). The Igburu clan which is the focus of this study is divided into four sub-regions which are as follows: Usonkisa, Alioma, Eluali, and Eti-Igburu regions.²⁶ Three communities from Igburu clan were purposively selected: Two (2) communities from Usonkisa and One (1) community from Eti-Igburu. These three communities are namely: Elieta, Egbada and Osiakpu respectively from the selected two of the four regions. These selected communities are mainly along the *Orashi-Sombreiro* River (confluence) where open defecation is mostly practiced. As a result of the inconsistent census record, it is difficult to have an authentic record of the total population of the three communities (Elieta, Egbada and Osiakpu). The data collated were analysed content wise as well as with the use of SPSS statistical package with descriptive and inferential statistical tools such as tables and averages adapted for needed data analysis. These led to the estimations and conclusions reached in this study.

Textual analysis of the biblical sanitary code (deut. 23:12-14)

A cursory look at the text of Deuteronomy 23:12-14 shows the presence of key nuances relevant in the discourse on sanitary rules as well as sanitary revolution in contemporary times. This section therefore, highlights the importance of some key words in the selected text which have obvious implications for faecal waste disposal especially in Igburu clan of Rivers State, Nigeria. In this section, Biblical sanitary code is also referred to as Deuteronomic Toilet code.

Nevertheless, in the biblical text of Deuteronomy 23:13, the Hebrew word *yātēd* used, appears twenty-four times in nineteen (19) verses and in eight (8) books of the Old Testament (Deut. 23:13; Exodus 27:19; 35:18; 38:20, 31; 39:40, Numbers 3:37; 4:32, Judges 4:21,22; 5:26; 16:14; Ezra 9:8; Isaiah 22:23,25; 33:20; 54:2 Ezekiel 15:3 Zachariah 10:4). Of all these verses, it carries the idea of an implement with a sharp edge like a peg

²⁶C.V. Izeogu, 'Ali-Ogba: Legend of Origin, Indigenous Political Structure and Economy', A paper presented at the First Annual Convention of Umuogba USA at Wellesley Airport Hotel, Atlanta, GA. USA, May 24-26, 2003. <http://www.umuogbausa.org/forms/ali-ogba%20origin.html> (accessed 28 March 2019).

often used in securing the tents during the wilderness experience of ancient Israel. In Exodus 27:19, it is used to secure the tents of the tabernacle together. An inter-textual analysis reveals the different variants of the word in the English versions. For instance, the *American Standard Version* calls it 'paddle'²⁷ while the *Revised Standard Version* refers to it as 'stick' and *The New American Standard Bible* identifies it as 'spade'.²⁸ In the books of Exodus, Numbers, and Ezekiel, *yātēd* is called 'pin' while in Ezra, Judges and Zechariah it is called both 'pine' and 'nail'. In fact Isaiah called it 'stake' and 'nail.' It carries an idea of a sharp instrument of various uses.²⁹ Notwithstanding the various nuances, the underlying fact is that *yātēd* connotes 'digging a hole' whether in the wall or on the ground. And in the context of the Deuteronomic Toilet Code, the *yātēd* is meant to be used for making pits or holes on the ground for excrement. No wonder the RSV reads 'a stick with your weapons.' That is, when the first recipients of this code were to use the convenient, they were to carry with them a tool for digging the earth in which they could excrete.³⁰

Another significant word used in the Deuteronomic Toilet Code is *hāpar* with the basic idea of 'digging' the ground for some reason. This word could also bear the meaning "to search" for something. Interestingly, *hāpar* is used often for digging a well. Genesis 21:30 and Genesis 26:15, 18-19 employs the word in connection with Abraham and Isaac respectively in their digging of wells. In Psalm 7:15, 16 it is used for digging a pit as a trap, while in Jeremiah 13:7, it connotes digging in quest of a hidden object.³¹

²⁷ F. Brown, S. Driver and C. Briggs. *The Brown Driver-Briggs Hebrew and English Lexicon* (Oxford: Clarendon Press, 1907), 450.

²⁸R.L. Harris, 'yātēd' in (eds.) G.L. Archer, Jr. and B.K. Waltke, *Theological Wordbook of the Old Testament* (Chicago: Moody Press, 1980), 932a.

²⁹T.D. Alexander and D.W. Baker, *Dictionary of the Old Testament Pentateuch* (Illinois Leicester, England: InterVarsity Press Downers Grove, 2003).

³⁰ J. Gill, 'Commentary on Deuteronomy 23:12', *The New John Gill Exposition of the Entire Bible*.

<https://www.studylight.org/commentaries/geb/deuteronomy-23.html> (accessed 21 March 2019).

³¹ Harris, *Theological Wordbook of the Old Testament*, 714.

However, in the context of the Deuteronomic Toilet Code, as ancient Israelites stepped out of the camp to a designated area for defecation, they were to dig a hole in the ground into which the bowel was to be emptied.³²

Another important word in the Deuteronomic Toilet Code is the verb *kāsâ* which occurred 152 times in OT with the usual meaning of 'cover up' in the regular sense of the word. The *kāsâ* appears to be merely taking away from view or sight: that is to hide from view.³³ In this case, what is to be covered or hidden from view is further highlighted in the Deuteronomic Toilet Code. In the King James Version (KJV) what should be covered is "that which cometh from thee (Deut 23:13 KJV)." The NIV and the NASB both translated it as "your excrement (Deut 23:13 NIV, NAS)". The Hebrew word used in the Deuteronomic Toilet Code as translated in these versions is *šē'â* which means filth, that is, human excrement (Deut 23:13; Ezek 4:12). This word is used only twice in the entire Old Testament Bible namely in Deuteronomy 23:13 and Ezekiel 4:12. It was used to illustrate the level of the sin of Israel and Judah in a scenario where the Prophet Ezekiel was asked to use *šē'â* as fuel to heat his oven for baking of bread which he rejected thus indicative of how repulsive human excrement could be.

The LXX understanding of the Hebrew *šē'â* is quite intriguing. To the New Testament mind, the idea of covering the excrement is expressed as "covering ones' shame."³⁴ Here, the excrement is designated as ones' shame which needs to be covered. By implication such exposure connotes an 'indecent deed or act.' Nevertheless, the Deuteronomic Toilet Code instructs that the *šē'â* (human excrement) be *kāsâ* (covered) properly after

³²Brown, Driver and Briggs. *The Brown Driver-Briggs Hebrew and English Lexicon*, 343

³³R.D.D. Jamieson, A.R. Fausset, and D. Brown, 'Commentary on Deuteronomy 23:13', *Commentary Critical and Explanatory on the Whole Bible* - Unabridged. <https://www.studylight.org/commentaries/jfu/deuteronomy-23.html> (accessed 25 March 2019).

³⁴F. Wilbur Gingrich. *Shorter Lexicon of the Greek New Testament* Second Edition Revised by Frederick W. Danker, (Chicago and London: the University of Chicago Press, 1983), 29.

defecation at a designated place during the wilderness journey of ancient Israel. The plausible motivation of this code could be seen in the popular cliché “cleanliness is next to Godliness” (Deut 23:14). Underneath this ‘God factor’ in the discourse of cleanliness as enshrined in the Deuteronomic Toilet Code however, is the fact that the wellbeing of the people and their environment remained paramount within the purview of the code. No wonder they were to situate the place for the disposal of human excrement outside the camp (Deut 23: 12).

Data Analysis

Background of the Respondents

Table 1 shows the demographic characteristics of the participants. It revealed that (52%) were females while (48%) were males. The majority across the age range was 31-40years. (40%) participants were aged 31-40years, followed by those who were aged 20 to 30years (34%), while a least group of participants were 51years and above, (7%) which implied that majority of the participants were matured enough to understand these findings and responded appropriately. Also, most (62%) were married; (31%) were single while (7%) were divorced.

Twenty-six out of hundred Participants' (26%) were civil servants; (24%) engaged in business, and (16%) were farmers while (34%) engaged in other kinds of work apart from the above mentioned. With regards to educational background, more than half of the participants (57.6%) were graduates of secondary institution compared to (25%), who were BSC/BA/HND and (18%) were first school leaving certificate holders. This showed that the majority of the participants were averagely learned. In addition, (41%) of the participants were from Osiakpu, while (32%) were from Egbada and (27%) from Elieta communities respectively.

OBJECTIVE ONE: TO TEST THEIR UNDERSTANDING OF THE DEUTERONOMIC TOILET-CODE

Table 2 expresses the respondents understanding about Deuteronomy 23:12-14. Forty-six (46%) percent of the respondents had read the text before and all of the respondents agreed with the text that it is God's will for us to be in good health because He loves a clean and healthy environment, for cleanliness and neatness are all part of His attributes, and ninety eight (98%) agreed that we are closer to God when our environment is clean for God dwells not in a dirty environment. More so, more than three -quarter (79%) of the respondents agreed with Deuteronomy 23:13b that God wants us to cover the waste from our body.

OBJECTIVE TWO: TO INVESTIGATE THEIR ATTITUDE TOWARD THE ENVIRONMENT THROUGH THE PRACTICE OF OPEN DEFECATION.

Table 3 reviews the respondent's attitude towards open toilet among Igburu clan. Response to test items 1 and 4 reveal consistency and sincerity as 72% of the participants respectively claimed that they have an open community toilet situated in an open space for the community while another one is situated in their family houses and it is convenient for 42% of the respondents using it because they got relaxed when using it.

OBJECTIVE THREE: TO INVESTIGATE THE ATTENDANT HEALTH CHALLENGES OF OPEN TOILET SYSTEM WITH THE AIM OF HIGHLIGHTING THE BENEFITS OF ADHERING TO THE DEUTERONOMIC CODE

Table 4 shows the effect of the open toilet in Igburu clan. It reveals that almost all (93%) of the participants agreed that open toilet had a link with diseases and ailment experienced in their communities in form of vomiting and stooling while Seventy percent (70%) of the respondents agreed that they perceived foul odour around their building irrespective of the far distance, more than (60%) still perceived the foul odour from the open toilet. Eighty percent (80%) of the respondents attested that the fecal waste is often evacuated into the stream to create more space for subsequent waste. The majority (97%) agreed that house flies perched on their food. Forty three percent (43%) of the participants agreed that evacuating of the waste had not been a problem to the communities because when it rains, the flood

helps in the evacuation though contrary to the Deuteronomic code on fecal waste management.

Discussion of Findings

The predominant religion in Rivers State of which the Igburu clan in Ogba-Ndoni-Egbema LGA (ONELGA) belongs is Christianity.³⁵ This implies the usefulness of the Deuteronomic Toilet Code (Deut 23:12-14) for such modern faith community which is expected to adopt code. The research discovered that there was almost a balance in the gender mix of respondents who participated in this research thus having a representation of both males and females. In terms of their age mix, over 90% of the respondents fall within 20-50 years of age thereby suggesting their youthfulness. The implication of this is that it may be pretty difficult to eradicate this practice given the categories of people involved in it – the young and middle age perhaps referred to as the ‘future of the community.’ From the data, the Open Toilet System has become a culture practiced by both young and old, male and female, married and single in Igburu clan of Rivers State, Nigeria. Again, their educational background suggests that they may not be ignorant of the attendant health hazard of open toilet system. At least, the respondents have the First School Leaving Certificate (FSLC).

On the fact whether or not the respondents understand that a clean and healthy environment is a divine mandate, the majority of the respondents believed and agreed to the fact that clean and healthy environment is a divine mandate as revealed in their responses to test items 2-5 on table 2. However, there appears to be a gap in their responses to test items 1 and 6 on table 2. While 46% attested to their being aware of the Deuteronomic mandate to cover human fecal waste, the majority 54% claimed ignorance. But following their response to item 6, where 79% claimed to be aware of the divine mandate to cover human fecal waste as well as their responses to items 2 – 5 which show their knowledge about divine mandate for environmental cleanliness, it could be deduced that the 54% on item one, the 2% on item five and the 21% on item six, who claimed ignorance to the Deuteronomic

³⁵ U.G. Josiah, ‘Hosea’s Perspective on the “Knowledge of God” and its Relevance to Rivers State, Nigeria’, *Doon Theological Journal* 11(1) (2014): 5-15 (12).

toilet code may either be insincere or probably trying to cover up the communities' practice of open toilet system. This further suggests that they may be aware of the health implications of such practice but continued in it since it is a community business which has taken roots within the selected communities.

Moreso, regarding the test on their attitude toward environmental cleanliness, 72% of the respondents acknowledged the availability of Open Toilet System in, and for their community while 28% denied the fact. A keen look at the responses to items 1 and 4 as well as items 2 and 5 revealed consistency of the respondents as item 1 is similar to item 4 while item 2 is similar to item 5. This consistency implies a high level of sincerity in their response to items on this table. It further authenticates the majority's affirmation of the presence of Open Toilet System for the community. Although 42% claimed they found it convenient using the open toilet and 58% claimed they did not find it convenient using the Open Toilet System the fact remains that the availability of the Open Toilet System for the community is indisputable. Again, the responses of the 64% of the respondents who claimed they have toilets within the house, does not in any way eradicate the obvious fact of the availability of Open Toilet System for the community.

Responses to items 1 and 2 on table 4 suggest the prevalence of air pollution in the selected communities. This is shown respectively in the 79% and 67% responses that claimed they perceive foul odour within the community. Response to item 3 revealed the presence of flies within the community. Majority 97% of the respondents who claimed that flies perched on their food probably understood the infectious role of flies in contaminating their food. The forgoing could also be premised on the fact that house flies carry not less than 65 illnesses that infect people, some of which include Food poisoning, Dysentery, Diarrhea, Cholera, Tuberculosis, Typhoid and Anthrax among others.³⁶

Although 43% of the respondents did not see a challenge in the evacuating of human fecal waste from the open community toilet, 57% saw a challenge. Nevertheless, the claim of no challenge or

³⁶C.J. Geden, 'Status of Biopesticides for control of house flies', *Journal of Biopesticides* 5 (January 2012): 24

existence of challenge in the evacuation of human fecal waste in Igburu clan is probably a matter of perspective on issues. While the 43% may not see any problem in the evacuation possibly because the rain flood helps evacuate the waste into the stream as attested to by 80% of the respondents on item 5, the 57% respondents could possibly see a problem in the evacuation given its attendant health effects as attested by 93% of the respondents who acknowledged that there was the prevalence of diarrhea and cholera among the people in item 6. Ultimately, whether or not evacuation of the fecal waste is a challenge, the reality is that the pattern of faecal waste management in Igburu clan comes along with certain health implications. This health hazard appears to be attributed to leaving the rain flood to evacuate the faecal waste at the designated space into the streams also given the fact that these communities live around the coastal regions of the Rivers West senatorial district. This affirmed the position of the United Nation Children's Fund (UNICEF) which revealed that open defecation is associated with water-borne diseases especially when open defecation is done near waterways, and people use the water for cooking or drinking.³⁷

In this discussion, it is evident that the people of Igburu clan to a large extent were aware of the Deuteronomic toilet-code but largely did not adhere to it thus resulting in the prevalence of the identified health challenges within the selected communities under study.

Conclusion/ Recommendations

This research discovered that participants in Igburu clan understood the Deuteronomic toilet-code which deals with fecal waste management especially among a community of believers. This is germane as some faith communities in Rivers State are

³⁷World Health Organization/UNICEF Joint Monitoring Programme for Water, Sanitation and Hygiene', *UN-Water*, 8 May, 2015 <https://www.unwater.org/water-facts/water-sanitation-and-hygiene/> (accessed 3 January 2021).

driven by the philosophy of “cleanliness is next to godliness”.³⁸ But despite their understanding of the toilet code and the importance of cleanliness, it appeared difficult for them to implement the principles enshrined in the Deuteronomic toilet-code especially as it relates to human fecal waste management within the community. In fact, Mr. Emeka Agwuanyi in an interview with *Vanguard newspaper*³⁹ even with his level of education claimed he cannot quit defecating in the bush, because he enjoys it. This reveals the extent to which this culture is deep rooted in some communities.

To avoid the attendant health challenges associated with open toilet system, there is need for continuous sensitisation of these rural communities on proper disposal of human faecal waste. This must be planned by stakeholders such as the government, village heads or leaders, and family heads in order to reduce the effect of water-borne diseases in the community; The study therefore recommends that the State sanitation laws in line with the Deuteronomic toilet code (Deut 23:12-14) must strictly be enforced to ensure the availability of decent and hygienic toilet facility within Igburu Clan. This will further translate into remediation for some of these problems encountered in Igburu clan of Rivers State, Nigeria.

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³⁸U.G. Josiah and L.C. Onyazonwu, ‘Dress and Keep the Garden: Environmental Stewardship as a Biblical Motif for the Great Commission’ *Asia-Africa Journal of Mission and Ministry* 9 (2014): 53-63.

³⁹C. Obinna, ‘Why Nigeria Ranks second worst open defecating country in the world –report’, *Vanguard News Paper*, September 2018. <https://www.vanguardngr.com/2018/09/why-nigeria-ranks-second-worst-open-defecating-country-in-the-world-reportt/> (accessed 17 March, 2019).

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Appendix

Table1. Demographic characteristic of the respondents

	Category	Frequenc y:=150	Percentage %
Gender:		72	
	Male		48%
		78	
	Female		52%
	Total	150	100%
Age :	20-30yrs	51	34%
	31-40yrs	60	40%
	41-50yrs	28	19%
	51yrs and above	11	7%
	Total	150	100%
Marital status:	Married	93	62%
	Single	46	31%
	Divorced	11	7%
	Total	150	100%
Occupation:	Civil servant	39	26%
	Farmer	24	16%
	Businessmen /women	36	24%
	Others	51	34%
	Total	150	100%
Educational Background:	FSLC	27	18%
	SSCE	85	57%
	BSC/BA/HND	38	25%
	Total	150	100%

Respondents community	Osiakpu	61	41%
	Elieta	41	27%
	Egbada	48	32%
	Total	150	100%

Field study, 2019

Table 2. The Perception of Igburu clan on Deuteronomic Toilet-Code

Items	Strongly agreed	Agreed	Undecided	Disagree	Strongly disagreed
1. I have read Deuteronomy 23:12-14 before	27(18%)	42(28%)	23(15%)	33(22%)	25(17%)
1.It is God's will that we are in good health	117(78%)	33(22%)	-	-	-
1. God loves a clean and healthy environment	114(76%)	36(24%)	-	-	-
1.A healthy environment is a godly environment	120(80%)	30(20%)	-	-	-
1.We are closer to God when our environment is clean	108(72%)	39(26%)	3(2%)	-	-
1.God wants us to cover the waste from our body	73(49%)	45(30%)	22(15%)	5(3%)	5(3%)

Field study, 2019

Table 3. The attitude of Igburu people towards environmental cleanliness/sanitation

	Strongly agreed	Agreed	Undecided	Disagreed	Strongly disagreed
1.We have a community toilet open for all	14(9%)	95(63%)	21(14%)	10(7%)	10(7%)
1.It is very convenient using the open toilet	37(25%)	26(17%)	35(23%)	13(9%)	39(26%)
1.In our family house, we have toilets inside the building	50(33%)	46(31%)	6(4%)	21(14%)	27(18%)
1. Our community has an open place for toilet	21(14%)	87(58%)	18(12%)	12(8%)	12(8%)
2. You get relaxed when you use the open toilet	53(35%)	10(7%)	18(12%)	21(14%)	48(32%)

Field study, 2019

Table 4. The challenges resulting from the practice of open defecation/toilet in Igburu clan

	Strongly agree	Agree	Undecided	Disagree	Strongly disagree
1.We perceive some foul odor around our building	73(49%)	45(30%)	9(6%)	8(5%)	15(10%)
1.Although the open toilet is far from our house, we still perceive the foul odor from the open toilet	46(31%)	54(36%)	9(6%)	20(13%)	21(14%)
1. Many times, house flies perched on our food	129(86%)	16(11%)	1(1%)	2(1%)	2(1%)
2. We don't have a problem evacuating the waste at the open toilet centre	21(14%)	44(29%)	46(31%)	15(10%)	24(16%)
3. When rain falls, it helps to evacuate the waste into the stream for more space	94(63%)	26(17%)	9(6%)	9(6%)	12(8%)
6. We have cases of children vomiting and stooling	58(39%)	81(54%)	3(2%)	3(2%)	5(3%)

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regularly in our community					
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**Abrahamic and African cultural identities: An appropriation
of polygamy**

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Abstract

Polygamy as a part of socio-cultural life was not peculiar to Africa but also had a strong biblical root. In this wise, disregard for African cultural values like polygamy, and the insistence on monogamy for the culture of Africa by European missionaries appeared inappropriate. They rather seemed to be an imposition of the European culture on Africans. Missionaries' solution to the debate on polygamy in the Christian church which required the converted African polygamist to divorce all but a wife before baptism seemed to suggest extremism. In fact, socio-economic security and family stability depended on the socio-cultural background, and number of children in the household. These undoubtedly were Abrahamic and African identities. Hence, the security and stability of polygamous households in both cultures seemed to be more at high value than that of monogamy imposed by the missionaries. The paper adopted socio-cultural principle, and hermeneutical method to examine polygamy and its appropriation in Abrahamic and African cultures. The study revealed that while the teachings of the missionaries on polygamy ought to be tailored towards the tenets of the biblical disposition on marriage, they rather considered polygamy in Africa to be an immoral cultural practice and unacceptable marital union. The paper recommended that the missionaries should demonstrate tolerance and magnanimity towards polygamists in Africa.

