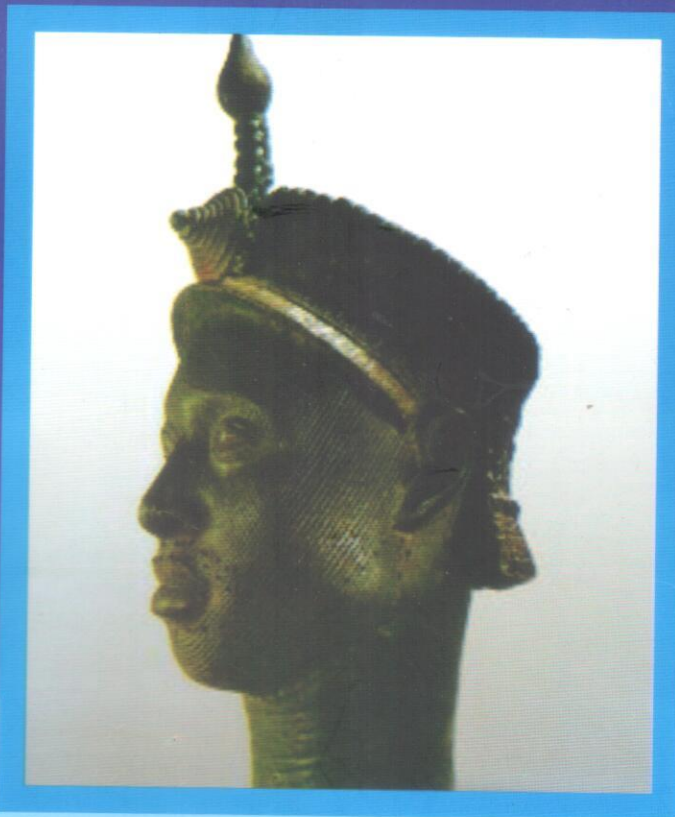


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SPACES OF INSURGENT CITIZENSHIP: LAGOS AND THE RIGHT TO THE CITY

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Abstract

This article examines the controversy generated by the ejection of beggars and destitute from Lagos to their states of origin in 2014. The debate revolved around two fundamental, but related issues. The first is whether citizenship is a legal concept or a social process. The second is whether the poor also has a right to participate in the life of the city and benefit from the rewards that attract people into the city. As in popular citizenship discourse, the concept of insurgency has been used in this article to describe the struggle over the meaning and orientation of citizenship in the urban public space. The central argument is that although the public outcry tended to suggest that the action of the Lagos State Government was strange, the practice can be traced back to the colonial period. The paper suggests that the problem can be managed through good governance and the creation of begging zones outside the central business districts.

Key Words: Insurgent Citizenship, Street Beggars, Public Space, Lagos, African Urbanization.

Introduction

The need for collective order outweighs whatever putative rights a homeless or beggar might have to find a place for living in the public spaces of the city.¹

In August, 2014, media report that the Lagos State Government had 'deported' 67 beggars of Igbo origin from Lagos, and dumped them on the Upper Iwaka Bridge at Onitsha in Anambra State at midnight to find their way home, generated a huge public outcry. Many Nigerians condemned the forceful ejection, particularly the choice of the unholy hours² of the night to perpetrate the crime. Human rights activists

queried the right of the state government to deprive any Nigerian from living and earning an income in any part of the country. The Onitsha Branch of the Nigerian Bar Association threatened to drag the Lagos State Government to court over the matter.³ Several well-meaning Nigerians appealed to Governor Peter Obi, the Anambra State Governor, not to retaliate in the spirit of peace and unity of the country, but encouraged him to lodge a formal complaint to the presidency for redress.⁴ In all, the public outcry suggests that the deportation of the beggars was unusual, inhuman and unconstitutional.