Keywords: Identity, Family Stability, Socio-Cultural, Polygamy, Abrahamic, African

Introduction

Polygamy is considered to be a necessary accommodation to African culture. This suggestion makes polygamy to be part of African cultural identities and values.¹ In a similar pattern, in the corpus of Hebrew scriptures called the Old Testament (OT), certain cultural practices like polygamy or the ethnicity of ancient Israel could be located from Abraham to Jacob (Israelite) identity.² In this regard, it is argued that polygamy as a socio-cultural life is not peculiar to Africa but also has a strong biblical root. Meanwhile, polygamy has its place in Abrahamic and African cultural identities.

Now, disregard for African cultural values like polygamy, and the insistence on monogamy for the culture of Africa by European missionaries appears inappropriate. It is rather an imposition of the European culture on Africans. Missionaries' solution to the debate on polygamy in the Christian church which requires the converted African polygamist to divorce all but one wife before baptism seems to suggest extremism. In fact, socio-economic security and family stability depend on the socio-cultural background, and number of children in the household. These undoubtedly are Abrahamic and African identities. Hence, the security and stability of polygamous households in both cultures are more valued than that of monogamy imposed by the missionaries. This paper adopts socio-cultural principle, and hermeneutical method to examine polygamy and its appropriation in Abrahamic and African cultures.

Theoretical Framework

To the European missionaries, it has been established that since the practice of polygamy came after the entrance of sin and it was

¹Wilbur O'Donovan. *Biblical Christianity in African Perspective*, India: Oasis International Limited, 1997, 291.

²Abiola Ayodeji Olaniyi, "Dynamism of Authority and Power in the Socio-Economic Mobility of the Israelites" *Journal of Humanity and Social Science*, Vol. 24, Issue 1, Ser. 9 (January 2019), 10, 11.

not among original plans of Yahweh, it is a sin.³ In an attempt to enforce monogamy in African Christian Church, various missions refuse to accept polygamists and their families into church fellowship.⁴ Meanwhile, today in the African Christian Church, possibly, the practice of polygamy is still being viewed as immoral by the European missionaries because polygamy and concubinage belonged to the category of imperfection in the realm of ethics. The union of a man and a woman as husband and wife revealed in the creation ordinance implies equality of genders before human corruption set in.⁵

Abrahamic Cultural Identities in Genesis 16: 1-5

Abram's cultural identity has been traced to a land of idolatrous polygamy, because the narrative in Genesis 22: 20-24 reveals that the brother of Abram, Nahor was a polygamist.⁶ Also, Preez claims that at the time when Abram comes onto the scene of history, there is apparently no written code defining the requirements of God relating to marriage. It is later specifically coded during Moses' era. He further establishes that until the call of Abram, there are two major hurdles. That is, Abram has no children and his wife, Sarai is barren (Gen 11:30).⁷ This probably influences Abram's value argument on polygamy and 'concubinage.' However, as it has been revealed by Preez that from the genealogical evidence and record which indicates that

³Andrew Olu Igenzoza, *Polygamy and the African Churches, A Biblical Appraisal of an African Marriage System*. The African Association for the Study of Religion, Nigerian Publications Bureau, 2003, 87.

⁴Julius K. Muthengi. "Polygamy and the Church in Africa: Biblical, Historical, and Practical Perspectives" *Africa Journal of Evangelical Theology*, 1995, 58.

⁵Igenzoza, *Polygamy and the African Churches, A Biblical Appraisal of an African Marriage*, 87.

⁶Richard M. Davidson, https://www.academia.edu/9014651/Polygamy_in_the_Old_Testament, *Polygamy in the Old Testament*, accessed February 22, 2019, 9.

⁷Ronald A. G. du Preez, *Polygamy in the Bible with Implication for Seventh-day Adventist Missiology*, Berrien Spring: Adventist Theological Society, 1993, 154-157.

Abram was the tenth generation from the monogamous marriage of Noah,⁸ and the argument of White that God communicated his will to Abram concerning marriage. It could be safe to come to the conclusion that Abram knew the requirements of God's law and the divine 'will' regarding ideal marital form or marriage relationship.⁹ Notwithstanding the idolatry practice in the land of Ur, the divine call came and Abram had to leave for Canaan with the promise of a son that he would become a great multitude through his wife Sarai who was invariably barren. Thereafter, the action of Sarai in her childlessness or barrenness was probably influenced by some biblical narratives. This is because Genesis does assert that in some cases, God actively withheld the blessing of children from some women or actively granted that blessing to other women (Gen 20:17-18; 25:21; 29:31; 30:2, 22-23; 49:25).¹⁰

Possibly, the faith of Abram and Sarai, which had remained constant for ten years, now gave way. Probably, Abram did not realise that the delay was divinely appointed to his faith and to develop his character. Due to the delay of the arrival of an heir, impatience seemed to set in.¹¹ Now, the view is held that Sarai's hope of giving birth to children seemed to have been lost. She "decided to go in the practice of her native country in order to provide an heir for the family."¹² This action was a norm in her society where polytheism was practised. This is because the legal codes of Mesopotamia recognised the practice whereby a childless wife might give one of her slaves to her husband and obtain children by means of her, and determine precisely the right of such offspring. Now Abram hearkened to the voice of his wife, Sarai because faith may be genuine and yet proved to be

⁸Preez. *Polygamy in the Bible*, 155.

⁹E. G. White. *Patriarchs and Prophets*. Michigan: Remnant, 2000, 87.

¹⁰Robert M. Bowman Jr., "Genesis and the Definition of Marriage: Monogamy and Polygamy in Biblical History and Ethics," Paper presented to the Evangelical Philosophical Society Evangelical Theological Society annual convention, Atlanta, November 17, 2015, 14.

¹¹F. D. Nichol, ed, "The Book of Deuteronomy." *The Seventh-day Adventist Bible Commentary*. Volume 1. Washington: Review and Herald, 1978, 317.

¹²Nichol, ed, *Seventh-day Adventist Bible Commentary*, 317.

weak in moments of stress and perplexity. There are also instances in the narratives that Abram's faith was weakened and influenced by his polytheistic culture.¹³ The biblical narrative shows that Sarai, Abram's wife, took Hagar her maid, the Egyptian, to her husband as wife, but it should be pointed out that Hagar is called אִשְׁת־אַבְרָם (Abram's wife). In reality, she still functioned under Sarai as a slave girl.¹⁴ אִשְׁת־אַבְרָם could be woman of Abram, wife of Abram or female belonging to Abram (noun, feminine). That is, woman as conceiving, bearing children. The interpretation of wife in Genesis 15:1-5 suggests woman belonging to a man, of one betrothed.¹⁵ However, the Hebrew term used here לִוְיָאִשָּׁה, is often used to describe a regular *marriage*.¹⁶ Likewise, Preez establishes that Hagar was taken as a *wife* in a polygamous situation and not just for cohabitation for the purpose of having a son as revealed by the biblical narrative. He further opines that verse three of Genesis chapter 15 shows how Sarah took Hagar to Abraham as a wife,¹⁷ because this action of Sarai was a common practice in the ancient Near East.

Now, it was Sarai's idea for Abram to have sexual relations with her Egyptian servant Hagar in order to produce a child.¹⁸ To Bowman, the fact that it was Sarah's idea is strongly emphasised, since it is stated four times in the first six verses of the passage. Therefore, Sarai was the principal actor in this first scene in the narrative about the birth of Ishmael.¹⁹ This could be because childlessness or barrenness is commonly viewed in the ancient world (and even by many people today) as a dishonour or disgrace to the woman. There was no greater sorrow for an

¹³Nichol, ed, *Seventh-day Adventist Bible Commentary*, 317.

¹⁴Davidson, *Polygamy in the Old Testament*, 9.

¹⁵F. Brown, S. Driver, and C. Briggs, *The Brown-Driver-Briggs Hebrew and English Lexicon*, Preabody, Massachusetts: Hendrickson Publisher Marketing, 2014, 61, 84.

¹⁶Preez. *Polygamy in the Bible*, 157.

¹⁷Preez. *Polygamy in the Bible*, 157.

¹⁸Bowman Jr., "Genesis and the Definition of Marriage: Monogamy and Polygamy in Biblical History and Ethics," 13.

¹⁹Bowman Jr., "Genesis and the Definition of Marriage: Monogamy and Polygamy in Biblical History and Ethics," 14.

Israelite or Oriental woman than barrenness.²⁰ Also, when Sarai turned barren, Kunhiyop argues that she becomes desperate for a child and encourages Abram to have a child with Hagar, her Egyptian slave (Gen 16:1-16).²¹ Since it is cultural in ancient world for a barren woman to bear children through her maid, Sarai's action here cannot be seen as societal absurd. However, Kunhiyop reveals that some commentators such as Dwight and Kaiser do not accept the action of Abram with Hagar to be an example of polygamy. To Dwight, a husband that is childless may lawfully, with the consent of his wife connect himself temporarily with his female slave, but not as a wife. In the same view, Kaiser, argues that Sarai talks Abram into a temporary sexual relation with Hagar. Countering these commentators, Kunhiyop is of the opinion that the narrator indicates more than just a temporary sexual relationship. No doubt, Abram practises a polygamous household for at least some period of time²²

While Genesis 16:1-5 suggests that Sarai's infertility is unfortunate and unbearable, Abram cannot move into plural marriage until 10 years after his arrival in Canaan. It is assumed that the stigmatisation that Abram and his wife would have experienced would be unbearable. Nevertheless, to some scholars such as Davidson, it is unjustifiable to exonerate the circumstances of Abram's carrying out Sarai's suggestion.²³ In corroboration, Igenoza maintains that in the ancient culture (Babylonian), with full rights and responsibilities, a man was entitled to a legally married wife. As a result, a marriage contract was drawn up. He further reveals that according to Hammurabi, if a man takes a wife and does not arrange with her the proper contracts, that woman is not a legal wife.²⁴ Igenoza reveals that what Sarai does is not so much in obedience to an impulse as in conformity with family law of the Hurrians, a society whose

²⁰Bowman Jr., *Genesis and the Definition of Marriage: Monogamy and Polygamy in Biblical History and Ethics*, 14.

²¹Kunhiyop, *African Christian Ethics*, 230.

²²Ibid., 230.

²³Davidson, *Polygamy in the Old Testament*, 11.

²⁴Igenoza, *Polygamy and the African Churches, A Biblical Appraisal of an African Marriage System*, 108.

customs the patriarchs knew intimately and followed often.²⁵ However, the following might be the contributing factors why Abram succumbs to the suggestion of Sarai, his wife. That is, it could be understandable because Sarai has passed the age of child-bearing according to the dictates of nature (Gen 18:11), and that the couple come from a background which is relatively polygamous (cf. Gen 22:20-24).²⁶ Notwithstanding, subsequently, it is revealed that throughout the narrative, God never refers to Hagar as Abram's wife. Although the narrator refers to Hagar as Abram's wife, but in the contrast between human understanding and Yahweh's disposition, Hagar is emphatically referred to as Sarai's maid not as Abram's wife.²⁷ In corroboration, Bowman, assumes that Abram's sexual union with Hagar is not only something God has not commanded, he suggests that the way Sarai and Abram's actions are described it is an action that lacks divine approval.²⁸ Probably, God was rejecting Sarai's idea here because she was committing some great sin. The problem is, she is suggesting works of the flesh to bring God's plan to pass. God's plan can never depend upon the works of the flesh not even to accomplish the tiniest item in that plan.²⁹

According to Bowman, Wenham vehemently argues that the reader is meant to understand that Abram errs in allowing his wife to persuade him to have sexual relation with Hagar.³⁰ As it has been established by scholars, in fact, what Sarai suggests here is not out of the ordinary. It is a cultural norm for a barren woman to allow her husband to desire a child by a servant, and for the child to be raised as her own. Sarai's persuasion is not far outside the norm. This is because there has been a custom that, if a man died before siring a child by his wife, she could petition

²⁵Igenzoza, *Polygamy and the African Churches, A Biblical Appraisal of an African Marriage System*, 107.

²⁶Ibid., 108.

²⁷Davidson, *Polygamy in the Old Testament*, 9.

²⁸Bowman Jr., "Genesis and the Definition of Marriage: Monogamy and Polygamy in Biblical History and Ethics," 14.

²⁹Adreson, www.kukis.org *Exegetical Studies in Genesis*, 21.

³⁰Bowman Jr., *Genesis and the Definition of Marriage: Monogamy and Polygamy in Biblical History and Ethics*, 21.

that his brother step in and impregnate her, with the child being the deceased brother's child. Since God did not accept Eliezer of Damascus as Abram's adopted heir, how would God's promise be fulfilled? Possibly, Sarai thinks that the only solution is with Hagar, and Abram agrees with her.³¹ Therefore, it is not a great leap for Sarai to suggest that Abram has a child through a surrogate mother—her slave girl, Hagar.³² Nevertheless, Sarai's persuasion to Abram is a great temptation and it is clear from the narrative that Sarai is going to have problems with the result of this union.³³

Although God is not shown as condemning Abram's behaviour as immoral, but it is explicitly revealed that God insists that Ishmael is not the child he had promised. The promise is that the child will be born through Sarai.³⁴ Possibly, the duty of raising this child would fall into Sarai's lap. This would be Hagar's desire as well. But in reality, no matter how this might look culturally that Hagar, a surrogate wife would raise the child, and it would be Abram and Sarai, would later become unpleasant scene. The consequential event was that, after Abram had sex with Hagar, she conceived, and she began to look down on Sarai, her mistress. At this point in time, there was nothing amiss with Abram's potency. The problem with conception was with Sarai.³⁵ Meanwhile, to Hagar, Sarai had become quite diminished in her eyes, and she saw herself as superior to Sarai. Possibly, this was because Hagar received some unusual attention by Abram, and she began to see herself in a different light. Now, naturally her present condition lessened her commitment as a slave, and caused her to think more about the big picture. Thereafter, she began to treat Sarai with disrespect.³⁶ She was under Sarai's authority and she was bucking this authority now. Hagar was considering herself to be greater than Sarai. As a result, Sarai was

³¹Igenzoza, *Polygamy and the African Churches, A Biblical Appraisal of an African Marriage System*, 109.

³²Adreson, www.kukis.org *Exegetical Studies in Genesis*, 16.

³³*Ibid.*, 16.

³⁴Kunhiyop, *African Christian Ethics*, 230.

³⁵Adreson, www.kukis.org *Exegetical Studies in Genesis*, 33.

³⁶*Ibid.*, 33.

upset and tended to shift her detrimental condition upon Abram with some agonising complaints. Here, Sarai's complaints seem valid and reasonable because Hagar's attitude is an unintended consequence which could have been foreseen. Although Sarai blamed Abram for this, yet, it was her idea that Abram should have seed through Hagar. Obviously, the opinion could be that calling for God to judge between the two of them seemed irrational. Because Sarai knew the promises that God had made to Abram, she blamed God that she did not conceive.³⁷

In this pattern, it is appropriate and imperative to consider the intertextuality of Genesis 16:1-5 and Genesis 3:1-17. It is because the narrative's intertextuality between the polygamous relationship of Abram with Sarai and Hagar and the fall narrative of Adam of Eve and Serpent seem to be both informative and instructive. It could be argued that there are strong verbal parallels between Genesis 16:1-5 and 3:1-17. Davidson reveals that in the Garden of Eden, the woman "took" the fruit and "gave" it to her husband (Gen 3:6). Similarly, Sarai "took" Hagar and "gave" her to her husband (Gen 16:2).³⁸ Importantly, it has been established by critical commentators like Davidson that the same Hebrew words such as "took", "gave", "listened" and others are used in the same order. For instance, Adam listened to the voice of his wife, Eve (Gen 3:17). Likewise, in Genesis 16:2, Abram also listened to the voice of Sarai, his wife. These assertions above suggest intertextual parallels that are relevantly indicated that Abram and Sarai fell in the Hagar scandal. So also, Adam and Eve fell in the Garden of Eden as a result of the deceptive act of Serpent.³⁹ Critically, Bowman describes the actions of Adam and Eve, and Abram and Sarai in the Genesis narratives. He analyses the Abram's sexual union with Hagar and that of the fall of Adam and Eve in the Garden of Eden. The narrative in Genesis 3:6, 17 reveals the actions of Adam and Eve. That is, in verse 17, "...because you *שָׁמַעְתָּ* (have listened), to the *קוֹל* (voice) of *אִשְׁתְּךָ* (your wife). Verse six indicates that ... she *וַתִּקַּח* (took) some to

³⁷Ibid., 45.

³⁸Davidson, *Polygamy in the Old Testament*, 14.

³⁹Ibid., 14.

her לְאִשָּׁהּ (husband).” From the same point of view, Genesis 16:2-3 states, “...and Abram וַיִּשְׁמַע (listened) to the לְקוֹל (voice) of Sarai... and Sarai, (Abram’s wife), וַתִּקַּח (took) Hagar... and וַתִּתֵּן (gave) her to Abram her לְאִשָּׁהּ (husband).”⁴⁰

As analysed above, the woman (Eve; Sarai) initiated the series of events. She “took” something (the fruit; Hagar) and “gave” it “to her husband” (Adam; Abram). Both passages reveal that the man “hearkened to the voice of” his wife and accepted what the wife gave him, and did what she proposed, that is, he ate the fruit; as in the case of Adam, or sex with Hagar as in the case of Abram.⁴¹ It is significant to note that the parallel shows intentional act of both Abram and Adam. Possibly both Abram and Adam could choose not to yield to the persuasions to have sexual relations with Hagar and Eve respectively, and to eat fruit from the tree of the knowledge of good and evil. Also, in Genesis 3 and 16, just as Adam had tried to shift the blame for his eating of the forbidden fruit to his wife (Gen. 3:12), Sarai tried to shift the blame for Hagar’s contempt to Abram (Gen 16:5).⁴² Therefore, it is likely that both narratives reveal human error which is the violation of God’s principles, and the error in both narratives actually later manifested in human blame and regret. Also, as a result, both narratives (Gen 3 and 16), reveal that the eyes of Adam and Eve were opened into fear, shame and nakedness, and were sent out of the Garden of Eden, just as Hagar also demonstrated pride towards Sarai, and Hagar her son were sent out of Abram’s household. Genesis 16 shows how Yahweh tolerated the polygamous life of Abram. Although there is no explicit condemnation on the polygamy of Abram, the aftermath consequences reveal that Yahweh did not sponsor the practice. Now, it could be opined that polygamy remains a distorted marital union.

African Cultural Values and Identities

⁴⁰Bowman Jr., *Genesis and the Definition of Marriage: Monogamy and Polygamy in Biblical History and Ethics*, 14.

⁴¹Ibid., 14.

⁴²Ibid., 15.