The defence of the Lagos state government shows that the deportation was not targeted at any particular group and was done in line with its new urban renewal policy, particularly the goal of transforming Lagos into a mega city. The Special Adviser to the Governor on Youth and Social Development, Dr. Dolapo Badru, disclosed that a total of 3,144 beggars and destitute had been deported from Lagos to other states of the federation and to the neighbouring countries of Niger, Chad and as far as Ivory Coast. The statistics included: Sokoto (196), Oyo (83), Kano (75), Osun (67), Ekiti (21), Ondo (7), Niger Republic (12), Chad (2) and Ivory Coast (1). Badru added that the government had zero tolerance for destitution and begging in the state, warning that the "picking of unwanted persons from the streets of Lagos would be a continuous exercise".⁵ The connection between the deportation exercise and the on-going beautification project of the Governor Raji Fashola Administration was recognized by many Lagosians; some of who believed that the government had gone a bit too far. For instance, one newspaper correspondent, Gbenro Adeoye, wrote:

Lagos State Government has openly courted the idea of attaining a mega city status for some time and has even shaped some of its policies towards the agenda. However, the growing influx of destitute and beggars

into the state has continued to make nonsense of its mega city status.⁶

A government spokesman, Joe Igbokwe who coincidentally is from Anambra State, said:

To put the record straight, the Lagos State Government, with the commitment to the interest of Lagosians, had long embarked on the decision to pick up the many derelicts, the homeless, beggars and social miscreants that inhabit all parts of Lagos. The government cleans them up, finds means of livelihood for those that are employable and sends those it cannot manage to their respective states.

The nature of the controversy raises several questions: is the ordering of public space in the advanced countries also done to exclude the poor and the homeless? Was the deportation exercise of 2014 the very first-time beggars were deported from Lagos? Why did the 2014 exercise provoke so much public outcry? And how can the problem be managed to preserve the unity and the stability of the country? These questions will be addressed in the rest of this essay.

To begin with, Lagos is not the only place where the poor are displaced from public space in the urban centre. A public space is usually understood to be a social space that is generally accessible to people. This usually includes roads, public squares and parks, and government buildings. In several advanced countries, municipal governments are increasingly regulating the public space to prevent the homeless and the poor from sleeping in the parks. Parks and other public spaces have become common sites of contestation that they are now widely regarded as 'spaces of insurgent citizenship'.⁸ For instance, Margaret Crawford has done a major work on how public spaces in Los Angeles are regulated to fence out the poor. Anne-Marie Sanvig Knudsen similarly conducted a research on how the Indian government, in a bid to transform Mumbai into a world-class city,

began to clear the city of slum and pavement dwellers.¹⁰ We would also recall that the genesis of the political crisis between Governor Rotimi Amechi of Rivers State and the First Lady, Dame Patience Jonathan, revolved around the attempt of the Governor to clear the slum at the waterfront at Anyugbiri in Okrika some years ago. The First Lady had opposed the planned demolition, in the belief that the exercise will affect her people negatively. The duo eventually parted ways and became political enemies. In essence, this development has raised the distinction between formal and substantive citizenship, in which the former is used to denote the legal and constitutional rights citizenship confers on the individual, while the latter refers to the empowerment that is needed to claim or exercise such rights in reality.¹¹ And, as the opinion expressed by Don Mitchell in the introduction of this article shows, opinion is divided on the merit of such exclusionary policies. While some see the practice as an infringement on the private rights of the individual, others argue that such rights or liberty must be subordinated to the requirements of law and order for the common good of the society. In any case, it is expected that the problem will generate a growing concern in Africa,¹² where the rate of urbanization is faster than other parts of the world.

Available record shows that in 1910, only about 4 million Africans lived in cities. By 2007, the figure had risen to 373 million. It has also been projected that by 2030, about 770 million Africans will be living in the cities. The problem of access to the city, and by extension the discourse on citizenship, will continue to engage the attention of administrations and scholars. And, while it is helpful to anticipate the dimension of the problem in the future, an investigation into the past reveals that the repatriation of beggars from Lagos to other parts of Nigeria happened during the colonial period. Indeed, record indicates that between March and December 1944, no less than 78 beggars and other "undesirables" were transported out of Lagos to

other parts of Nigeria.¹⁴ The practice was not accidental. It was the product of a carefully thought-out policy.

Deportation of Destitute During Colonial Era

As early as the 1920s, the growing number of beggars on Lagos streets had become worrisome. The seminal work of John Iliffe showed that most of them came from Hausaland. And, by 1921, they had organized themselves to the point of selecting a king of the beggars.¹⁵ By the 1930s, the activities of the beggars were already hindering the free flow of vehicles in Lagos Island. The Lagos Town Council was at a loss on what to do to arrest the trend. The situation continued into the early 1940s when the Lagos elite began to complain loudly about the menace of the beggars. In February, 1944, the Lagos Women Welfare Council wrote a petition to the Town Council on the subject.¹⁶ The petition led to a chain of reaction. First, a census of the beggars on the streets of Lagos was conducted and the figure was found to be 153.¹⁷ The investigation revealed that some of the beggars commuted to Lagos from places such as Agege to ply their trade on daily basis.¹⁸ The Town Council proposed three lines of action to the Commissioner for the Colonies. The first was the general prosecution of beggars to discourage others from joining their rank. The second was the establishment of a welfare home or camp for those that could be rehabilitated, especially those of Lagos origin. The third was the deportation of others to their places of origin outside Lagos.¹⁹