African history shows that a lot of activities that have gone on in the continent for many thousands of years. These include migrations, calamities, wars, invasions, hunting, fishing, food-gathering, domestication of animals, farming, mining, metal work, and settlements in villages and cities. Great empires and kingdoms have arisen and gone such as those of Ghana, Mali, and Songhay in Western Africa, the kingdoms of the lower Congo (now Zaire), the kingdoms of the Zulu in Southern Africa, the kingdoms of Axum in Ethiopia and Nubia in the Sudan. There have been great civilisations, the first of which evolved in Egypt and continued for many thousands of years. There were other African civilisations in North Africa, in East and Central Africa, in the Congo basin, and in West Africa. Some of these existed for a short time and left little trace behind them, while others lasted for more than a thousand years and influenced many people in Africa and beyond.⁴³

It is important to opine that African peoples consider the universe to be centred on man.⁴⁴ However, from the biblical narrative it believed that God is put as the centre of the universe and not man (Gen 1: 1-31). Mbiti argues that because man assumes himself to be above all other creatures of the globe, from a consequential point of view, to man the whole universe exists for his benefit. It is in this opinion that African peoples tend to look for the benefits they can derive from the world. The opinion here suggests that what the world does to man and how man can use the world for his own good are important to African peoples and deeply engrained in them.⁴⁵ Meanwhile, the increasing awareness of the global cultures has greatly aided in creating consciousness of the position nature of one's worldviews, though not as rapid as one expects.⁴⁶ With a close observation of Africa and its societies, it is important to note that religion is at the root of African culture and plays a major role in determining the

⁴³John S. Mbiti, *Introduction to African Religion*, Ibadan-Nairobi-Lusaka: Heinemann Education Books Ltd, 1975, 4, 5.

⁴⁴Mbiti, *Introduction to African Religion*, 82.

⁴⁵Ibid., 43.

⁴⁶William E. Padan *Interpreting the Sacred, Ways of View Religion*, Massachusetts: Beacon Press, 1992, 3.

principle of African life. In fact, the opinion here suggests that for Africans, religion is the determinant factor in whatever they do. It has been argued that both in this world and the world to come, religion does not only give meaning to African lives but also gives significance.⁴⁷ The belief is that African religion affects the African way of life. It is safe to opine that religion is part and parcel of the African heritage that seems to go back many centuries ago. In fact, African Religion is part of the African heritage. The opinion here assumes that religion is found in all African peoples and it has influenced them strongly in terms of thinking and experiences.⁴⁸

It is African Religion which gives its followers a sense of security in life. Within that religious way of life, they know who they are, how to act in different situations, and how to solve their problems. This does not mean that African Religion has no weaknesses and no false ideas. But as far as it goes, it has supplied the answers to many of the problems of this life even if these may not have been the right answers in every case. Because it provides for them answers and direction in life, people are not willing to abandon it quickly, otherwise, they would feel insecure afterwards unless something else gave them an additional or greater sense of security. When Africans are converted to other religions, they often mix their traditional religion with the one to which they are converted. In this way, they think and feel that they are not losing something valuable, but are gaining something from both religious systems. African Religion functions more on a communal than an

⁴⁷Kofi Asare Opoku, *West African Traditional Religion*, Accra: Fep International Private Limited, 1978, 1

⁴⁸Mbiti, *Introduction to African Religion*, 10, 12

individual basis. For example, its beliefs are held by the community, therefore it does not matter much whether or not the individual accepts all these beliefs. The ceremonies are performed mainly in or by a group of the family, by relatives, by the whole population of one area or by those engaged in a common occupation.⁴⁹

It is important to note that most African peoples did not know how to read or write, yet it is interesting to argue that they could orally pass on pieces of information from one generation to another without losing their values. Although most likely some things were forgotten and there was consequential confusion of the repeated stories, it is worthwhile that tradition and some valuable information about African origin and heritage are still retained.⁵⁰ Corroborating the above assertion, Awolalu and Dopamu concur that the following oral traditions are preserved. That is, in Africa, West Africa in particular, paintings, carvings, mouldings, and engravings are the proud artistic works of many. These arts and crafts, symbols and emblems, names of people and places, shrines and sacred places are immortally passed on. The belief is that the preservation of these oral traditions is to convey certain sentiments or truth.⁵¹ When it comes to marital relationship, adultery is not tolerated whether the culprit is a man or woman. But in Africa, a culprit woman receives more severe punishment than that of a man. The belief could be that harlotry tends to destroy fertility in women, because infertility of women seems to threaten the existence of African community. The African view on marriage concurs that in a polygamous system, the wives do not have exclusive right over the husband. It is interesting to note that a man caught in the very act of adultery could only pay a statutory compensation to the wronged husband, while a culprit woman could be beaten up and sent

⁴⁹Ibid., 13

⁵⁰Ibid., 4

⁵¹J. Omosade Awolalu and P. Adelumo Dopamu, *West African Traditional Religion*, Lagos: Macmillan, 1979, 32

back to her parents.⁵² However, Kunhiyop reveals that in one Nigerian tribe, an adulterer would be subjected to drinking of excreta from black dog. In a consequential event, the testicle of a he-goat (a symbol of promiscuity) would be hung around his neck. In a shameful manner, the culprit would be paraded through the entire village.⁵³

To Muthengi, polygamy seemed to have been accepted all over Africa as the cultural norm.⁵⁴ In agreement with Muthengi, Taryor argues that polygamy is a feature of the African people and it is a fabric of their culture. In Africa, before the introduction of Christianity, polygamy was a common cultural pattern. It was part of the framework of the African society.⁵⁵ Mbiti assumes that when a man has many wives, there is a tendency for him to have many children as well. He further stressed that the more children one has, the longer he would likely be remembered, long after his death. Many descendants would succeed such a man with the power of immortality and remembrance.⁵⁶ In another perspective, Ola opines polygamy to be a basic part of African social system, and polygamous individuals were the wealthy and influential people of each community, starting with the kings and chiefs to the nobles.⁵⁷ Maillu assumes that the beginning of

⁵²Emefie Ikenga Metuh, *God and Man in African Religion*, London: Geoffrey Chapman, 1981, 112, 113.

⁵³Samuel Waje Kunhiyop, *African Christian Ethics*, Kenya: Hippo Books, an imprint of World Alive, 2008, 224.

⁵⁴Julius K. Muthengi. "Polygamy and the Church in Africa: Biblical, Historical, and Practical Perspectives," *Africa Journal of Evangelical Theology*, 1995, 58.

⁵⁵N. K. Taryor, *Impact of the African Tradition on African Christianity*, Chicago: IL, Strugglers' Community Press, 1984, 112.

⁵⁶Mbiti, *Introduction to African Religion*, 4.

⁵⁷Joseph Adebisi Ola, *Training for Evangelism among the Yorubas of Nigeria*, Andrews University Seventh-day Adventist Theological Seminary: A Project Report Presented in Partial Fulfilment of the Requirements for the Degree of Doctor of Ministry, August 1989, 92.

polygamy in sub-Saharan Africa and Africa generally marks an immemorial era that goes beyond any document.⁵⁸

It is argued by Schreiter that polygamy exists all over the African continent.⁵⁹ In agreement with Schreiter, Gbadero keenly observes that Africans do not practise individualism like that of the Westerners. Meanwhile, marriage is a family and a community affair which is really associated with polygamy. Before the advent of Christianity, African people seemed to have been used to polygamy as a popular form of marriage. This suggests that polygamy has been long part of the people of Africa. In Africa, polygamists are born and brought up within the context of a polygamous society in which the practice is not only permissible, but culturally can be a sign of social status and wealth. Because it is deeply rooted in the culture of its people, the institution of polygamy is nothing strange to Africans, especially among those who practise it.⁶⁰ Now notably, Muthengi has revealed what scholars have suggested to be the contributing factors of polygamy among Africans. These are stated below:

1. Man could go for more than one wife in the case of barrenness which is often assumed to be a woman's fault. Such a man uses polygamy to rescue his family for the infertility.
2. The thirstiness to be associated with the well-founded families could encourage polygamy. In Africa, there seems to be a strong belief that marriage goes beyond an individual. It is an involvement of families and communities.
3. Another notable causative agent of polygamy has been argued to be the chronological age gap between men and

⁵⁸D. G. Maillu, *Our Kind of Polygamy*, Nairobi, Kenya: Heinemann, 1988, 1.

⁵⁹Robert J. Schreiter, ed. *Faces of Jesus in Africa*, New York: Orbis Book, 1991, 12.

⁶⁰M .O. Gbadero, "A Biblical Analysis of Polygamy and Monogamy in African Christianity," *Biblical View of Sex and Sexuality from African Perspective*, Ibadan: A Publication of the Nigerian Association for Biblical Studies (NABIS), Biblical Studies, Number 5, 2006, 204.

ladies at the time of marriage. The argument suggests that in many parts of Africa, men normally get married late in life. This consequently leads to many marriageable women in the locality.

4. Some men seem to have been married for economic reasons. This is often assumed that when one marries more than one wife he produces several children that ensure more manpower. For the enhancement and sustainability of productivity, more wives are often encouraged.
5. The passion of care and concern that African men have for the widows has often led to polygamy. In Africa, this has been considered to be customary norm. And it greatly contributed to preservation of the lineage of the departed.
6. Abstinence of women from sexual intercourse as soon as they are pregnant is a factor that encourages polygamy in Africa. For some African men to stay for nine months or two to three years without sexual intercourse could be observed as an unbearable situation.
7. As a sign of honour and prestige, some wealthy men choose to marry to young ladies. This has often encouraged polygamy in many parts of Africa.⁶¹

In a similar pattern, Kunhiyop reveals that polygamy fulfils a number of functions in Africa. He further stresses that polygamy serves in terms of preservation of the family's status and property. This is extended in space and time, from generation to generation. It vehemently plays the role of making women to bear children where they have no job other than marriage and to support the lineage of their husbands. In fact, it is so interesting that some of the roles being played by polygamy in Africa have many similarities with that of the biblical times when it comes to the system of levirate marriage.⁶² To Kunhiyop, in African culture, polygamy is by no means equated to adultery. In Africa,

⁶¹Muthengi. "Polygamy and the Church in Africa: Biblical, Historical, and Practical Perspectives," 58-60.

⁶² Kunhiyop, *African Christian Ethics*, 224.

adultery is assumed to mean having sexual relations with someone that is not legally pronounced as one's spouse.⁶³ Polygamy could be considered as the acceptable marital union in Africa prior to the arrival of the first missionaries who introduced Christianity, and it has continued subsequently.⁶⁴ Corroborating the above arguments on polygamy, Babalola also argues that the practice of polygamy is an indigenous socio-cultural phenomenon across Africa. Therefore, to condemn polygamy which is part of the cultural identity of African people as being against the tenets of the God of good news is erroneous.⁶⁵

In Africa, it is observed that the rate of child mortality has been on the high side compared to other continents such as Europe, America, and others. Hence, the security and stability of monogamous households in Africa seem to be more at risk than that of polygamy. The belief is that socio-economic security and family stability depend upon the number of children in the household. Meanwhile, it is the general opinion that in a situation of high child mortality rate, a plural of wives clearly makes for greater security and stability in-so-far as more than one wife will likely produce more children.⁶⁶ There is the fear that a man might die without a surviving male child in Africa. One of the causative factors behind the practice of polygamy in Africa could be lack of a male child in a family. This is because in African societies, there is strong attachment to a male child in every family. This belief suggests that a family without a male child is considered as a family that is tagged with partial barrenness. It is important to note that an African man would like to preserve his inheritance

⁶³Kunhiyop, *African Christian Ethics*, 224.

⁶⁴Prosper B. Lyimo, "Polygamy in Sub-Saharan Africa and the Munus Docendi: Canonical Structures in Support of Church Doctrine and Evangelization," Doctor of Canon Law Diss., Saint Paul University Ottawa, Canada, 2011, 15.

⁶⁵Sunday Funmilola Babalola, "The Practice of polygamy and the Concept of Evil among the Yoruba" *Selected Studies in the Humanities*, Arakeji: A Publication of Humanities, Joseph Ayo Babalola University, 2013, 97.

⁶⁶Eugene Hillman, *Polygamy Reconsidered, African Plural and the Christian Churches*, Maryknoll, New York: Orbis Books, 1975, 116.

both now and thereafter through his male child, because no matter the number of female children, they would all relocate to their husbands' household. Also, for the female children to preserve and immortalise their father's name and clan would be far from reality.⁶⁷

Beyond the shallow thinking that polygamy in Africa societies is driven by unrestrained sexual impulses, there are functional uses of polygamy. These functions are considered to be so similar to that of the OT.⁶⁸ To Alalade, the OT recognises the authenticity of both monogamy and polygamy. He opines that this recognition seems to have formed the groundwork for the perspective and projection of marriage in the New Testament (NT).⁶⁹ Alalade quotes Barth, Mckenzie, and Schillebeekx to clarify how polygamy seemed to have been treated in the era of NT. From the above scholars, it could be observed that there is no single text in the NT that neither forbids polygamy nor explicitly decrees monogamy as an ideal form of marriage. This is because the teaching of Jesus on marriage seems to have been limited to the affirmation of the indissolubility of marriage.⁷⁰ As earlier asserted, in Africa, bearing of many children through which property may be passed on in space and time is highly placed. In this sense, the practice of polygamy often comes to play. Other functions that polygamy plays in Africa are in a way supporting and catering for the neglected women in the society that do not tolerate women independence and adultery. Also, polygamy at the same time serves as a solution to identity, in term of wife's infertility.⁷¹

⁶⁷Hillman, *Polygamy Reconsidered, African Plural and the Christian Churches*, 117.

⁶⁸Kunhiyop, *African Christian Ethics*, 224.

⁶⁹Adekunle A. Alalade. *Limiting Factors to the Success of the Seventh-day Adventist Church in Africa, the Nigeria Case Study*, Ibadan: Agbo Areo Publishers, 2008, 177.

⁷⁰Alalade. *Limiting Factors to the Success of the Seventh-day Adventist Church in Africa, the Nigeria Case Study*, 178

⁷¹Kunhiyop, *African Christian Ethics*, 224.

Abrahamic and African Identities: An Appropriation of Polygamy

It is important to note that the first mention of post-flood polygamy appears in the polygamous relationship of Abram. Although his polygamy has often been argued as circumstantial marital relationship of a God-fearing man and a friend of God, but it has also been described as the lapse in sense of judgment, concerning the seeming normal cultural marital relationship with Hagar that his wife, Sarai suggested to him. This circumstantial polygamy particularly in Genesis 16:1-5 has been described by scholars such as Igenzoza and others as the true demonstration of activities of a barren couple. In their barrenness, Sarai thought that God could bless them with children through Hagar, her maid. Meanwhile, she suggested to her husband, Abram to sleep with Hagar in order to have heirs through her. The action of Sarai here suggests human flawed effort in assisting God to play his role. Resting on Richard M. Davidson's arguments on the ideal marriage relationship in the biblical era, in Africa, barrenness is not a licence for any African Christian to engage in polygamous relationship. God's plan for every couple in church must not be influenced by human flaw aid (polygamy). In the polygamous (concubinage) relationship of Abram with Hagar, the opinion assumes that it is a negation of the highest order to the divine original principle of the biblical marital union. Just like how Eve deceived Adam in the Garden of Eden when she gave the forbidden fruit to Adam, her husband, so also Sarai deceived Abram, her husband by providing Hagar, her maid for him to sleep with and have children through her. Although it is culturally normal for them to do such, however it could be argued that no cultural norm ought to be placed above the divine original principle of the biblical marital union. The encouragement that is for every church member seems to be tailored towards adhering strictly to the divine original principle of the biblical marital relationship (monogamy). Meanwhile, any cultural value or norm that seems to stand against or negate God's principle on marriage should be willingly discarded by every African Christian.

However, in as much as the church tends to embrace the biblical original plans for marriage; care needs to be taken in the treatment of her polygamist members and the intending Christian polygamists. It could be acceptable to adhere strictly to the teaching that in Eden, God established the union of oneness between a man and a woman. Nevertheless, the treatment of the church in Africa, that in no case should a polygamist be admitted into the fellowship of the church through baptism seems to explicitly stand against the biblical tolerance demonstrated towards polygamists in both OT and its progressive revelation, the New Testament (NT). It has been established that tolerance is not translated as approval; meanwhile the church is admonished to tolerate her polygamist members and admit her intending polygamist members through baptism into full membership. Considering some Abrahamic and African cultural heritages and values of polygamy, the practice seems to still linger. In the Abrahamic identities, there were some cultural heritages and values of polygamy as earlier asserted which are similar to those of Africa. Yahweh seemed to demonstrate tolerance and magnanimity towards biblical polygamists not that he sponsored the practice but possibly to teach the future generations the uncommon lesson of the tolerant treatment of Yahweh.

Conclusion

It has been discovered from the biblical passages examined that the narratives on polygamy suggest divine disapproval. Although in no way would Abrahamic and African cultural identities consider polygamists to be outcast or candidates of hell, nevertheless the consequential events of polygamy such as rivalry, jealousy, envy and other events seem to support its repudiation. While the patriarchs of the Israelites: Abraham, Esau, and Jacob headed polygamous households, and great kings of Israel, such as David and Solomon, were polygamists, yet it has been shown that polygamy is a strong consequential activity of sin against the biblical creation on the divine principle of ideal form of marital relationship. In fact, while polygamy is considered to be a necessary accommodation to African culture by some liberal theologians, still strong emphasis is placed on the

biblical account on marriage in Genesis 2:24-25 (divine principle on monogamy) by several commentators as an important indicator of an ideal form of marriage. However, considering some African cultural heritages and values of polygamy, the treatment towards the practice by the African Christian church should be tolerant and magnanimous.

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The print media and the challenges of stereotyping in reporting conflict issues in Nigeria

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Abstract

This paper examines the Print media and the Challenges of Stereotyping in Reporting Conflict Issues in Nigeria. The paper investigates how the print media stereotype Fulani ethnic group in Nigeria. The underpinning theories for the study are social responsibility theory and standpoint theory. It adopts a qualitative desk-based research method to gather and analyze available print and published secondary data to investigate the problem. The findings revealed that the rate at which some of the Nigerian press report Hausa-Fulani herdsmen and farmers' clashes is detrimental to the image of the Fulani tribe and if care is not taken could cause permanent hatred for the Fulani tribe. The study concludes that the press plays an important role in our contemporary society as it shapes ideology and influence people's world views and how we perceive issues. Therefore, the press should be sensitive to stories that could cause hatred for any sect of society. The study, therefore, recommends, among others, that, the press should always dig deep into every story to discover the truth behind the facts instead of having the wrong premonition concerning any socio-political, ethnic, and religious sect.

Keywords: Print media, Journalist, Stereotyping, Conflict Reporting, Herders/Farmers clashes.

Introduction

Resource use conflicts as a resultant effect of desertification-drought and land degradation- have manifested into economic and social strife over the years. This is evidenced in the war between herders and farmers in Nigeria which started as far back as the 20th century. Among every other sector being threatened by the effect of desertification in Nigeria, farming and grazing suffer the most loss. This is because all farming and animal rearing activities rely solely on the quantity and quality of available land resources which, according to recent researches, are limited.¹ In the struggle to utilize the limited fertile spaces, both farmers and herders strive to protect their interests and achieve their dreams to flourish economically but such struggle more often than not leads to a violent disagreement with death counts².

Several authors have given different perspectives on conflicts based on their social, cultural, and political environment. Gyong defined conflict as the struggle for dominance or control of one person or group by the other in such a way as to subjugate or even eliminate the opponent³. Ekong defined conflict as that form of social interaction in which the actors seek to obtain a scarce reward by eliminating or weakening their contenders⁴. Nigeria

¹ Muhammed-Oyeode, A. (2018). *Memorandum of Understanding by the Nigerian Working Group on Peace building and Governance*. Retrieved from <http://allafrica.com> on 17th October, 2018.

²Olagunju T.E. Drought, desertification and the Nigerian Environment: A review. *Journal of Ecology and the natural environment*. 7,7 (2015): 196-209.

Oli, Nneka, Ibekwe, Christopher, & Nwankwo, Ignatius . Prevalence of Herdsmen and Farmers Conflict in Nigeria. *International Journal of Innovative Studies in Sociology and Humanities*. 3, 1, 2018: 10-39

³Gyong, J. *The Structure of Communication in Peace and Conflict Resolution, Identity, Crisis and Development in Africa* (B. A. Celestine, Ed.) Lagos: Malhouse Press. 2007.

⁴Ekong, E. E. *An Introduction to Rural Sociology* (2nded.).Uyo: Dove Educational Publishers. 2003.

has experienced and is still experiencing conflicts of grave proportions among several ethnic and religious communities across the states⁵. From sociological perspectives, long accumulated and unresolved differences are primarily responsible for the incessant strife between the herders and the farmers⁶. These differences are perceived to be aggravated by the media representation of the two tribes.

Therefore, the manner of coverage of conflict stories by Nigerian press calls for an investigation. It is very uncommon today to see a conflict story that is not sensationalized and sectionalized. Although the press should not throw fairness and objectivity into the dustbin in the discharge of their duty, they should also realize that they can only survive in a peaceful environment. Conflict stories should be written in a way that does not exacerbate the situation.

Adejola and Bello said objectivity is the ultimate and fundamental canon of journalism⁷. The press, as a matter of principle and without prejudice to the concept of objectivity, should play down on news stories relating to a person's ethnic group, religion, sex, or any physical or mental illness or handicap.

Meanwhile, ethical practice is the "key plank" for excellence in the journalism profession and the "alpha and omega of public

⁵Aliyu, Abdu-Sada. (2015). *Causes and Resolution of Conflict between Cattle herders and Crop farmers in KatsinaState*.A Dissertation Submitted To The School of Postgraduate Studies, Ahmadu Bello University, Zaria, In Partial Fulfillment Of the Requirements For The Award Of Master of Science Degree In Agricultural Extension And Rural Sociology.

⁶Ibid 1.

⁷Adejola Aminat, and Bello Semiu, *Media Ownership and Objectivity: Issues involved and the future direction in Journalism and Media in Nigeria. Context, Issues and Practice*. Lai Oso, OlatunjiOlarotimi& Owens-IbieNosa edited. Canada: Canada University Press. 2014.

communication” of which the media are the centerpiece⁸. McQuail said conflict story should be written to suit the sixth model of objectivity which asked journalists while being objective, to avoid slant, rancor, and obvious purpose⁹. Headlines should not be purposively drafted to fuel conflict. The press operating in a tribal cum religious prone environment like Nigeria should not carry out their duty without recourse to whose ox is gored as maintained by some critics of peace journalism.

However, one of the critics of peace journalism, Lyon, argued that the philosophy of peace journalism harms the integrity of the profession¹⁰. According to him, "Our task is always to seek to find out what is going on, not carrying any other baggage"¹¹. If there is conflict resolution we report on it in context: We do not engage in it." This is based on the point of view that journalists should not act as peacekeepers but report events as they unfold, no matter whose ox is gored.

The proponents of peace journalism according to Jimoh, however, describe objectivity as a myth and that journalists through a choice of stories to feature, choice of words and emphasis placed on certain angles of a story are influenced by their personal and institutional biases which, expectedly, should favor the promotion of peace at all time¹². The inability to respect

⁸Kayode, Olujimi. Ethical Challenges of Tabloidization and Trivialization in the Nigerian Media space in *Journalism and Media in Nigeria. Context, Issues and Practice*. Oso Lai, OlatunjiOlarotimi& Owens-IbieNosa edited. Canada: Canada University Press. 2014.

⁹McQuail, Dennis. *Media performance: Mass Communication & Public Interest*. London: Sage Publications. 1992.

¹⁰Lyon, D. (2003). *Witnessing the truth.Open Democracy*, Retrieved August6,2018from<http://www.opendemocracy.net/articlesPDF/993.pdf>.

¹¹Ibid see 9

¹²Jimoh, Jide. *Conflict sensitive journalism in the Nigerian context in Journalism and Media in Nigeria: Context, Issues and Practice*. Oso Lai, OlatunjiOlarotimi& Owens-IbieNosa edited. Canada: Canada University Press. 2014

and play down in reporting ethnic issues will fuel existing conflict with negative consequences on the subject of the news story. The press should report seeking a solution to ethnicity in the country instead of exploiting it.

The manner at which Fulani ethnic related conflict stories were covered seemed to incite. It was, therefore, not clear whether reporters deliberately coined headlines on ethnically related stories to incite “opposing” ethnic groups to react or they do it to uphold the journalism ethics to the latter without considering who will be at the receiving end.

More so, the core tenet of social responsibility theory calls for the press freedom in any society with full consideration for being socially responsible. This study, therefore, seeks to establish if the manners of reporting ethnically related stories are ethical or not in an ethnic prone environment like Nigeria.

Objectives of the study

The following objectives were formulated to guide this study:

1. To examine how the press stereotype Fulani ethnic group in Nigeria.
2. To find out the causes of Conflict between Pastoralists and Farmers in Nigeria.
3. To examine the role of the Nigerian press in reporting ethnic related conflict.

Social Responsibility Theory of the Press

The social responsibility theory of the press serves as a framework for this study. This theory emerged from the strength of the libertarian theory of the press. The major tenet of the theory is that freedom carries concomitant obligations, and the press, which enjoys a privileged position under the government,

is obliged to be responsible to society for carrying out certain essential functions of mass communication¹³.

The theory calls for freedom of the press but balances it with the need for the media to be socially responsible in the course of performing their duty¹⁴. More so, while quoting McQuail, Anaeto, Onabajo & Osifeso said, the theory is premised on the principle that the media should avoid whatever might lead to crime, violence, civil disorder or gives offense to minority groups¹⁵. They added that the theory expects freedom to carry concomitant obligations and that the press should be socially responsible to the society in carrying out certain essential functions of mass communication.

Adekoya, however, said that, for this theory to work successfully, it should demand pluralist media in a pluralist society where the media is only responsible through multiple ownership¹⁶. He added that the media will not play a monopoly because the audience and media scholars will raise questions if media published or broadcast anything wrongly or manipulate any story.

Concerning the present study, an application of this theory by the press implies that the press should maintain neutrality and avoid sensationalism while reporting conflict issues in a conflict-prone society like Nigeria. A responsible mode of reporting should be encouraged. The press should understand that their primary role of watchdog will also be affected if crisis engulfed in society through their reports. The press should not be used to blackmail any ethnic group to score cheap political points. Thorough investigations should be carried out by the press to identify culprits in conflict reporting but if it is centered on ethnicity,

¹³Anaeto, Solomon, G., Onabajo, Olufemi S, and Osifeso, James .B. *Models and Theories of Communication*. USA: African Renaissance Books Incorporation. 2008

¹⁴Adekoya, Dunola (20 13). *Normative theories of the press*. - 6 theories retrieved July, 7, 2018 from <http://www.bizzybrain2013.blogspot.com>.

¹⁵Ibid. 12

¹⁶ Ibid. 13

gender, and/or religion, the media should play down on it. Religion issue which could engulf crisis like that of the *Punch* and *The Nation* newspapers of Friday, 3rd November 2018 on Governor El-Rufai's Muslim/Muslim ticket should not ordinarily be made a front-page headline. According to *Punch* headline, 2019: El-Rufai picks fellow Muslims, Hadiza Balarabe, as running mate. This kind of headline should be discouraged especially in a conflict-prone society like Nigeria with a special interest in the currently "burning" Kaduna state.

The Standpoint Theory

The standpoint theory is premised on the claim that individuals' standpoint usually affects their worldview¹⁷. The worldview of an individual is affected by his socio-cultural and political environment. About this, Doghudje and Elegbe say the theory proposes that the social groups within which we are located powerfully shape what we experience and know as well as how we understand and communicate with ourselves, others and the world¹⁸.

This theory posits that what we know is affected by where we stand when an issue arises (one's subjective position) in society. This is the reason Smith claims that no one can have complete objective knowledge, no two people have the same standpoint; and that we must not take the standpoint from which we speak for granted. Relating this theory to the present study, the press, ethically, is supposed to be objective from the process of preparing interview questions for their subject of the interview up to the process of reporting, editing, and disseminating news stories to the public. Strict adherence to this principle will not only earn the press a high level of respect but will also prevent it from fueling the crisis in society. Reporters are, therefore,

¹⁷ Ibid. 12

¹⁸ Doghudje, V.R and Elegbe, O. Gender stereotypes in Nigerian Film: A discursive analysis in *Journal of Communication and Media Research*. Delta: Delta State University. 6 (2)2014.

advised to be balanced in their report writing, put off rumor, and unverified stories to avoid story that could lead to crisis.

Conceptual Clarifications Ethics of Journalism

The term ethics according to Daramola is from the Greek word *ethikos* (moral) and *ethos*¹⁹(character) which refer to the various rules of conduct held by a group or individuals. He added that ethics, in philosophy, is the study of human actions in respect to being right or wrong or the study of human conduct in the light of moral principle²⁰. Ethics or moral philosophy is an acquired habit of the human intellect which enables its procession to reason to true conclusions about the rightness or wrongness of human actions as a means for attaining true happiness. Daramola added that Pratt and other philosophers agree that ethics and morals are synonymous and that both involve human action or praxis.’

While looking at the issues in journalism ethics, Arora said that “Every news organization has only its credibility and reputation to rely on.”²¹ Ethics according to him includes truthfulness, accuracy, objectivity, impartiality, fairness, and public accountability. He said like many broader ethical systems, journalism ethics include the principle of “limitation of harm”. This often involves the withholding of certain details from reports such as the names of minor children, crime victims’ names or information not materially related to a particular news report of which might, for example, harm someone’s reputation

¹⁹Daramola, Ifedayo. *Law and Ethics of Media Practice*. Lagos: Owonike Rainbow Press Ltd. 1999.

²⁰ Ibid. 18

²¹Arora, N. *Journalism Ethics and Mass Management*. India: Random Publications 2014.

Ethnic stereotypes in the Media

Media holds significant influence in our daily lives and it infiltrates our perceptions and understanding with continuous messages that impact our belief and value systems. Bias, disempowerment, and discrimination in regards to race have been long-standing issues within several aspects of mainstream media, including television news, entertainment, and advertising²². During the early years of broadcast media, which date back to the debut of television in 1939, racial segregation was becoming a heated topic in the United States, shortly followed by a very robust civil rights movement for racial equality.

To this end, Kulaszewicz, said that how media content was formed, selected, and presented was heavily subjected to the opinions of those involved in the industry²³. Throughout history, the mass media, in various forms, have tended to support the power of the dominant group by presenting to the general public highly negative, emotion-evoking images of minority groups²⁴. They added that, in very early films, such as *Birth of a Nation* from 1915 (which was originally called "The Clansman" and "The Tarzan" series from 1932), African Americans were represented in the films as savage, ignorant, thieves, interlopers and potential rapists". Even early film distortions, such as African Americans being played by White people who painted themselves to look, Black, sent strong symbolic messages. These symbolic messages conveyed that Black people were not "good enough" to represent themselves, and were seen as lacking the talent to fill a character role that only Whites could make up for. White people taking

²²Gay, V. (2014). *TV was born 75 years ago at World's Fair*. Newsday, (Melville, NY).

²³Kulaszewicz, K.E.. *Racism and the Media: A Textual Analysis*. *MSW Clinical Research Paper Presented to the Faculty of the School of Social Work St. Catherine University and the University of St. Thomas St. Paul, Minnesota in Partial fulfillment of the Requirements for the Degree of Master of Social Work*. (2015)

²⁴Luther, Catherine., Ringer Carolyn, & Clark, Neemah. *Diversity in U.S. Mass Media*. Malden: Wiley-Blackwell. 2012.

over these roles sent a subconscious message to public viewers that the White race was the “preferred,” and the only “capable” group to participate in mainstream media²⁵.

Ethnicity and religious differences constitute the major factors that generate conflicts in Nigeria since independence. Rasoqopines that the role that ethnicity plays in stirring and influencing conflicts and civil wars remains an unsettled question, mainly due to the imaginary nature of ethnic groups and their endogenous development during the conflict²⁶. There used to be fair play in reporting Fulani ethnic group by the media. In the last three years, news stories concerning Fulani ethnic group do not seem to be positive especially to herders and farmers.

Typical stereotypes and prejudices of Fulani by Nigerian press include Fulani as armed robbers, rapists, violent and uncivilized. Commenting on the Fulani herders' lapses, Olalye, Odutola & Ojo said the overall media coverage of the conflict was fair and there were expected differences of opinion. He, however, said the most disturbing aspect of the media coverage is the ethnic profiling of the conflict²⁷. They said the rate at which the press portrays Fulani Muslim is dangerous and can jeopardize the peace and unity of Nigeria. They, therefore, warns the media “not to heat the polity by playing up the nation’s fault lines”... Between 2010 and 2013 alone, Fulani herdsmen, farmers, and local communities had killed 3,000 people. The clash is mostly located in Nigeria’s middle belt regions.²⁸

²⁵Ibid. 23

²⁶Rasaq, Adisa. Newspaper Framing of Ethnic Issues and Conflict Behaviour in Nigeria in *Journal of Communication and Media Research*. 8, 1 (2016):67-85

²⁷Olaleye, R.S., Odutola,J.O., Ojo, M.A., Umar, I.S. and Ndanitsa, M.A. Perceivedeffectiveness of conflict resolution methods for improved FarmerPastoralistrelationshipinChikun Local Government Area of Kaduna State, Nigeria. *The Nigerian Journal of Rural Extension and Development*,3, 2010: 54-58.

²⁸Ibid. 26

Farmers accuse the Fulani herders of allowing their animals to feed on still-growing crops and contamination of community watering-places. The Fulani herders, in turn, accuse the farmers of denying them access to grazing areas when alternatives cannot be found. Besides, the rape of non-Fulani women by herders, ethnic tensions between the Hausa and Kanuri as well as latent.

Causes of Conflict between Pastoralists and Farmers in Nigeria

Conflict between pastoralists and farmers has existed since the beginnings of agriculture, but the prevalence of tsetse and low settlement densities kept the incidence of clashes at a low frequency until the twentieth century. In West Africa, the introduction of cheap trypanocides and other veterinary drugs increased herd sizes to levels that compelled herders to seek pastures outside their traditional ecological range²⁹.

Intensification of production activities necessitated by increasing the human population is a demand for a large fertile land and more than enough resources that could, to a large extent, satisfy the needs of farmers, herders, and other actors³⁰. Holistically, the causes of desertification are often grouped into two broad classes, namely: Natural Causes and Human Activities. However, these two classes only encompass the cause to a large extent but not exhaustively; therefore other causes shall be examined independently outside the two classes.

1. **Natural Causes:** The natural cause of desertification include the poor physical conditions of soils, vegetation, topography as well as inherent extreme climatic variability as evidenced in periodic droughts.³¹

²⁹Blench, Roger, and Dendo, Mallam. *The Transformation of Conflict between Pastoralists and Cultivators in Nigeria in Africa*. Moritz, M. edited. United Kingdom: Cambridge. 2003.

³⁰ Ibid. 1

³¹FAO (2010). Global forest resources assessment - key findings. Food and Agriculture Organization of the United Nations, Rome

- i) **Climate Variation:** Climate variation is often regarded as the most contributing factor to desertification and drought in the dry land of Nigeria³². Climate variation is defined as long-term weather patterns that describe a region. It indicates the variability in the state of the climate, persisting for several decades or longer. Changes in individual weather events potentially contribute substantially to changes in climate viability. Greenhouse gases are one of the highest contributors to climate change. Therefore, to solve the problem of climate variation as an aiding element of desertification, wind power, a renewable source of energy can be explored to generate electricity as it has little or no impact on the environment.
- ii) **Drought:** This is a situation whereby an area or region experiences abnormally low rainfall below-standard precipitation which can cause reduced soil moisture; groundwater; diminished streamflow; crop damage and a general dwindle water supply³³. Drought is the next costly weather event after hurricanes.
- iii) **Erosion:** This means the gradual destruction of crops by wind, water, or other natural factors. Erosion is often caused by over flood aided by lack or blockage of drainages.

The above natural causes of desertification are costly economically, psychologically, and emotionally. Crops worth thousands or even millions of naira could be washed off within

³²Ibid. 30

³³Aliyu, Abdu-Sada. (2015). *Causes and Resolution of Conflict between Cattle herders and Crop farmers in Katsina State*. A Dissertation Submitted To The School of Postgraduate Studies, Ahmadu Bello University, Zaria, In Partial Fulfillment Of the Requirements For The Award Of Master of Science Degree In Agricultural Extension And Rural Sociology.

minutes and demoralizes the cultivators. This is part of the things that can build up frustrations and aggression among farmers. However, despite being natural causes, there are some measures and techniques that can be employed to contain these disasters.

2) **Human Activities:** The anthropogenic action is a major factor identified in the disruption of the ecosystem, exacerbated by natural climate events. It is mostly caused by inappropriate land usage and the continuous rising pressure put upon the accessible resources by the growing population. More particularly, there are four primary causes, notably defective irrigation system, deforestation; over-exploitation, and over-grazing and these are influenced by factors such as changes in population, climate, and socio-economic conditions. Other human factors as contributors to desertification are discussed below:

- i) **Rural-Urban Migration:** Farmers and herders are frustrated and this led to the abandonment of farming for non-farm activities, and sometimes, total drift to urban centers³⁴.
- ii) **Overgrazing:** Unsustainable grazing is a major factor in the degradation of agro-forest Nigerian landscapes. Grazing intensification induces serious problems in the ecological functioning of Nigerian grasslands³⁵. If moderate grazing could be encouraged, it will contribute to soil preservation from water and wind erosion, creating favorable conditions for vegetation and thus, improving soil fertility³⁶.

³⁴Ibid. 1

³⁵Carmona, C. P., Azca'rate F. M., De Bello F., Ollero H. S, Lep J., &Peco B. 2012. Taxonomical and functional diversity turnover in Mediterranean grasslands: interactions between grazing, habitat type and rainfall. *Journal of Applied Ecology* 49: 1084–1093

³⁶Orestis Kairisa., Christos Karavitisa., Luca Salvatib., Aikaterini Kounalakia. & Kostas Kosmasa. Exploring the impact of overgrazing on soil erosion and land degradation in a dry Mediterranean agro-forest

- iii) **Poverty:** This is a multi-dimensional phenomenon that transcends lack of financial means but includes various kinds of non-monetary deprivation including lack of ability to participate in political, social, and cultural institutions and decision-making. Lack of education, unemployment, and social exclusion are things that have been neglected by the government in her strive to curb desertification and insecurity in Nigeria³⁷. Taking these three factors into consideration will automatically reduce desertification and insecurity in Nigeria.
- iv) **Deforestation:** It is the conversion of forested areas to non-forested lands. As noted by Olagunju, the large removal of forests is usually practiced to meet various human needs³⁸. Nigerian is considered the highest deforested country losing about 55.7% of its primary forest resulting in an annual deforestation rate of 3.6% between 2000-2010³⁹.
- v) **Faulty Irrigation Practice:** Irrigation approach is a popular culture in the north. However, many farmers are not familiar with the adequate techniques in proper designing and management of irrigation which has resulted in desertification because of water-logging and salinization. To prevent this, sustainable irrigation projects must be established in Nigeria.
- vi) **Extensive Cultivation/ cultivation of marginal lands:** This is one of the causes of desertification. Marginal lands that areas that disallowed persistent and intensive agriculture are being cultivated for farming and this often leads to degradation. Except

landscape in Crete, Greece. *Arid Land Research and Management*, 29, 3: 2015: 360-374, DOI: 10.1080/15324982.2014.96869

³⁷Ibid. 1

³⁸Ibid. 1

³⁹ Ibid. 30

for carefully planned rehabilitation programs, marginal lands exposed to cultivation during the rainy season will be prone to desertification during the season.

- vii) **Bush Burning:** This is a common practice in Nigeria with the highest disruptive effect in the northern region. Because of the low relative humidity and dry Harmattan wind in the north, there is always a high incidence of bush fires making vegetation regeneration difficult; exposing soils to erosion and becoming degraded. Crop damage and indiscriminate bush burning were considered the most common causes of conflict between farmers and pastoralists⁴⁰. These conflicts always have detrimental resultant effects on both parties and the host community.

- viii) **Fuel Wood Extraction:** Removal of trees, shrubs, herbaceous, and grass cover from the weak land, stimulates degradation. Over-reliance on fuel wood is a growing element of desertification in Nigeria. Therefore, there is a need for alternative energy generating means.

- ix) **Unethical Waste disposal:** This is a stinging and widespread problem in both rural and urban areas in Nigeria. To contain desertification, Municipal Solid Waste (MSW) collection and disposal is the major waste management problem that must be solved. To prevent desertification, Limited or unavailability of sufficient resources for grazing fields which more often than not leads to destruction or grazing on crops.

⁴⁰Adelakun, Olufolake, Adurogbangba, B. and Akinbile, L.A.. Socioeconomic Effects of Farmer Pastoralist Conflict on Agricultural Extension Service Delivery in Oyo State, Nigeria in *Journal of Agricultural Extension*. Ibadan: Scientific Commons, and Food and Agricultural Organization (FAO). (2015)

- x) **Lack of political will to tackle the challenges:**
There exists a wide gap between policy formulations and implementations.