Record shows that three government agencies, the police, the medical or welfare office and the town council were involved in the repatriation exercise. The arrest of the beggars was followed by a period of detention during which the mental and physical state of the individual was ascertained to determine the nature of the intervention. At the same time, contact was made with the person or institution that could refund the cost of the repatriation. In many cases, the family of

the repatriate paid the fee. In others, the ethnic union refunded the money. In exceptional cases, the Lagos government paid the bill.²⁰ In a recent study, Tunde Decker has shown that between March and December 1944, a total of 78 "undesirables" were repatriated from Lagos. Between January and December, 1945, 100 more were deported from Lagos. Of particular significance is the disclosure that some of those who were deported later found their ways back into Lagos.²¹

Policy, Politics and Protest: The Way Forward

It is evident from the above that the practice of deporting beggars from Lagos did not start with the Raji Fashola Administration. Its discontinuation at some point appears to have created the impression that it is a recent development. While it is true that the main motivation for reviving the practice was the beautification programme of the government, the exercise provoked public uproar because of its intersection with the larger issues of indigene/settler crisis and the general anxiety created by party politics as the nation progressed towards the general elections of 2015.

The indigene settler crisis has been fuelled by the implementation of the federal character principle as quota system, which has encouraged state governments to reserve their own share of the national cake for the indigenes of their states. Consequently, each state creation exercise had resulted not only in 'asset sharing war' between the old and the new state excised from it, but the displacement of civil servants in the service of the old or parent state to their new states of origin.²² A new dimension was added to the practice when the Governor of Enugu State retrenched all the indigenes of Abia State still in the service of Enugu to keep the wage bill manageable following the introduction of the new minimum wage in 2013. The then Governor of Abia State, Theodore Orji, retaliated

later.²³ The issue has remained one of the divisive elements in Igbo politics. The deportation of the beggars from Lagos to Onitsha was seen by some people, in this light. Hence, the appeal to Governor Peter Obi not to retaliate. The choice of Joe Igbokwe to speak in defence of the policy was calculated to discourage the reading of ethnic sentiment into the development. Joe Igbokwe at that time held the position of the General Manager, Lagos State Infrastructure Maintenance and Regulation Agency [LASIMRA]. The other Igbo person in the cabinet of Lagos State then was Ben Akhabueze, the Honourable Commissioner of Planning and Budget. Joe Igbokwe, therefore, represented the liberal or accommodationist policy of Lagos State.

Indeed, some people believed that the ejection of the beggars and destitute from Lagos became a major issue because it was heavily politicized. On the political plane, Lagos and Anambra belonged to two different parties, namely the Action Congress of Nigeria (ACN) and the All Progressive Grand Alliance (APGA), respectively. The possibility of politicizing the deportation of the beggars was, therefore, very high. It was also evident that the ruling People's Democratic Party wanted to build political capital from the incident. The Party was eager to weep up Igbo sentiment to make them play the role of the vote swinger in the general elections of 2015, a goal that was almost achieved. For instance, it has been noted that Governor Muazu Aliyu Babangida of Niger State carried out a similar exercise in Minna without provoking any controversy.²⁴ This was why Governor Rauf Aregbesola of Osun State cautioned Peter Obi not to politicize the issue. Osun, a Yoruba state under the control of Action Congress of Nigeria (ACN) had similarly received 135 beggars from Lagos between April 2010 and July 2013.²⁵ In 2010, Governor Alao Akala of Oyo State had also complained that the Lagos State Government clandestinely dumped some destitute of Oyo State origin on the Molete bridge in Ibadan.²⁶ While all these explanations may have defused the

tension, a solution is yet to be found to the problem of street begging and destitution in metropolitan Lagos.