Consequently, these conflicts has resulted into loss of lives and crops, destruction of properties; displacement of persons, the decline in income and savings, and a threat to food and national security are the consequences of the herders- farmers' conflicts triggered by the effect of desertification⁴¹. The unresolved problem of desertification and the ceaselessness of the vying for the limited available resources makes the herders-farmers' conflicts to constitute one of the major threats to Nigeria's national security which should not be fueled by media style of reportage rather, the media should serve as a vehicle of peace and use their reports to maintain harmony.

Recommendations and Solutions to Farmers-Herders Conflict

1. Feasible and Livable National Agricultural Practices: Agro forestry, a combined agricultural and forestry techniques for a more diverse, healthy, productive, profitable, and durable land-use system, must be adopted. It is a land-use management system that can holistically prevent climate change effects.

2. Establishment of Cattle-Grazing Field: The government should establish cattle grazing fields across all regions of the country and ban the open grazing of cattle. However, there must be a diplomatic consultation, dialogue, or appeal to some resentful regions and leaders who may want to stand against the policy.

3. Awareness, Sensitization, and Education: Creation of awareness about climate change, desertification, and drought among the general public at all levels is an inexpensive

⁴¹Gambari, I., Agwai, M.L., Jega, A., Kwaja,C., Balla, F., Fesse, N ., Muhammed-Oyeode, A. (2018). *Memorandum of Understanding by the Nigerian Working Group on Peace building and Governance*. Retrieved from <http://allafrica.com> on 17th October, 2018.

preventive measure to this phenomenon. It will provide an understanding of the cause and consequences of desertification and facilitate possible actions that can remedy and prevent further degradation of soil and lands. Similarly, herders and farmers must be sensitized on when, where, and how to graze and cultivate without causing any damages.

There should be a re-orientation of the general public on the sanctity of human lives and must be educated on how to convey their grievances peacefully and diplomatically.

4. Exploration of Alternative Source of Energy: Falling of the few trees and shrubs in desert-prone regions for fuel wood must be reduced by exploring viable alternative energy sources such as biofuel and wind power- the fastest-growing energy resources in the world since 1990. This will conserve forest resources and limit environmental pollution.

5. Planting and Protection of Trees and Shrub Species: With intensive and technologically supportive reclamation, trees and vegetation friendly to the area should be planted and established in arid and semi-arid zones until forest zone is achieved. This will help in soil stability, carbon sequestration, and protection of soil from erosion, unhealthiness, and dryness.

6. Adequate Municipal-Waste-Management Strategy: Recycling methods must be encouraged among manufacturers to reduce pollution. Therefore, MSW management solution that is financially sustainable, technically feasible, socially, and legally acceptable; and environmentally compliance must be ensured⁴².

7. Social Inclusion and Rural Development: There should be rural infrastructural development (such as schools, health centers, and basic social amenities) to address the aggression and frustration built up among the dwellers.

⁴²Abdul-Shafy, H.I. & Mansour S.M. Solid Waste Issue: Sources, Composition, Disposal Recycling and Valorization. *Egyptian Journal of Petroleum*. 27, 2015: 1257-1290.

Also, farmers, herders, and community leaders must be carried along in the formulation, execution, and implementations of policies that directly or indirectly affect them.

8. Improved Water Management: Water management practice must be improved by the Federal Ministry of Water Resources to contain climate change cum water shortage and desertification.

9. Security: Engagement of Joint Task Force involving military, police, paramilitary, vigilante, and other civil institutions to help restore and enforce law and order in the country, particularly the conflict zones for safe and secure environments peaceful enough to implement the long-term agricultural strategies.

10. Strict Compliance with Implementation Strategies: Federal, State, and Local Governments; private agencies, and other stakeholders should help bridge the gap between policy formulations and implementation strategies. All the governments' actions towards climate change, desertification, and insecurity are ineffective because of implementation fault.

Methodology

The study adopted qualitative desk based research method. This is because desk based research method provides gathering and analysis of information already available in print or published on the internet. The method affords the researchers the opportunity to base their investigation on secondary data. Desk research method involves the collection and analysis of secondary data available in a paper and electronic form together with the use of database, research results, annual reports, professional journals and other sources⁴³.

⁴³Wonuola, Monsura. andSuleman, Sidiq. Revitalization of Indigenous Languages through Mass Media: A tool for cultural re-awakening in *Federal University, Gusau, Journal of Humanities and Education* 1, 1. 2016: 363-374

Findings

The study finds that the rate at which some of the Nigeria press report Hausa Fulani herdsmen and farmers clashes is detrimental to the image of the Fulani tribe and if care is not taken could cause permanent hatred towards the Fulani tribe. The study also found that conflict stories are reported with sensational and sectional tone by the Nigeria press without recourse to whose ox is gauged. It is also noted that reportage of the conflicts stories is one of the factors that contributes to the ever-growing grudges between the Hausas/Yorubas and the Fulanis which, if proper caution is taken while referring to the tribes in the media might soften the hearts of the three tribes towards each other and change their perceptions of rival tribes. It is also revealed that desertification constitute the major source of aggression between the farmers and the herders as they have to strive and compete for the available resources needed for their business activities. If the government should attend to the climatic issue, it might reduce the conflicts whereby the media would not have much to write about and avoid reports that could fuel the aggression.

Conclusion and Recommendations

The press plays an important role in our contemporary society as it shapes ideology and influences people's world views and how they perceive issues. It is quite unfortunate to read on the pages of newspaper stories that reflect reporter's viewpoints. One would expect reporters to disassociate themselves from a particular viewpoint even if it negates their beliefs. Therefore, reporters are to carry out their duty objectively. The reporters need to provide adequate information through in-depth reporting in order to feed the readers with full information.

This study therefore, expects the press to be conflict-sensitive in the discharge of their duty. In an ethnic and religion prone environment like Nigeria, it is outright bias and stereotypes for the press to favour a particular tribe or religion or gender at the expense of peaceful co-existence in the society.

To prevent crisis from escalating, the press should always avoid a negative mindset of any socio-political, ethnic and religious group. The press should not allow itself to be used as tool for promoting ethnic stereotypes by politicians. The press should be sensitive to stories that could aggravate crisis and therefore, avoid it.

The federal, state, local government and traditional leaders should work together to fish out those fueling issues that generate conflict between herders and farmers in Nigeria. The press should always dig deep in to every story in order to discover the truth behind the facts instead of having wrong premonition concerning any sect.

Reappraising Biafra, a hindsight on Tafawa Balewa in global politics

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Abstract:

In the postcolonial historiography of African Civil Wars, the Biafra secession was a major conflict, considering the dimensions of not just the carnage but the international involvements. Foreign powers and interests, by their actions and inactions, supported the war with intent to balkanize Nigeria. In this reexamination, it is argued that Nigeria's naïve elitism was solely to blame for the unprecedented foreign meddling which is consequent upon Prime Minister Tafawa Balewa's maiden speech at the United Nations General Assembly (UNGA). Laden with strong intents to become a veritable global contender, the foreign policy speech expressly launched Nigeria's intentions to operate in the commanding heights of global politics at barely a week into nationhood. However, Balewa's proposals, which though were mere wishful thinking, were also premature and had betrayed Nigeria's naivety about global politics and its delicate power structure, order and balance. The launch, particularly in the height of the Cold War was ill-timed as power calculations dictate the pace of global politics, and every action/inaction often had consequences. Balewa's ambitions backfired, pitching his fragile state against the vested capitalist interests of the imperial powers, who Vladimir Lenin says, had shared out the world among themselves. These shares were also jealously guarded in the brutal mafia style. Consequently, Nigeria became a pawn in the chess game of power politics, a fierce one that she least imagined or prepared. This paper, doubling as a handbook on foreign policy, critically dissected the speech previously acclaimed by scholars and bureaucrats as being greatly historic, activist and in national interest, and rather argues that it was unwholesome, nonstrategic, irritable and inimical to the

interest and stability of a new state in world politics. It was also diametrical to the tenets and practice of diplomacy and internationalism. The paper contends that the speech was not only arrantly nonsensical but arrogantly preposterous for a postcolonial state. It asserts that Nigeria's approach to external affairs was improper and founded on laughable assumptions. The mediocre speech precipitated the civil war as the infuriated powers surreptitiously plotted to smash Nigeria into smithereens and less-ambitious states.

keywords: Foreign Policy, Biafra War, National Power, International Politics, Tafawa Balewa

Introduction

That Nigeria at barely six years into political independence plunged into a brutal secessionist war was not puzzling, civil conflicts trended among the then Africa's new States. Aside the proxy civil wars occasioned by the Cold War rival powers to win States into their opposing blocs, helping pliable groups into government in a number of States, the negative colonial legacies had also heated polity in the new States as discontented disparate groups felt the need to secede into pre-colonial entities. The Nigerian Biafra War (1966 - 1970) was classic. The Igbo, a major group, led a few other minorities in South-Eastern Nigeria to break away on grievances bothering on ethnic marginalisation and victimizations. This paper do not intend to argue on the war's justification as that had been copiously and scholarly done. However, what awed Nigeria's leaders was the dramatic extent at which the war became externalized. Foreign interests and powers vigorously laboured to destroy Nigeria's corporate existence in Biafra's favour. The foreign support for the war certainly ridiculed extant international laws that forbade it. While France and Israel blatantly mobilized Biafra, the US and Britain felt unconcerned as both tactically refused to offer the requested military assistance to Nigerian authorities.¹ The Western conspiracy dismayed Nigerian leaders who had hoped to be deeply appreciated for often being pro-West against the decision by the Organisation of African Unity (OAU) to adopt

¹ The action, particularly by the British, was believed in Nigeria to be tactically aimed at weakening its capability to resist the secessionist forces.

nonalignment principles. The most shattering was the support for Biafra by some African States.

Both France and Israel massively assisted Biafra almost at no cost, and canvassed publicly for further international assistance to help in the bid to mutilate Nigeria in favour of Biafra. Britain, Nigeria's former colonial owner was unperturbed as France, her erstwhile colonial rival directed the encircling francophone neighbours, over whom France had neocolonial influence to tighten the noose against Nigeria in Biafra's interest. Israel's seditious support was so blatant that when Biafra forces eventually failed, the state² became so anguished as Abba Eban,³ the Israeli envoy to Nigeria publicly lamented Israel's fruitless exertion at promoting the secession, grieving 'if another dozen or twenty countries had done so the result of the war would have been different'. But why this provocative convocation of international fury to jointly destroy another sovereign country. Perhaps until then, and may be even now, no civil war in history had been this brazenly externalised, that a foreign envoy would damn the consequence to openly unveil his seditious preference for the breakaway group while still officiating with the

² Pat Hutton, in *'The making of Idi Amin'* New African, Issue 391, Academic Search Premier (2001), uncovered at the time, Israeli collaboration with CIA to subvert radical regimes globally towards asserting US predominance as far as possible, particular during the Cold War. Hutton reported that Israel had clearly through their military presence, and in a manner consistent with their role as America's active proxy in Africa, including Nigeria and elsewhere, the United States had been seeking to gain influence.

³ Abba Eban was a veritable Israeli agent serving the US subversive interests and covert operations across Africa. Shortly after he failed with Nigeria, Eban was spirited to tame Ugandan President Idi Amin to serve American and western interests. He also attempted to arm Amin's army to suppress internal opposition but for the latter's intention to equally destabilize his region. Although Abba Eban and Israeli intelligence failed again in their Uganda mission, it is in the history of covert operations that they collaborated with Britain and the CIA, under the cover of USAID, to enthrone and strengthen President Idi Amin in power. (See *Amin: The Wild Man of Africa*. Time, 0040781X, 3/7/1977, Vol. 109, Issue 10. Database: Academic Search Premier).

mainstream government.⁴ The War became so international that it even had impact on the then Middle Eastern conflict, such that while Israel supported Biafra, the opposing Arab League empathized with Nigeria.

Many questions and issues arose from the Biafra experience, particularly because the period, in history, marked the era when stronger States and international institutions proactively initiated wide-ranging assistance to help in building Africa's postcolonial States. It is bizarre that Britain would be so cold to a state she nurtured. Why would African countries collaborate with non-Africa entities to grant strategic and logistical assistance to the secessionists towards destroying one of their foremost and promising States? Why would Abba Eban be so brazenly seditious? Thus, this paper sought to elucidate the reasons why there were such deep international cruelties to quash the young nation. This paper seeks to argue that the source of the international conspiracy to carve Nigeria up came from the rude speech⁵ made by Tafawa Balewa on 7th October 1960, at the United Nations General Assembly (UNGA). This paper is rather at variance with the hitherto trend hailing the speech as being famous and powerful. It felt strongly that the speech fell grossly short of the proper setting of foreign policy as it is devoid of the rudimentary knowledge about the nature of the international system; the ever presence of conflicting and competing (national) interests; and as well, the power dynamics and the external environment that national leaders ought to be constantly wary of while projecting own national interests.

In stark ignorance of diplomatic history, Balewa used his speech to not only register and arouse Nigeria's interests in conflictual issues in which the world powers had vested interests, he also heralded the wrong attributes and false potentials about Nigeria. This paper contends that Balewa's speech steered the hornet's nest with an impending doom. Thus, in contrast to the previous

⁴ After all when in 2013 the US supported the Libyan civil insurrection against Moammar Gaddafi, its embassy actually relocated to Benghazi, the leading city of the rebellion.

⁵ Tafawa Balewa, Maiden General Assembly Statement at the United Nations | Permanent Mi... Accessed July 10, 2019.
<http://nigeriaunmission.org/maiden-speech-at-the-un/> (October 7, 1960).

stance of bureaucrats and analysts hailing the speech,⁶ it rather bred deep international acrimony and angst against Nigeria. The speech came from the draft boards of naiveties and insubordinations, and was utterly superfluous and unrepresentative of national realities. It absolutely confronted the international politics and power dynamics of the time. The paper claims that Nigeria began external relations on the wrong policy footing, and consequently drew the ire of world powers and other African States. In a counterstrategy at barely a week into statehood, Balewa's speech constituted an effrontery to global sensitivities, marking the origin ill-fillings and conspiracy, and sealed the fate of the country thenceforth. The Biafra was effectively seized to effect the plot. These are issues the paper sets to convincingly argue by deconstructing Balewa's UNGA speech to highlight a horde of charades, including Nigeria's comical elitism, the policy loose talks, the false presumptions of prestige and the dubious national aggrandizements in Nigeria's early days.

Theoretical framework

The theoretical approach adopted for this work is realism. This theory is of choice not because it is popular and apt, but more importantly because the matters and events for reappraisal were situated in a period when classical realism jealously guarded interstate relations. The overarching elements informing realism are anarchy and power. States are sovereignty autonomous of one another, and nothing ordered their interrelations. Realists contend that the international system is anarchical without a central authority, hence, "power is the currency of international politics".⁷ In such anarchic system, State power (militarily, economically, diplomatically) is key to States' defence and survival; and the distribution of coercive material capacity the ultimate determinant of international politics,⁸

⁶ Joseph Nanven Garba, *Diplomatic Soldiering: the Conduct of Nigerian Foreign Policy, 1975 -1979*. (Kaduna: Spectrum Books Ltd., 1987).

⁷ John J. Mearsheimer, "Structural Realism", *International Relations Theories; Discipline and Diversity*, 83, (2007) 77-94.

⁸ Anne-Marie Slaughter, "International Relations, Principal Theories," in: *Max Planck Encyclopaedia of Public International Law*, Wolfrum, R. (Ed.), doc. 2-7, (Oxford University Press 2011).

Mearsheimer (1994)⁹ further identified the following assumptions on which realism rested. That as States are faced with the threats of foreign invasion and occupation, survival is the principal goal of every State, hence, States constantly ensure that they have sufficient power to defend themselves and advance their material interests necessary for survival. This is particularly against the background that if a rival state is adequately powerful to threaten a state, such State becomes insecure. Also, and given the first goal of survival, States as rational actors will act at best to maximize their likelihood of continuing to exist, and hence will seek to maximize their power relative to others (Mearsheimer 2001).¹⁰ Realists then assume that all States possess some military capacity, and no State knows what its neighbours intend precisely, thus the world is dangerously uncertain. In such a world, it is the States with most economic clout and military might that are decisive.¹¹ Such States in the mind of realism are the Great Powers — thereby making Great Power politics extremely grave but important.

Consequently, many realists advocated hegemony as the best pursuit for a country, but only if it can. Others discouraged hegemonic domination as unwise for State survival as it may pitch a State against its peers. Realists like Kenneth Waltz (1979) actually argued that “the pursuit of hegemony is especially foolhardy”,¹² hence their advocacy for balance of power systems where States relatively share equal distribution of power amongst them. This way, the chances are brighter to ensure that none will risk attacking another, and thereby stabilising the system. But realists are pessimistic about the veracity of both international law and institutions, arguing that in an anarchic system with no hierarchical authority, law can only be enforced through State power, and a State will only opt to expend its

⁹ John J. Mearsheimer, “The False Promise of International Institutions” 19(3) *International Security*, (1994): 5–49.

¹⁰ John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: Norton, 2001).

¹¹ Mearsheimer, “The False Promise of International Institutions” 5–49.

¹² Kenneth Waltz, *Theory of International Politics*, cited in John J. Mearsheimer, “Structural Realism”, *International Relations Theories; Discipline and Diversity*, 83, (2007) 77-94..

precious power on enforcement where it had a direct material interest in the outcome.¹³

International politics at Nigeria's independence

Nigeria is indeed a huge state covering some 356,668 square miles with a territory roughly three times the United Kingdom's.¹⁴ Its huge population and natural endowments had mesmerized Nigerians with a prestigious national image and an informal recognition as the undisputed 'giant of Africa'. Hence, Stremlau (1971) claimed that Nigerian leaders' optimism at viewing their country's international prestige to be a function of the extent to which Nigeria was considered a leader of Africa and the black race.¹⁵ The endowments had intoxicated its elite into adopting the perception of a 'predestined' state to champion, not just Africa, but the entire black race. Sinclair (1983) denoted a paranoia in a 1960 Parliamentary Debate when Nigerian MPs proudly touted that "...Nigeria ...is the largest single unit in Africa... (and so) must lead Africa ...and we are not going to abdicate the (leadership) position in which God Almighty has placed us."¹⁶ Confidently they asserted "if we appear well meaning to the countries of Africa, there is no reason why they should not give us our recognised position by virtue of our size and population."¹⁷ Thus, from independence, Nigeria's elite nursed the idea of racial leadership, not just in Africa but globally.

But despite the self-imaging, and the domestic blabs about national aggrandizements, there were no explicitly proactive efforts to overtly and preponderantly demonstrate its hegemony, though it is doubtful if Nigeria had the means. Prior also to Biafra, Nigerian had deliberately avoided either overt or covert interference in the domestic affairs of fellow African States. This

¹³ Mearsheimer, "The False Promise of International Institutions," 5-49.

¹⁴ Toyin Falola and Michael M. Heaton, *A History of Nigeria*. (Cambridge: Cambridge University Press, 2008), 368.

¹⁵ John S. Stremlau, *The International Politics of the Nigerian Civil War 1967-1970*. (Princeton: Princeton Univ. Press, 1977). p. 11.

¹⁶ Michael Sinclair. 1983. *An Analysis of Nigerian Foreign Policy: The Evolution of Political Paranoia*. Occasional Paper. The South African Institute of International Affairs. April 1983.

¹⁷ *Ibid.*

resulted from its foregoing naivety that other African States will volitionally revere Nigeria, and that the altruistic nation had no cause whatsoever to worry about any externally-induced subversion. Nigeria's non-interference posture was in adherence to the OAU Charter (Article 3, section 2) and other international law and norms. However, the idealist stance starkly contrasted the realist's disillusionment and ethos that urged nations to be undogmatic with international ideals. Nations are innately Machiavellian, constantly advancing own interests in the face of opposition from others. The major goal of nations is to advance own positions with little regard for morality or friendship. Hence, nations that desire greatness must be rational (making intentional choices for maximal utility of actions/gains, without recourse to moral or altruistic considerations) in foreign pursuits in the face of other nation's conflicting interests. Idealists are considered as naïve ideologues, very unmindful of the world's jungle nature where conflicts are inevitable, and where no overarching power exists to enforce any international order. Nigeria adopted unreliable paradigms to foreign relations, setting out on the poverty of appropriate theories and requisite knowledge while relying on sheer optimism and altruism.

The deep cycle of naiveties at Nigeria's independence

Let us examine some of the naiveties and false assumptions that inspired Nigeria's external affairs and policies at independence when Nigerian elite repeatedly boasted and planned on spurious values, mere assumptions and potentials. First are the perceptions of her continental and racial destinies as the "giant of Africa" or "leader of the black race." Such incredulous accolades swelled their hearts and consequently the elite acted as if these were real values. Thomas Hobbes warns, "The reputation of power is power," that is, only the expressive (not the perceived) powers are effective. The immediate below are three spurious assumptions from Nigerian leaders as noted by Sinclair (1983).¹⁸

- "People say that leadership is the birthright of this (Nigeria) country ..."
- "Nigeria ... is the largest single unit in Africa ... (and so) must lead Africa..."

¹⁸ Stremlau, *An Analysis of Nigerian Foreign Policy*, 12.

- “If we appear well meaning to the countries of Africa, there is no reason why they should not give us our recognised position by virtue of our size and population.”

The above are sheer illusions and are totally strange to diplomatic theories and practice. They are false and laughable qualities upon which to assume international hegemony. The idea of national birthright is not only illegitimate but also theoretically strange to international relations. Given the anarchic nature of the international system, it is absurd for States to claim birthrights for whatsoever purpose, and only a jester would conclude that huge territorial and population sizes qualified a nation to lead others. Also, mammoth national sizes never determined the extents of state's sovereignty just also as the latter is immeasurable. National sizes do not confer big or small sovereignty, and neither do they translate automatically into hegemony. Thirdly, in the prevailing interstate system, and regardless of the ideology, only dreamy nations expect to be exulted for being well-meaning, and the idea itself is counterproductive and self-encumbering.

Also, there is neither the vacancy nor any allotment for States' leadership. What obtains are mere prospects for state-system hegemony which tactful and powerful nations seize, and yet from history and experience, the prospects for any state's dominance within the dynamics of interstate system are ever temporal and transient. Interstate hegemony is a function of plethoric factors, often determined by the overwhelming capabilities of the aspiring state against the tolerance or resistance of affected States. Similarly, what defines a state's capability and roles are national power and geopolitical circumstances, just as international law and standards seek to protect the rights of nations. Yet, state hegemony are subject to constant contestations by other state actors and geopolitical circumstances. Henry Kissinger asserts, that "circumstance is neutral; by itself it imprisons more frequently than it helps. A Statesman who cannot shape events will soon be engulfed ... (and) thrown on the defensive, wrestling with tactics instead of

advancing his purpose."¹⁹ Hence, interstate hegemony is a critical function of systemic tolerance, and the tact and statecrafts of the aspiring state. Hence, hegemonic ascensions are tactically laboured for, it is neither conferred nor a right.

Similarly, huge territorial and population sizes are mere potentials that must be harnessed for national power, failing which they become liabilities. At that, they remained mere prospects that are unusable for power calculations. In fact, with the extreme science and technologies of this age, mammoth sizes and populations are no longer important national assets, and as terrorism increasingly becomes a political strategy, huge sizes often constitute liabilities for economy and security. The levels of human and educational advancements, science and technology, economic and military prowess, industrialisation, productivity and ingenuity, among other opportunities for which these huge sizes and natural endowments had been harnessed, are the real indices that translate into national greatness.

The other foundational naivety exercised by Nigerian leaders in modern diplomacy is their penchant to cling to mysticism in international relations. The declaration below is one:

“... Nigeria ... is the largest single unit in Africa ... (and so) must lead Africa ... and we are not going to abdicate the (leadership) position in which God Almighty has placed us”.

It is intellectually absurd to bring the God idea or ‘divine right’ theory into interstate relations, though the extinct theory may be plausible at internally securing the pre-Enlightenment States and resolving the ‘problem of obedience’. However, if there was the *divine right of kings*, there has never been the *divine right of nations* in States’ historiography as claimed by Nigeria’s early elite, and it is laughable to peddle one. The modern interstate system, by nature, had neither the provision nor the place for divinity. Similarly, it recognises no theological ordering of States. Imperial nations have only seized prospects by sheer volition and means.

¹⁹ Henry Kissinger is cited in *United States. National War College. Course 1, Syllabus - Block C: Means*. (Online) <http://www.resdal.org> (2001-2011).

Similarly in history, ambitious nations have always attempted to dominate, just also as others have rebuffed them. History recalls that empires and nations have risen and declined in the past, and some have even gone into extinction. Indeed, and for the fluxed nature of the international system, no ideology has ever recognised or assigned any role for divinity, hence, there is no theological theory of interstate relations, and is neither a theocracy. Nations are in constant contest to project their interests and national power and tact are the sole guarantor of the extent of their successes. Foreign policies founded on metaphysical assumptions are mere figments anchored on false hopes, and are disaster-bound. Despite the United States' high display of religiosity, the nation had neither asserted any divine right nor left critical issues to divine gamble. The US had persistently pursued the realist perspective of international politics, harnessing requisite powers to advance own interests and purposes in the face of opposition.

Kissinger's wisdom above clearly depicted our interstate system as devoid of any preordained theological rights. It is a pristine system that is malleable and pliant, waiting to be shaped by whoever had the means. Thus, leaders that desire national greatness must requisitely be very knowledgeable, calculative, pragmatic and proactive with statecrafts, in the design and conduct of their foreign policy and relations. While a miscalculation could backlash, skillfulness, power and stratagem are required in foreign policy pursuits and there is no appeal to divine right. Consequently, Nigeria goofed by theologizing a God-ordained international hegemony, for which she expected respect. Nigeria's early elite never had the intellectual grasp about internationalism but begun national life and external relations on false foundations and flawed euphoria.

Balewa's UNGA speech: Initiating a national misfortune

Nigeria got admitted into the United Nations as its 99th member on 7th October, 1960, at barely a week into national independence and began immediately to expose its buffoonery as seen below in Tafawa Balewa's Messianic address on that day:

So far I have concentrated on the problems of Africa. Please do not think that we are not interested in the problems of the rest of the world, we are intensively interested in them and hope to be allowed to assist in finding solutions to them, through this organizations, but being human we are naturally concerned first with what affects our immediate neighborhood.²⁰

Nigeria suddenly emerged as a 'problem solver' when Balewa presented himself as man with the silver bullet, not only to end Africa's myriad of problems, but even the worlds' (which he would later come to help solve once he's through with Africa's), and he so begged to be allowed. The entire address was laughable. It is weird that a colonial nation would audaciously seek to help its fabricators. It is absurd that a nation which just, a week earlier, gained political freedoms, despite its internal incoherence and contradictions, was suddenly ready and begging to be saddled with the weighty, costly and debilitating tasks of stabilizing the world, as if the political problems were neither deliberate nor intractable. At an instance, without an iota of clout, and oblivious of the Great Powers' vested interests that originated and festered the crises, Balewa practically reeled off instructions on how the UN should handle the Congolese political debacle.

Great Powers have great interests, not just because the interests dotted the globe, but that they are strategic, and are fearfully and jealously guarded as entire national powers could be deployed in the defence of the interests. Similarly, these power-drunk nations profit by demonstrably flexing muscles and fostering troubles round the globe. The world is an estate which, in Marxist parlance, had been shared out in vast national tranches among the imperial powers.²¹ The international powers operate as mafias in ruthless and complex methods, coordinating their activities towards protecting their mutual matters of interests and exerting influence globally. It was also an uphill task for new States to break into their ranks, how much less a fledgling state.

²⁰ Balewa, Maiden General Assembly Statement.

²¹ Vladimir Illyich Lenin (1870-1924), *Imperialism, The Highest Stage of Capitalism*, 1916. <http://www.fordham.edu/halsall/mod/1916lenin-imperialism.html>

Three crucial western interests exist in the Congo. First, the Belgian reluctance to give up its colonial hold, having failed (unlike France and Britain) to efficiently exploit its resources for home industrial advancement before the post-world war II order negated all colonial enterprise. Next was the western intent to insure cheap, nonstop access to Congo's rare, but vast, solid minerals. The third strategic interest was to firmly secure the Congo in western grip during the Cold War. However, maintaining these interests looked pretty bad under the radical socialist posture of Prime Minister Patrice Lumumba, triggering the concerned powers to induce the secession of the resource-rich Katanga Province.

The western stakes became acutely toxic after Lumumba invited the communist Soviet Union to help recover Katanga, and this turned Congo into a Cold War theatre (whereby he also sealed his own fate). It is this contagious feud that Balewa sought to meddle. Balewa's provocative speech proved his naivety to the dangerous nature of international politics particularly at Cold War. He ignorantly trivialised Congolese conflicts as constitutional and governance issues which can be easily mediated in the spirit of Pan-Africanism. Yet, there is neither the means nor any stake by which Nigeria could be reckoned. Balewa's loose talk at UNGA was adjudged rude having toyed with Great Powers' sensibilities. He thus incurred their wrath and conspiracy to make Nigeria also go the way of Congo, a plot that almost drowned the country within its first decade. They were nervous about the prospects that peradventure Nigeria may become powerful to challenge the international status quo if not checkmated.

Both Congo and Nigeria, and a number of other African States managed to survive balkanization plots shortly after independence, but these plots, together with the propping of *comprador* leaders in power in Africa as feared in Nkrumah's *neo-colonialism* thesis, aimed at foreclosing any possible African challenge to western dominance. It also explained the high degree of the initial western inducements of corruption and miss-governance among early Africa's elites. The strategy was to systematically scuttle developmental governance. Should African States grow strong and become assertive under the likes of Lumumba, Nkrumah, Balewa and others, the days of westerly

dominance may be numbered. However, the era of induced misgovernance went for too long that virtually all African States are today at varying degrees of failure. Even when western powers and institutions suffered diverse backlash from the failed States, virtually all measures to reverse the decay failed repeatedly as Africa remains a scar in world's conscience.

Further analysis of other naiveties and fallacious strategies in Balewa's speech are as below:

"I wish to make our position plain beyond any measure of doubt with regard to the African Continent. We in Nigeria appreciate the advantages which the size of our country and its population give us, but we have absolutely no aggressive intentions".²²

- Balewa erred again on his raw reliance on Nigeria's mammoth sizes construed for actual powers, whereas they were only latent assets which, until consummated, remained unreliable in power calculations. Similarly, to declare that Nigeria had no aggressive intentions was to assume that she actually had powers to do so, whereas, Nigeria had no such military capability. It is on record that its Army numbered about 8000 in the immediate years of independence.²³ Ill-equipped and poorly trained, the force was incapable of any aggressive intention against its neighbours who, partly as conditions for colonial freedom, already had defence pacts with France. So at the material period, and even now, mooted aggressive ideas is nationally suicidal as Nigeria could not contend with any Great Power. By the end of the war, the force had bloated to about 250,000, largely dysfunctional, lacking cohesion,

²² Balewa, Maiden General Assembly Statement.

²³ Central Intelligence Agency (2 November 1970), National Intelligence Estimate 64.2-70: Prospects for Postwar Nigeria. <http://www.state.gov/documents/organization/53862> Retrieved on 2nd June, 2017.

essence and competence.²⁴ The Central Intelligence Agency (CIA) noted that the force was “far larger than necessary to provide defence against external aggression, maintain the unity of the Federal system, and assist in the preservation of internal security”.²⁵

“Nigeria is a populous country. There are about 35 million of us and our territory is relatively large. We are willing to learn before we rush into the field of international politics, but we are totally unwilling to be diverted from the ideals which we think to be true. That is the reason we in Nigeria will not be found to align ourselves as a matter of routine, with any particular bloc. Indeed, I hate the very ideas of blocs existing at all in the United Nations”.²⁶

- It was no longer puzzling that Balewa copiously flaunted the big sizes at UNGA. Like his colleague-elite at home, and against the background of their knowledge about the relatively smaller sizes of European States, he was enamored to brandish the huge features wherever he got an international audience. But that Balewa declares Nigeria’s eagerness to ‘rush into the fields of international politics’ is oddly perplexing, a *‘cart before the horse’* stance, and a perfect recipe for national failure. It was an illogical path to nation-building. Strategic leaders rather opt, first to plunge into internal development to avail the ample time to master the external environment before cautiously engaging it. The hunch to rush into the murky waters of international politics clearly showed that Nigeria neither had the blueprint for internal development nor external engagement.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Balewa, Maiden General Assembly Statement.

Also, his admittance that Nigeria wills to learn before rushing into international politics confirmed that Nigeria's elite grossly lacked the requisite experience despite their yearning to shoulder burdensome issues in the commanding heights of global politics. By his UNGA speech laden with grave interests in Great Power politics, Balewa had jumped the gun, and naively put Nigeria on the firing line of international realpolitik. His other blunder was his thinking that only learning was sufficient to engage it, whereas, he neglected the crucial element – the required and deployable State power to back foreign policy. International politics may be perilous, and may drown the inexperienced, the loose and the reckless. An arena of extreme power-play, it is absolutely nonstrategic for nations to rush into it as the consequences may be grave. Ojo and Sesay (2002) hinted about the requisite wisdom for nations before embarking in foreign policy pursuits.

“The international system to which foreign policies are directed is composed of sovereign independent States – entities over which the initiating States has no jurisdiction. Decision makers must therefore be constantly aware of the interests of other actors in the system. Sufficient account must be taken of what these actors have done, or are doing, or are likely to do in the future in response to a particular policy in question. Account must... be taken of the relative capabilities of other interacting entities...international power structure...and configuration... (and)...the structure of international economic relations also affects options available to States”.²⁷

Wielding international influence by States is dependent on multiple variables. New States must tread cautiously until they acquire requisite power, mastery, tact and respect. Yet, wise States

²⁷ Olusola Ojo and Amadu Sesay, (2002). *Concepts in International Relations*. (Ile-Ife: Cleanprint Publishers, 2002).

(new or old) neither rush nor dabble into international politics, especially when there are no existential threats. They are rather calculative and mindful of the grave factors involved. International politics by nature is contentious and conflictual, engaging it without prior preparation is synonymous with courting disaster. The American history was golden for new States. The US initially adopted Isolationism to internally grow and not be bogged down or distracted by world politics, and despite that President Woodrow Wilson negotiated the 'League of Nations', consequent of WWI, the Congress refused America's membership on grounds of unreadiness to shoulder the associated colossus responsibilities. When the US eventually got involved, they had fairly become reckonable and unassailable. Other examples are States that consciously refused to be active in global politics, but chose to lay low, minding their affairs and conserving energies for development. They are some of the most developed and stable States today. Such are the Scandinavian States. No nation is obligated to confront or be proactive in world politics, rash ambition and stark Ignorance rather founded Balewa's foreign policy.

- Balewa expressed total unwillingness to divert from the ideals which he thought to be true, but this stance is erroneous since the rightness of an ideal is only a function of how it affects a nation's interest or its perception. The very essence of power, international politicking and foreign policy is to influence other nations in one's interests. Thus, to announce at UNGA the unwillingness to be influenced in the absence of resistant power is to expect to be compelled or shattered in the process. What many nations don't know is that the UNGA podium serve also to trap both the uncooperative and ambitious States through their leaders' loose talks. Except for the Great Powers and perhaps their allies, it is rash to

use the podium to relay national strategies. Experienced, shrewd and modest leaders never used UNGA to contest world powers, otherwise, it ends in national doom. Only big powers have field days supplying talking (instructions) at UNGA, and other nations had better supplied listening for the next direction in global politics.

- It is also undiplomatic and an effrontery to proclaim hatred for the ideological blocs then existing. It amounts to zero understanding of the critical issues that created the very UNGA podium; the world's war and diplomatic history, Europe's imperial global conquest, the strategic security and political alliance systems, the maddening rivalries of the Great Powers which had driven the world twice to the edge, the delicate global peace and power balance systems, and the prevalent Cold War which the UN managed to save humanity from the dreaded nuclear Armageddon. It was disdainful for a new state to declare hatred for these status quo. By implication such state ignorantly launches self into that very tussle, since the 'hatred' stance itself is politically significant. The eventual civil war (after Balewa's assassination) enmeshed Nigeria in Great Power politics, and like doll in their hands, they doused Nigeria in the very politics Balewa hated.

- But Balewa was untrue about his hatred for bloc politics. Though Nigeria joined the Nonaligned Movement (NAM) yet, he was untruthful to its principles. The first compromise was his acceptance of the Anglo-Nigeria Defence Pact (resisted by Nigerians). Next was Balewa's refusal to accord diplomatic recognition to China in adherence to the Western anti-communist posture. Next was Balewa's pro-West stance that barred the import of communist literature and his restricting of travels by Nigerians to communist States. Funmilayo Ransome-Kuti, a forerunner gender activist, was a victim of such ban. Schwarz

(1968) described Balewa as being rabidly pro-west with a frank distaste for non-alignment.²⁸ While Balewa maintained very warm relations with the West (particularly the USA and Britain), he was openly hostile to the Eastern bloc especially the Soviet Union. Out of religious conviction, and the depth of his contempt, he reportedly believed that contact with the East was evil. History shows that in the politics and intrigues that established OAU in 1963, Balewa led the pro-West Monrovia bloc against the pro-East Casablanca bloc. Not until 1962 did he establish diplomatic ties with USSR.

“The General Assembly is the supreme conference in the world, and ... one would expect every representative, no matter from where he comes, to feel absolutely free to express the mind of the country he represents, to feel that he is in no way restricted either by the lobbying of other representatives, or in the case of under-developed countries, by being put under an obligation through technical and financial aid. Each representative should be strong enough to resist all efforts to deflect him from the path of truth as he sees it”.²⁹

- This perhaps was Balewa’s worst assumption about the prevalent international political system. The General Assembly had never been the world’s supreme conference, and nothing that emanated from UNGA is binding, just as rulings from the International Court of Justice. UNGA is inconsequential at determining who gets what, when and how, in the high stakes of international politics. In fact, the UN is neither hierarchical nor supreme. Though the UN has many organs, none could be declared superior to the others as they handle different functions and

²⁸ Frederick Schwarz, *Nigeria: The tribes, the Nation or the race* (Cambridge: MIT Press, 1965).

²⁹ Balewa, Maiden General Assembly Statement.

issues. Nations are rather wary of the Security Council, which potently has the capacity to decide who gets war or peace.³⁰ But yet, its decision making often get bogged down as long as the concerned nation is adequately powerful or well-aligned with veto. Apart from the world Powers, what Balewa and his likes perhaps never knew is that UNGA was at best a mere compensatory platform to flatter other countries with some sense of belonging and relevance, and every representative was only as strong as his State's power.

The podium was designed to grant national leaders regular opportunity to have their say, but often not their way. A notable example was the aborted attempt by 'Group of 77' at UNGA to institute a New International Economic Order (NIEO) in the 1970s. Ojo & Sesay (2002) reported that developed countries of the North considered it an attempt by the South to turn the 'economic tables' round in their favour. This clearly is against the vested economic interests of the West. To all intents and purposes today, the NIEO dream is in the dustbin of history. Recent trends show that national leaders, particularly the Third Worlds, still don't know how to take the podium's advantage. They either used it to vent pent-up anger, show off, or even pursue extraneous interests. The podium is a covert trap by respective powers to identify nations that may want to pursue policies that are inimical to their vested interests in order to promptly counteract. It is much safer to stay away than to mount it in ignorance, and it is erroneous for national leaders to feel absolutely free to express their mind. The podium is treacherous with entrapments, hence, national leaders must know what to make public and what to gloss over. Balewa was clearly an

³⁰ Oluwole J. Odeyemi, United Nations Security Council: The Post-Millennial Narratives and Imperatives for Mandate Review. *Journal of Social Science and Public Policy*, Vol. 8, No.2, (2016) 61-86.

orator, but national leaders have no one to impress with great oratory that may compromise national security, and national prestige is not lost to lackluster speeches uttered from a cautious mind.

- Technical, financial and other aids are common foreign policy tools by which donor countries seek to influence recipient States, hence it is delusive to expect Great Powers to sow where they can't reap, (See Dreher et al., 2009).³¹ In political strategies, foreign aids are given with 'quid pro quo' intents to peddle influence in donor's favour. Usually, aids encumber recipient States to the donor's bid. In international politics, beneficiaries scarcely hurt or oppose their benefactors as the consequences may be grave, hence, Balewa asked for the impossible. But besides giving to coax international support, aids may also double as means for espionage on recipient States. Thus often, aids are not given on altruistic concerns but with intents to control.