To begin with, the repatriation or deportation of beggars from Lagos to other parts of the country since 2009 has not eliminated the presence of beggars in metropolitan Lagos. We would also recall that some of those who were deported during colonial period found their ways back into the city. Since outright ban is not practicable, it is necessary to strike a balance between the interest of the government that wants to create an urban environment free of beggars, the beggars who do not want any restriction on the practice of their trade, and, the populace whose opinion on the subject could be influenced by their religious persuasions, their economic status as well as their notion of citizenship. The harmonization of these interests will necessarily imply making concessions and synthesizing informality with formality or modernization. The following suggestions can be considered as the way forward.

The government could create begging zones where beggars can freely operate, away from the central business districts which is the focus of attention as of the moment. Although this suggestion may appear elitist, it is important to stress that the same philosophy partly explains the creation of the 'Sabo' Hausa Quarters in Ibadan in 1903. It has also been noted that Governor Abiola Ajimobi of Oyo State had been removing the beggars from the main roads between Sabo and Mokola area to the hidden corner along Jemibewon Road in Ibadan.²⁷

Alternatively, the government could prohibit begging before 7.00pm from Monday to Friday in metropolitan Lagos so that Lagosians, particularly the elite who are often the target of the beggars, could go about their normal business unmolested. Under this arrangement, Saturday and Sunday should be left open for the beggars to solicit for alms. The window of opportunity will help the government to control the situation.

If deportation is to take place at all, it should be with the cooperation of the relevant state or local authorities as was the case in the colonial era. The example of the transaction between the governments of Lagos and Akwa Ibom is suggested. At the height of the controversy, Governor Babatunde Raji Fashola had disclosed that there was an exchange of destitute between Lagos and Akwa Ibom State after due consultation.²⁸ This pattern of exchange will reduce the politicization of the problem.

More importantly, it should be realized that street begging is a reflection of the economic condition of the country, just as the rural-urban drift. Lagos is the financial capital of Nigeria and all kinds of people drift into it to earn a living.²⁹ The judicious use of resources, by all the three tiers of government, the establishment of small scale industries across the country and the intensification of poverty alleviation at the grassroots will also help to reduce the number of beggars in Lagos. It could also be argued that the country is rich enough to institute a social welfare scheme to take care of the poor and the destitute. This suggestion is particularly timely now on account of the prevailing economic hardship under the Buhari Administration. In the 1990s, Brigadier Mohammed Buba Marwa had built a home for destitute in Okobaba in Ebute Metta, Lagos. The home, which was meant to accommodate 300 people now houses more than 1000 people. The Federal Government can help the Lagos State government to establish more of such homes or camps.

Conclusion

"Eko gbole o gbole" is a popular Yoruba saying that suggests that Lagos is receptive or accommodating to all manners of people including thieves and the indolent fellows. Like many urban centres in different parts of the world, the commercial status of Lagos and the employment opportunities it has, has continued to attract settlers from

far and near. While the constitution of the Federal Republic of Nigeria guarantees the right of every citizen to live and work in any part of the country,³⁰ the city of Lagos is a political space where the meaning of citizenship and urban life are contested every day. This has been the situation since the council era. For instance, the 1943 Children and Young Person's Ordinance prohibited all children under fourteen from selling petty goods in the street, while girls aged between fourteen and sixteen were banned from hawking in the Central Business District especially close to bars, brothels and military barracks.³¹ The desire to preserve urban Lagos as a moral space, particularly by preventing juvenile prostitution, also led to the ban on girls under the age of sixteen coming to Lagos unaccompanied. Those who were caught were promptly sent back to their places of origin.³²

The Mega City status of Lagos has necessitated the gentrification and beautification programmes of the state government. Consequently, the "Danfo" and "Molue" buses that were very popular in Lagos from the 1960s to the early part of this millennium are gradually being phased out since the advent of the Bus Rapid Transit (BRT) system in Lagos.³³ Similarly, commercial motor cycles, called Okada, are also restricted from certain routes in Lagos. The on-going removal of beggars and destitute from the streets of Lagos, and their resettlement in homes or transportation to their states of origin by the Lagos state government, should therefore be seen both as a fall out of the mega-city status of Lagos and the contestation of power relations as it affects the need for collective order and the right of beggars and destitute to operate freely in Lagos. On the whole, the number of beggars and destitute on the street can only reduce with good governance and government policies that take the common man into consideration.