Nigeria also enjoyed giving aids from its huge petrodollar, but experience reveals that its elites were naïve to the antics and intents of foreign aids. In what General Gowon termed 'Naira diplomacy', his government gave frivolous aids just for the fun and show off. For instance, with the massive wealth accorded Nigeria by the coinciding oil boom, Gowon embarked on international spree, buying friendships of States in the nooks and crannies of the globe. Bolaji Akinyemi,³² a former Nigeria's External Affairs Minister recalled that Nigeria gave financial aids

³¹ Dreher, A., Sturm, J., & Vreeland J. R., Global Horse Trading: IMF Loans for Votes in the United Nations Security Council. *European Economic Review* (2009), Accessed March 12, 2015, doi:10.1016/j.eurocorev.2009.03.002.

³² Bolaji Akinyemi is cited in Alkali, Rufa'I Ahmed. *Issues in International Relations and Nigeria's Foreign Policy*. Bob Academic Press. 1996. Page 71.

to many African countries for various purposes: - Guinea-Bissau, Cape Verde, and Sao Tome and Principe', and Mozambique at independence; Mali, Ethiopia, sierra-Leone and Somalia for drought and natural disasters; and Niger, Sudan, and Zambia for other purposes. Gowon's reckless largesse were also extended to non-African countries, international organisations, and the Commonwealth. Gowon visited two, perhaps, insignificant countries - Grenada and Guyana in the Western Hemisphere following the Kingston commonwealth conference in 1975.

In Grenada, about 15,000 miles away, he paid the salaries of all civil servants for that year, sent a contingent to train the Grenadian police at Nigeria's expense, and granted a soft loan of five million Dollars to its Prime Minister, Sir E. M. Gairy. Guyana's civil servants similarly had their salaries paid. In a reconciliatory gesture to Zambia, an African state that led the bid in OAU to recognize Biafra, Nigeria awarded \$750,000 to compensate for her losses at its border closure with Rhodesia. Perhaps, it was in the illusion of the abundance of that moment that he purportedly gave the oil-rich Bakassi Peninsula over to President Ahmadou Ahidjo to appreciate Cameroon's refusal to actively support the secession plot. Still, to show off Nigeria's largesse globally, General Gowon accepted to host the acutely expensive 1973 All-African Games, and the World Black and Africa Festival of Arts and Culture (FESTAC) in 1977. The spending spree mainly constituted a drain on Nigeria's fortune, and were at the expense of Nigeria's development. They were all spent without the strategic *quid pro quo* intents as Nigeria lacked the hint that nations gave foreign aids usually in furtherance of national interest. Gowon's spree is rather inconsistent with the politics of foreign aids.

“One great advantage which we new nations have is that the accession to independence makes a clear break with our past and presents us with the opportunity to enter into the field of international relations untrammelled by prior commitments. It is probably the one occasion in the life of a nation when it is possible to choose the policies with the inherent qualities of goodness”.³³

- Balewa not only erroneously thought that colonial ties were over with political independence, but also that the latter granted absolute freedoms to nations. While it must be affirmed that there is no nation on earth that cannot be restrained, Balewa also simply did not realise that colonial possessions were strategically important to the world powers who were hence reluctant to wholly let go. Nkrumah rather wisely detected neocolonial antics to pocket the new States. The *Commonwealth of Nations* and the *Organisation Internationale de la Francophonie* are reminders that negated any idea of a clear break with colonial past. The neocolonial hold grossly hindered postcolonial States from pursuing foreign policies of choice.

- Crucial to development is resource. But every resource, including water, is finite, and some are very rare, hence, resource supply is always below demand. This necessarily induces conflictual resource-struggles among States. When resource-drive is tied to national survival, all options are on the table and there may be no sentiment for Balewa’s idea about policies with inherent qualities of goodness. Similarly, to thrive or survive in our kind of international system, nations have had to complement their strengths for greater reach through strategic alliances. Also, weaker States constantly align with preferred

³³ Balewa, Maiden General Assembly Statement.

powers for bailout in the event of conflicts. Japan, though currently a hibernating power, once tyrannized South Korea, China and the US. But, today, both Japan and South Korea (for Chinese or North Korean threats) are tucked in security pacts with the US. Hence, sovereign independence appears only in principle as no nation could truly be untrammelled. Only the unserious or non-ambitious States would see no need to align with others for the advantages. Even world powers still strategise with allies to retain their successes. This is central to global politics, and is incompatible with Balewa's philosophies of international good and evil.

"And so, as we gratefully take the place to which you have invited us ... We see nation wrangling with nation, and we wonder how we can help".³⁴

- It is very laughable that Balewa simply sought to reenact the Kantian dream of 'perpetual peace', quell interstates' conflict and be acclaimed the international peacemaker. Balewa nauseatingly leveraged on the claim that Nigeria had been invited, and consequently like the Leviathan, sought to help the world to rescue the wrangling nations to achieve global peace. As earlier opined, it's odd that a fabrication would demand to help its fabricators? Balewa's request to wade into the commanding heights of global politics is preposterous and unpardonable. He seemed unaware that even the nation he represented was a product of such past wrangling. Great powers often seek to treacherously flex muscles for prestige, strategic dominance and influence peddling. They also flourish by fomenting troubles across the globe. To prosecute the wars, they manufacture and supply arms and logistics to the wrangling States, and after the wars, they jostle again, as industrial

³⁴ Ibid.

scavengers for lucrative contracts to clean the debris and rebuild damaged infrastructures. The business of trouble affords them the opportunity to also make strategic inroads into other States for resource expropriation and alliance building. Great Powers as war profiteers have accumulated huge fortunes through this devilish enterprise and gained critical footholds in multiple nations.

But then also, it is not just that they loved fomenting troubles for its sheer sake, but that as nations seek to meet their needs, particularly those needs that can only be externally met; as nations seek to prospect international businesses, as nations project/secure their interests and survival, they inherently infringe on one another, hence, conflicts embed in interstate relations. Obviously, Balewa never understood the political logic behind the international wrangling he worried over. States inevitably get bogged down from conflicting interests which, for Holsti (1992) necessitate acts which one undertakes to protect its interests against the demands and actions of others.³⁵ Frictional issues include access to critical resources, strategic international highways and trading, armament and many more. Balewa's ignorance about international politics and strategy made him to offer the spurious help he had no means to give.

"...we realize ... there is a divine providence, and I do honestly believe that this is the one primary essential for international friendship. Cooperation is for each man to be true to his religious belief and ... creed. It may be that, when we hear the world crying out for peace, we may receive the inspiration to deal with these intractable problems... by applying those eternal truths

³⁵ Kalevi Jaakko Holsti, *International Politics: A Framework for Analysis*, 6th Ed. (New York: Prentice Hall, 1992).

which will inevitably persist long after we ourselves are utterly forgotten”.³⁶

- Balewa had concluded his ignorant oratory by philosophizing and sermonizing his strange theological conceptions, inviting the world to accept his interstate’ theory for the ‘divine right of nations’. Incorporating divinity into global relations and politics is incredulous, impracticable and self-delusional.

I intend to close this section with Balewa’s opening paragraph to counsel States to be really wary of certain international indulgences that may also serve as trap.

“Last Saturday the country which I ...represent, the Federation of Nigeria, became independent and assumed the rights and responsibilities of a sovereign State. Today Nigeria has been admitted to the UN and assumes still more responsibilities”.³⁷

- Much had been said about Nigeria’s weird requests for debilitating burdens, but quite often in error, many nations lived under the illusion of the inviolability of State’s sovereignty, thought also to bring certain dignity and honour. Sovereignty was never inviolable, otherwise, the World Wars may not have occurred, and thus, nations must be disillusioned about relying on principles which cosmetically granted some respite for international peace. Powerful States are ever skillful and ready to subvert others. Thus, Balewa’s assumptions that political independence accords sacrosanct and incontrovertible rights are unfounded. Also, sovereignty does not obligate taxing responsibilities like shouldering international problems. The main responsibility of sovereignty is that government ensures the internal peace and tranquility of their State, and

³⁶ Balewa, Maiden General Assembly Statement.

³⁷ Ibid.

not constitute international public bad, to risk external intervention.

- That States are admitted into the UN is not granted that all members are equally endowed or limited. The UN, like the previous 'League of Nations' was invented by internationalists to pacify and tame the restlessness of Great Powers. This is confirmed by their veto powers and permanence in the Security Council. They practically operate the UN, while new States, particularly the postcolonial, are mere members. However, there are no procedures or rights by which States operate within the commanding heights of global politics as it is essentially an arena of acute power play. Aspiring States need to first consolidate on national power and development to earn international recognition. Germany is not a permanent member of the SC, but is reckoned and often consulted as an indispensable power over global issues. An instance was the once negotiated but now defunct truce by P5+1 Group with Iran on the latter's nuclear ambition. While P5 are the UNSC veto powers, the +1 was Germany.

Less powerful States also wisely align with one or more of these permanent SC members for protection. Shinzo Abe, as Japanese PM, despite the Japanese economic and technological might, paid homage to Donald Trump shortly after his 2016 election victory. Abe's diplomacy is aimed at strengthening the Japan/US alliance, both for security against regional enemies, and as shield from the Security Council's realpolitik. Israel's geopolitical advances is also covered by its strategic alliance with the US, just as China and Russia watched over Iranian interests. Having been unaware of world history and the power constellations, Balewa erroneously thought that nations can be assertive by mere reliance on sovereignty without the backing of verifiable

requisite power. In international politics, the ultimate wisdom is that nations need not be ambitious in the absence of decisive requisite power.

Theoretical appraisal of Balewa's politics

Interrogating Balewa's ambitious political speech with the theoretical assumption of this work, it is obvious that, one by one, he completely contravened the prevalent theory – realism that jealously guarded global politics then. While relying on spurious assumptions and values as power, and adducing phony supremacy to UNGA, international law and institutions, he and other Nigerian elite claimed the racial hegemony that they had no means to pursue, and went headlong to challenge the existing state of global political affairs and its balance of power systems without requisite coercive material capacity. By these, Nigeria not only angered its African peers, but also confronted Great Power politics – an arena of acute military might that was grave and decisive. Balewa mounted the UNGA podium to engage in issues for which Nigeria had no direct material interest in the outcome. Unlike a rational actor, Balewa disregarded the extent of the systemic anarchy and underestimated the crucial element of State power which was key to States' defence and survival, and thus failed to act in the best way to maximize the likelihood of Nigeria's continuity to exist.

Conclusion

It has been established that Nigeria's early elite scarcely understood the undercurrents of power-play and politics that created the very UNGA podium. UNGA is never an arena for the kind of Balewa's ambitious talks, making preposterous demands and assuming all kinds of power (which even the Security Council cannot claim). Thus, Nigeria joined the club of nations on a wrong intellectual footing about the whole gamut of activities that constituted international politics. To the Great Powers' angst, Balewa insulted global political hierarchy and sensitivities by his insubordination into their preexisting imperial interests, hence, his UNGA ambitions and rhetoric that flaunted mere potentials was premature, and only courted ill feelings for the young nation. His nation was punishable for his undiplomatic

contemptuousness which acquainted the Powers with Nigeria's world-dreams, and it thereby initiated the international conspiracy that eventually trapped Nigeria. It was thus not surprising that sooner than Nigeria got entangled in Biafra War, the brutal civil conflict became the sledgehammer to smash the ambitious nation, hence its acute externalization in which multiple nations daringly participated.

The Biafra plot may not have been hatched if the possibility of receiving massive foreign support were remote. Biafra's instigators engaged vigorous propaganda to justify the plot and elicit international support. In a countermove Gen. Yakubu Gowon strived spiritedly in vain to make the world see the uprising as purely a domestic issue. He however did not realise the existence of international ill feelings against Nigeria, and that the groundwork for the war's externalization had earlier been laid by Balewa. By and large, both parties failed to realise that they had played into the hands of the Great Powers conspiracy that craved Nigeria's mutilation. Nigeria learned about international relations the hard way. The war humbly taught Nigeria to tactically re-evaluate her approach to foreign relations. The civil war woke Nigeria's elites from their euphoric trance about African and global politics. The experience shattered Nigeria's messianic posture in the world and betrayed their illusions about pan-Africanism and naiveties on the inviolability of sovereign States. The war taught Nigeria the need to be pragmatic and make friends across all divides; be diplomatically proactive with neighbours; and to exercise restraints at meddling in international disputes. Nigeria bore the brunt of the destructive international realpolitik and bitterly learned to be wary of the strategic interests of world powers and the treachery of nations. Similarly, Nigeria bitterly realised that a nation's status and aspirations are neither matters for metaphysical speculations or wishful thinking, but products of internal cohesiveness, stability, the right alliance and multifactorial capability.

Following disappointments from the support for Biafra by some African States, Nigeria began to doubt OAU's reliability, and were challenged by crises of confidence and trust, both internally and externally. They were awoke to the poachable nature of the international system, and the neocolonial stratagem to not only

disrupt African unity but balkanize Africa's promising States, to evolve non-virile States incapable of challenging the West, and perpetuating thereby their dependency. In closing, it is vital to note that Nigeria narrowly survived the plot by running to the previously despised USSR for military assistance, and also by the sheer brilliance or brutality of Nigeria's war strategies which eventually forced Biafra leaders to abort the secession.

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King David's nation-building precepts and the possibility of application in Nigeria

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Abstract

The study deals with the precept of King David in Nation Building and the possibility of applying the same in Nigeria. It examines the personality of David and his anointing as the least unexpected child of Jesse to build up the Nation of Israel. The study adopts the historic approach to Religious studies. His nation building strategies were unlike that of the days of the Judges of Israel. King David's tenure was divinely arranged to fight the oppositions around Israel and obtain deliverance from the hands of enemies. This was an assignment that Saul could not complete. Did the question of David's wrongdoing not arise before God? and why does God still tag David as a King after his heart? The role played by David in the Unity of Israel represents the main thesis of the work.

Key Words: Precept, King David, Peaceful, Israelites Nation, Nigeria

Introduction

The study examines the precept of King David in Building a strong and Peaceful Jewish Nation and the possibility of the applying same in Nigeria. A Precept is a rule or principle governing personal conduct. David had his weaknesses and with the judgment of man, sinned in a worse manner than Saul, God ascribed to him the attribute of 'the man after God's heart'. This study will examine the qualities in the life

in David that made him acceptable before God and highly revered by Man.

The study adopts the historic approach to the study of Religious History. Generally it deals essentially with probing into the past, understanding the present and creating prognosis for the future.¹ Through the issues that distinguish David as an exemplary personality who was qualified to build up the Nation of Israel. The nation building activities of David and his relationship with people who helped him in the nation building process of Israel a Nation chosen by God.

The Secret behind David's victory in all his wars will not be left untouched in this discourse. He lost no battle from the age seventeen when he fought the Lion, Bear and General Goliath of Gath. Does it mean that he was a versatile warrior? In David's testimony, it was God who taught his hands to battle. 2 Samuel Chapter 8 narrates the details of the wars fought by David and he won all the battles. David won all the wars that he fought because Yahweh fought the battle with and for him. That means he was a man of faith in God's favour. The implication of David's life for leaders is indeed exemplary for emulation by Nigerian leaders.

King David's Ancestry

David was the great-grandson of Boaz and Ruth. Boaz was the father of Obed, Obed gave birth to Jesse and Jesse was the father of David. (Matthew 1: 4-5). David was the youngest of the eight sons of Jesse (1 Samuel 17: 12ff). David was nurtured up by his father Jesse, to always watch after the family's flocks. There is a likelihood that the extended families flock was included among what David shepherded. Jesse never treated David as the baby of the

¹Jacob Kehinde Ayantayo, *Rudiment of Research and Research in Religious Studies*, (Ibadan: Jay Kay- Ayantayo Publications, 2015) 196

family. He was exposed to the dangers of wild animals at a very tender age. This means his father entrusted great responsibility to him because he might have demonstrated commitment at this stage in his moral and physical development.

After the young David killed the lion and the Bear, his mother Nitzevet.² Never seemed to object to her son's incursion into the wild nor object to the assignments given to him by his father Jesse. A critical inquiry on the role of David's mother in his life during the period he killed lions and bears is a subject of debate among theologians,³ Some theologians have claimed that Jesse made an arrangement of sexual intercourse with a Canaanite housemaid, but the maid made a counter plan with Nitzevet to replace her. She was largely ignored by her husband Jesse. This was similar to the exchange made at night of Jacob's marriage when Laban replaced Rachael with Leah. It was a successful plan. The aftermath was that Jesse and the Council decree that the son to be born by the intercourse will be treated with contempt and relegation.

As some theologians claim, the result of the intercourse was David the last son of the family and he was made to undergo ill treatment like a second citizen under the roof of his Father. It shows that David served the punishment of his mother's sin. David was specially assigned to be in charge of shepherding of the flock in the field. It was to be an irreversible decision of Jesse. David of about seventeen years old was he was faced with the Lion and Bear. He killed both bear handed. Why did Nitzevet keep remain silent about the daily exposure of her son to danger?. David's Mother, Nitzevet, had no power to prevail over the situation that her son was going through. Since the Son, David was serving the punishment of his mother.

²<https://www.chabad.org>. The Jewish Women.org. Retrieved on the 8th April 2020

³A theological debate of the ministers in a class of thought. It was concluded that there is likelihood of the Mother of David to have left Jesse's house when his son was combating lion and bear.

Nitzeveth chose a vow of silence, just like Tamar who believed that God would reward her with a promised Son. Another likely reason for Nitzeveth's silence was Jewish patriarchal tradition which may have impinged on her liberty to object to her son's treatment.

David perceived the relationship between himself and flock in the light of God's relationship with his people. This is a critical precept in his character as a nation building leader. This was instructive in David's popular Psalm 23, where he relates the pastoral work of God with the relationship between the shepherd and the flock. Jesse, the father of David was the leader of the Sanhedrin- a supreme court of Torah law and a respected leader of his days. No wonder, Jesse never thought that David could possibly become the next person to be anointed as king over Israel. Jesse's youngest son was not around when Samuel came around to anoint a King from Jesse's household, David was the only absentee who was in the field with the flocks. The purpose and plan of God was fulfilled in David despite the 'punishment' that he was serving.

Israel in Pre-Davidic Kingship

The Decalogue was the Israel's Manual of lifestyle. It was received through Moses on Mount Sinai. The Judges acted after the leading of the Holy Spirit of the most High God. The scattered tribes were busy in search for a perpetual homeland when Joshua left the scene. No conclusive project was achieved by their efforts in the book of Judges. They were struggling among their enemies for survival. The period of the Judges was a time in those days when there was no king in Israel every man did that which seemed right to him (Judges 21: 25). The Nation of Israel in the days of Joshua and the Judges were scattered states. There was no settlement as an empire all through the periods of the Judges.

Prophets Eli and Samuel's reigns as Judges over Israel was preparatory ground for a united Israel. Eli had his headquarters in Shiloh, but at the period of Samuel, the headquarters was

moved to Ramah in the tribe of Benjamin. It was during the period of Samuel that Israel requested for a King like other countries around them. Then, the platform for a solid nation that a king could govern was already laid.

Samuel was a Priest, although biologically from the tribe of Ephraim, not a Levi, but according to divine providence to live as a Priest, leading God's people. Samuel got into the Priesthood order through the adoption of Eli as his Father. As at the period that Ophini and Phinias were disobedient sons, Samuel was an obedient boy that was ready to discharge duties for Eli. Samuel an Ephramite automatically became a descendant of Levi by adoption. Samuel was a Seer, Prophet, the last Judge in Israel and commander of War. He was a significant personality in the history of Israel and in the transition of leadership from Judges to Kingship. By the theocratic leadership under Samuel, it will be extremely difficult for the new King Saul to please both Samuel and Yahweh of Israel. Saul did not have the same background with Samuel and cannot in any case be equated spiritually with Samuel. It was also a difficult task for King Saul of Israel to operate as head over Samuel who was a Judge for years before the emergence of King Saul.

The request for a King by Israel was on the basis of the need to have a King around whom him all Israel should gather.⁴ Samuel anointed the first two kings in Israel. He anointed and enthroned Saul and David in succession as Kings over Israel. Samuel was the last and the fifteenth Judge of Israel. Initially, the first and second Kings and Chronicles were named after Samuel because Samuel formed the foundation of the books.⁵ Therefore, it was difficult for Saul to have his personal initiatives implemented. Nothing could be done by Saul without consultation with Samuel.

⁴ John Mauchline, Rev. Professor, *God's People Israel*, (Ibadan: Day Star, 1978), 58

⁵ Wei Hu, PDF, *Communities Inferred from the Books of Samuel in the Old Testament of the Bible*, Department of Computer Science, Houghton College New York, USA, June 2013 <http://www.scrip.org/journal/ahs>

Saul the son of Kish a Benjamite, came in as the first king, but failed to unite the Kingdom of Israel after the mind-set of Yahweh who chose Israel out of many nations. The choice of the King for Israel against the Will of Samuel,⁶ since he is now old and the people of Israel cried out to him for a King. King Saul established the Kingdom, King David strengthen it and enlarged its border, King Solomon enriched it⁷ and after the death of King Solomon, in the days of King Rehoboam, the United Kingdom disagreed and separated.

Historically, David was anointed to take over from Saul even when Saul was still alive and David was about seventeen years old. Ish-boseth was enthroned by Abner after the death of his father Saul. Enthronement of Ish-boseth without the Prophetic anointing nullified his Kingship over the united nation of Israel. The anointing of David consequently granted him upper hand over Ish-boseth.

David as a Warrior

David became a Military General following his anointing by Prophet Samuel. He killed a Bear, Lion and Goliath of Gath in successions. These brave encounters exposed David jealousy from Saul who suspected that he mau usurp him as king. David's military leadership led the Israelites in such a systematic and decisive subjugation of their enemies-Philistines, Canaanites, Moabites, Ammonites, Aramaeans, Edomites and Amalekites.⁸ This prolific were a classic leadership trait that David exhibited that earned him praise and great prestige among the ancestry of Christ who was referred to 'the son of David' (Matthew 1:1; 9: 27; 15: 22).

⁶ Rabbi Sidney L. Markowitz, *Jewish Religion, History, Ethics and Culture*, (New York: The Citadel Press, 1955), 38

⁷ Joseph Gaer, *How the Great Religions Began*, (New York: The New American Library, 1956) 153

⁸ J.D. Douglas & et el, Ed., *The New Bible Dictionary* (Britain: Inter-Versity Press, 1962) 295

David's outstanding qualities as a military commander soon won him great popularity (1 Samuel 18: 6-9) and equally made him an object of suspicion to Saul.⁹ Without long thought Saul in his calculation swiftly realized that his successor in personality of David has come to stay with him in the Palace.

The foundation of David's Military exploits started with combating a Lion and Bear respectively, without sword nor arrow, but with bear hands and a sling. In verse 37, David said, 'Moreover, the LORD who delivered me out of the paw of Lion, and out of the paw of Bear, He will deliver me out of the hands of these Philistines. And Saul said unto David, go and the LORD be with you.' David at the age of seventeen battled with Goliath using five pieces of smooth stones and cut off the head of Goliath of Gath, with Goliath's own sword.

Another key precept of governance displayed by David was is political organization and structuring of Israel as recorded in Chronicles 27: 1-end. David had twelve Generals who were assigned to each month of the year. They occupied the seat of the Minister of Defense each month they are on duty. The first who is the Minister for defense for the first month was Jashobeam the son of of Zabdiel (27:2). The second month was Dodaian Ahohiteb (27:4). Man for the third month of the year was Benaiah the son of Jehoiada, a Chief Priest. This same Benaiah was the Commander of another special set of Military Men who were thirty in number (27:5-6). The fourth General was Asahel the brother of Joab (27: 7). The fifth General for the fifth month of the year was Shamhuth the Izrahites (27:8). The sixth General for the sixth month was Ira the son of Ikkesh the Tekkoites (27: 9). The seventh General for the

⁹Ogba, Okey, *Exploring Old Testament (Volume 1)*, (Ibadan: Jilog Nigeria Company, 2001) 205

seventh month was Helez the Pelonite from Ephram (27: 10). The eight General for the eight month was Sibbecai the Hushathite of the Zarhites (27: 11). The ninth General for the ninth month was Abiezer the Anetothite of the Benjamites (27:12). The tenth General for the tenth month was Maharai the Netophathite (27: 13). The eleventh General for the eleventh month was Benaiah the Pirathonite (27:14). The twelfth General for the twelfth month was Heldai the Netophathite of Othniel (27:15). Each of these Generals has twenty four thousand army under their troops.

Yet another important precept of David was his disposition to appreciating God and the Men who served with him. 2 Samuel 23: 8-39 contains the list of men of valour who stood by David in Battle and won the victories. They were thirty seven men in all as contained in the record. Uriah the Hittite, husband to Bathsheba was the thirty seventh man. It is needful to enumerate the most famous three among them who were: Josheb Basshebeth of Tachemon who single handedly fought with eight hundred men and killed them all. The second was Eliazer son of Dodo of the clan of Ahoh. He once stood with David to challenge the Philistines who gathered for battle. Eliazer fought until his hands were glued to his sword. All these thirty seven elite military men have outstanding records and their famous performance was recognized by David.

Apart from a superb military structure, David also put in place administrative positions to handle civil matters. Over the King's Treasures was Azmaveth the son of Adiel. He oversaw the store houses in cities, villages and the fields. Jehonathan the son of Uzziah was in charge of the castles (27: 25). Ezri the son of Chelub was the Agriculture minister (27: 26). Shimei the Ramathite was over the vineyards, while Zabdi was in charge of the wines that the vineyards produced (27: 27). Over the sycamore trees was Baalhanan the Gederite and Joash (27:28) coordinated the

oils produced by sycamore. Shitrai was over the herds in Sharon and shaphat son of Adlai was over the herds in the valleys. Obli the Ishmaelite was in charge of camels and over the asses was Jehdeiah of Meronothite (27:30).

Furthermore, David made his Uncle, Jonathan a Wise Man, his Counselor and secretary. Jehiel the son of Hachmoni was in charge of cares for the King's Sons. Ahithophel was the King's Chief Counselor. Hushai the Archite was the King's Companion and best Friend. Jehoida son of Benaiah and Abiathar the Chief Priest minister in his own department. General Joab was the Chief of Army Staff. Azmaveth was in charge of the store house, Ezri was the minister of Agriculture, Shimei was the minister in charge of Crop Production. These Military Men and Ministers or Administrators were picked across the Country of Israel without prejudice. It is obvious with these arrangements that David did not only build the physical structures but also the Government of the nation of Israel.

The testimony of David was that God gave him the tutelage on how to war (Psalm 144: 1). 'Praise be to the LORD my Rock, who trains my hands for war, my fingers for battle. He is my loving God and my deliverer, my shield, in whom I take refuge, who subdues peoples under me.' The anointing through Samuel was the impetus to warfare and the victories. David will always inquire from the LORD the strategy needful for every battle. Therefore, God was already in the battle field before him.

Most crucial to the rise of Israel was David's theocratic government, through the spiritual involvement of Prophet Nathan. Nathan rebuked and encouraged David when and where necessary. He will never spare David when it comes to delivery God's words.

Davidic Dynasty

David's dynasty was anchored by In the Davidic Covenant,¹⁰ The covenant was a Treaty which God made promises to David and it was ordained to last forever.

In his grace, God also made an unconditional covenant with David: 'God promised David that 'your house and your kingdom will endure forever before me', your throne will be established forever" (2 Samuel 7: 16). This is an unconditional promise. It is like a royal grant treaty. The Great King made an unconditional promise to David that his royal line would last forever.¹¹

The divine treaty enabled David's government to flourish and it aided the Davidic covenant to be fulfilled in the Messianic concept of Jesus Christ (Luke 1: 32-33).

Kingship of Israel

After the death of Saul, in his usual way, David sought the face of God on what to do and there was an instruction for him to go to Hebron in Judah and remain there for a while. This marks the commencement of the kingship of David in Israel. Hebron was his homeland and staying among his people who accepted him was a good idea. David was thirty years old when he started to reign in Hebron and was a king over Hebron for seven and a half years. The first two years of his reign was a serious combat between the followers of David and the courtiers of the late King Saul. As at this time, Eshbaal or Ish-Bosheth has been set as the king in

¹⁰Davidic Covenant is the treaty made between Yahweh and David. In the covenant, God promised to retain the throne of David from everlasting to everlasting. It is from this treaty that dynasty of Messianic of Jesus Christ comes on board as the everlasting King.

¹¹Timothy P. Palmer, *A Theology of the Old Testament*, (Bukuru: African Christian Textbooks (ACTS) 2001) 66

Mahanaim of Benjamine. General Abner was a great manipulator over the household of Saul as Eshbaal was kept strictly under Abner's perpetual control. At the demise of King Saul, found two factions fighting for control over Israel. As long as Saul was alive, David was a fugitive. When Saul and his three sons were killed in battle with the Philistines, David returned¹² to Israel fully.

Abner and Eshbaal faced assassination and the organized opposition against David ended. At this moment of momentary peace, David planned to move the headquarters of his government from Hebron to Jerusalem. One wonders, why David should develop this initiative for a new headquarters in contrast to a town, which embraced him when the kings men were against him. This new initiative was divinely motivated by God, as David did not have any opposition against this. Jerusalem used to be the ancient town where Abraham entered a covenant of Peace with Melchisedech or Mechizedek the King of 'Salem'. Melchizedek was a King and Priest of *ElElyon* (Most high God) and highly revered by Abraham (Gen. 14: 18-20). The name Melchizedek connotes righteousness. Another source says that Melchizedek might have been a worshipper of Zedek¹³ in the pre- Israelites days when the Canaanites were in possession of the land. Melchizedek מַלְכִי־שֶׁדֶק¹⁴ (malkī-šēdeq) brought out bread and wine as gifts to Abraham and El Elyon for the celebration of a transferred property to the off-springs of Abraham.

The elements used in the deed of transfer is a similitude to the body and blood of Jesus Christ, which was sacrificed on

¹²Rabbi Sidney L. Markowitz, *What you should know about, Jewish Religion, History, Ethics and Culture*, (New York: The Citadel Press, 1955) 17

¹³Blenkinsopp, Joseph, *Abraham: The story of a Life* (Wm. B. Eerdmans Publishing, 2015) 56

¹⁴<https://en.wikipedia.org/wiki/Melchizedek>, retrieved on the 5th April 2020

the soil of the same city of Salem and became a sacrament for Christendom till date. Therefore, the deed of relinquishment of Jerusalem was long done between Melchizedek and Abraham sealed it with the feast of bread and wine and prophecy of a flourishing nation, which was in the loins of Abraham. This Melchizedek/Abrahamic feast is venerated in Judaism and Christianity and often commemorated on 22nd May in Eastern Orthodox Church and 26th August in the Catholic Church.¹⁵

It is on this solid agreement that Abram paid tithes of the plunder to Melchizedek a spiritual connotation that Jerusalem will stand as the headquarters of the seeds of Abraham, which had its fulfillment in the days of David as King over Israel. In Psalm 110: 4, David reiterated that the seeds of Abraham have been placed among the descendant of the King Melchizedek as a divine covenant. This possibly might have been the motivation for David to have made the choice of the venue of the covenant as the appropriate place for the headquarters of the land flowing with milk and honey.

David bowed to this agreement of antiquity by making Jerusalem the headquarters of Israel. It is obvious that David was spiritually sensitive and could discern easily the payment of the land of Salem by Patriarch Abraham. The spiritual insight of David illuminated his mind to choosing Salem which was later in life renamed Jerusalem meaning the City of Peace. This was a great achievements of David notwithstanding, the Holy Bible will never gloss over the weakness and sins of the Children of God. The records of the Bible clearly stated that David murdered one of his Captains called Uriah the Hittites. This was after impregnating his wife, Bathsheba. God did not spare David but punished him over this. The boy died and God declared

¹⁵<https://en.wikipedia.org/wiki/Melchizedek>, retrieved on the 5th April 2020

through Prophet Nathan that the sword will never depart from his household.

Building of Israel

The seven years spent by David in Hebron was spent fully on intra-war between his soldiers and the household of Saul. David all through the period did not execute any project in Hebron. He made the choice to build Israel as a nation and commenced this by building Jerusalem as headquarters and a city in Jerusalem as the city of David called Zion. Biblically, Zion was one of the Cities conquered by David and rebuilt after him, as the City of the King or City of David. mentioned in the Bible in the Book of Samuel (2 Samuel 5:7) as the name of the Jebusite fortress conquered by King David, its origin likely predates the Israelites.¹⁶

Psalm 48 which was composed by Son of Korah,¹⁷ the Levites, makes a vivid geographical description of city of Zion as the city of the LORD, which is situated in the Northern part of the City of the great King; this is no other place than the City of David (1 Kings 8:1-2; 2 Chron. 5:2).¹⁸The great work of building Zion up was extended to Jerusalem and then to Judea. Zion is a City and citadel of King David, situated in Jerusalem, which exists under Judea the Federal State Capital Territory of Israel in the days of King David. The success of the reigns of David commences with the building of Zion in Jerusalem as a city. ¹⁹ The whole of Jerusalem is on the hills. The Building works done by King David on Zion was on the top of the hills.

¹⁶<https://en.wikipedia.org/wiki/Melchizedek>, retrieved on the 5th April 2020

¹⁷Menachem Davis, ed., *The Book of Psalms*, Mesorah Publications, New York, 2001, p.128

¹⁸Ronald L. Eisenberg, *The streets of Jerusalem: who, what, why*, Devora Publishing, 2006, p.169

¹⁹Terry R. Briley (2000). *Isaiah, Volume 1 - The College Press NIV commentary: Old Testament series*, College Press. p. 49.

It was in the days of David that the twelve tribes in Israel were identified as states. David did not saddle them with the responsibility of tributes to the Palace. Anybody who wanted to make contribution to the building of the Palace did it without compulsion. Unlike, Solomon who levied all the tribes to supply the daily meals to the palace monthly and saddled the Israelites with much burden at the reconstruction of the Palace and building of the Temple. David had the building of the Palace done without the complaint of the masses. All who worked in the Building did so willingly and David paid moderate remunerations. The complaint against Rehoboam after the demise of his father Solomon was that he should reduce the burden on Israel so as to serve him. The federation of Israel was established in the days of King David. The strategic management of human resources is a true tent of good governance.

Israel looks back on David, the second King in Israel, not on Saul who was the first King, with pride and affection as the establisher of the Kingdom of Israel. Saul was never concentrated on carrying out any project for the benefit of his people. All through Saul's days, it was meetings with his Generals on how to defend Israel against the outside enemies and how he will personally eradicate David from succeeding him. Like Saul, the first King of Israel, David was in constant war against his enemies. He refused to make friends with them as Solomon did. The friendship made by Solomon with the enemies around him made him to lose his focus on God. It is well noted that his father, David, never compromised his faith with his enemies.

Dapo Asaju records that, there was really no nation before David came to the throne. He had to combine military, administrative and economic efforts to make Israel become a state.²⁰ David spent year of his active life in defeating the

²⁰DapoAsaju, *Christian Foundation*,(Abeokuta: Crowther Theological Publishers, 2015) 3

Philistines Israel's enemies decisively, but he did not annex their home territory: he left them still independent but powerless to harm him.²¹

Lessons from the Precept of David

There are many things to learn from the precept of David which are worth emulating.

- i. David never compromised his stand with the enemies around his Countries, unlike his son Solomon who got married to the daughters of his enemies in order to get their peace.
- ii. David did not lose focus in building the Nation of Israel unlike King Saul who lost focus while fighting David instead of his enemies. Enmity of Saul against David took over need of maintaining peace with the nation and raising projects.
- iii. David had a focused vision of raising a City after his name, which gave him a plus before the people of Israel as the first builder of Israel.
- iv. Humanly speaking, the sins of David greater higher than that of Saul, but God will not judge with Man's standard. Saul would not concede his sins, but David will never cover his sin. He will expose his sins to God in such a way that men around will hear his confessions. David was a humble man before God, no wonder he won a title from God as 'Man after God's heart'.
- v. David made his successor while he was still alive. He enthroned Solomon as King in his days and vacated the throne for Solomon to rule when he was alive. He made available all materials needful for the Temple for his successor, Solomon. David therefore, ensured a continuous government and building of the nation after his demise.

²¹Ogba, Okey, *Exploring Old Testament (Volume 1)*, (Ibadan: Jillog Nigeria Company, 2001) 207

- vi. David recognized the great performance of the military men, who fought with him and never underrate their contribution to his victory in battles fields.
 - vii. One of the best ways of building a nation is the principle of division of labour. David did this by making people Ministers in specific areas to work in his Government.
 - viii. There was no bias mind or prejudice at the choice of people who served in David's Government, they were picked from all corners of Israel.
 - viii. Bad management of economic was not the agenda of David. He managed economy at his disposal wisely.
 - ix. David's attention was not diverted from his focus. Many of Nigeria leaders do part with their dreams after they assume the platform of leadership
 - x. David knew how to woo God. He easily accepted divine rebuke.
 - xi. David did not shift blame on his predecessor's Kingship. Saul had his loopholes but he never mentioned it for once. He sees every challenge as what his regime caused and can solve.
 - xii. David realized that God loves praises. He praised God a lot.
- The unfortunate thing in David's reign is his inability to curtail his family. David's Children were spoilt Palace Children which led to raping and murder among his Children. The Biblical records revealed that David never reprimanded his children for any of the ungodly act committed under the roof his Palace.

Man like David in Nigeria

In Nigeria, the pasts and the present governments have failed to recognize the efforts of people who fought and won victory for them. Individual wants to claim the monopoly of every victory and successor in every government. This is unlike David who made his scribes to recognize all his supporters.

Brigadier- General Godwin Alabi- Isama in his work condemned the act of Col. Olusegun Obasanjo in claiming the monopoly of Victory of Nigeria- Biafra War, having assumed duty at the dot of the closure of the War, which ended on the 14th January 1970. Isama commented:

But the tragedy was and is that in Nigeria today, those who fought for democracy are not the beneficiaries; just the same way as those who actually fought and won the civil war remained unrecognized. It is also a travesty of justice that the same run- away fellow who came to benefit from the Dimka's coup is at the Centre of this tragedy God knows why, but the country continues in drift.²²

Chinua Achebe recalls a period prior to the end of the Civil War as particularly hard on the Children. Looking around one could see a proud, devastated people.²³ The government of Nigeria has been known for oppressing the Masses.

Conclusion

There is no doubt that David did a lot of exploit in building the Nation of Israel. In my personal opinion, the government of David was wiser than the government of Solomon. David judiciously made best use of available resources and fought to sustain what he built, but Solomon squander his resources and marry the daughters of his enemies in order to make peace with his enemies. Likewise, the economic management of David would have been the

²²Brigadier- General Godwin Alabi- Isama, *The Tragedy of Victory, on-the – spot Account of the Nigeria- Biafra War in the Atlantic Theatre* (Ibadan: Spectrum Books Limited, 2013) 432

²³Chinua Achebe, *There was a Country- A persona History of Biafra,* (Britain: Penguin Group, 2012) 222

best solution for Nigeria's Economy. Davidic way of governance is the best approach for the betterment of Nigeria as a Nation and a man like David's attributes can foster United Kingdom of Nigeria and give the Country unprecedented Peace.

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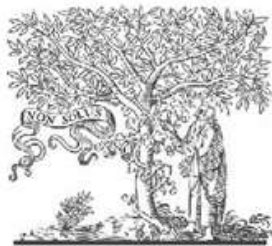
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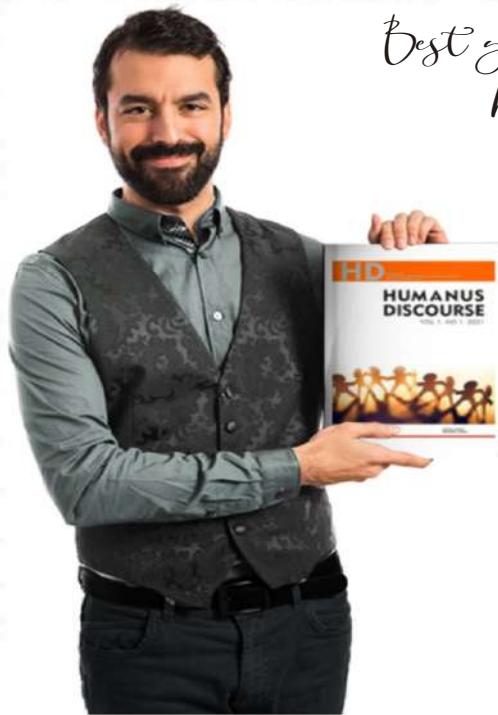
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