Endnotes

1. Don Mitchell, *The Right to the City: Social Justice and Fight for Public Space*, The Guilford Press, New York, 2003, p. 134. The book examines the vital relationship between the struggles over public space and the movement for social justice in the United States.
2. See, "Lagos State and Deportation of Beggars". In: <http://thepointernewsonline.com?> accessed 19/09/2014. In Immigration Law, deportation is usually used to refer to the ejection or repatriation of illegal aliens from one country to their countries of origin. However, this concept was used in the media to describe the removal of beggars and destitute from Lagos in 2014 ostensibly to draw attention to the gravity of the problem. This paper has retained the use of the concept in the Nigerian public discourse.
3. "Lagos State and Deportation of Beggars". In: <http://thepointernewsonline.com> accessed 19/09/2014
4. "Lagos State and Deportation of Beggars". In: <http://thepointernewsonline.com> accessed 19/09/2014 "Chei Lagos State Deports 3,105 Beggars to their States of Origin" in <http://www.gismania.com/talk/topic,67274.o.html> accessed 19/09/2014;
5. See, also, Tope Templer, "Tired of playing Big Brother, Fashola bares fangs on the destitute" in <https://topetempler.wordpress.com/tag/beggars.accessed> 18/09/2014.
6. Gbenro Adeoye, "Daily Influx of Beggars Threatens Lagos Mega-City Plan-Investigation" Punchng.com/feature/daily-influx-of-beggars-threatens-lagos-mega-city-p....accessed 18/09/2014. p.01.
7. Ignatius Igwe, "Lagos ACN backs deportation of beggars" <http://www.punching.com/news/lagos-acn-backs-deportation-of-beggars>; accessed 18/09/2014.
8. See, James Holston, *Insurgent Citizenship: Disjunctions of Democracy and Modernity in Brazil*, Princeton University

25. See, Femi Falana, "How Lagos Broke its own laws on Deportation" in <http://7/saharareproters.com> 2013/09/01 Law - Lagos - broke - its known laws - deportation % 80% 8F - by - Femi - Falana - accessed 01/09/2013.
26. "Lagos State and Deportation of Beggars".
27. Interview held Isaac Olawale Albert, Institute of Africa Studies, Ibadan, 23 April 2015.
28. "Lagos ACN backs deportation of beggars". In <http://www.punchng.com/news/lagos-acn-backs-deportation-of-beggars>. accessed 18/09/2014.
29. The problem is that the beggars are extremely reluctant to remain in the home. They prefer to be on the streets.
30. Sections 39 (1) and (2) of the Nigerian Constitution Stipulates that no Nigerian should, as a result of government action or any law in force, buter disabilities or restrictions to when citizens of Nigerian of other communities are not made subject.
31. See, Laurent Fourchard, *Classify, Exclude, Police: Urban Lives in South African and Nigeria*, Wiley, oxford, 2021, pp. 77 – 81 for details.
32. Laurent Fourchard, *Classify, Exclude, Police: Urban lives in South Africa and Nigeria*, Wiley, oxford, 2021, p.81; See also National Archives, Ibadan (NAF), COMCOL 1, 2844, Dwight E. Faulkner, 'Report on Child Prostitution in Lagos', 1 July, 1943.
33. The Bus Rapid Transit (BRT) System was inaugurated during the administration of Governor Babatunde Raji Fashola on 17th March, 2008.

THE RESTRUCTURING DEBATE AND THE CHALLENGES OF ALTERING THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999

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Abstract

Formal federalism which suits Nigeria's diverse ethnicity was adopted in 1954 under the Oliver Lyttleton Constitution. But over the years, the country has grown through weird constitutional reforms imposed by the Military to become almost a unitary state in practice. Today, as a result of the devaluation of the federal system and other safeguards for local autonomy, the federating states of Nigeria have become mere administrative centres for the exercise of federal authority thereby destroying the spirit and principles of federalism that were agreed upon by the country's founding fathers at the Lancaster Conference, in London, in 1953. The situation is worsened by structural abnormalities in inter-governmental relations occasioned by constitutional defects which have accounted for recurrent crises of poor governance, financial crimes, fear of domination, struggles over fiscal federalism and "resource control". The insertion of several constitutional techniques for the management of Nigeria's centrifugal forces in the form of "federal character principle", "quota system" and "equality of states" principle in several institutions of government not least the Senate, has been futile in containing separatist agitations. In a bid to proffer practicable solutions to the various challenges confronting Nigeria, national debates in the last two decades have centred on the issue of "restructuring" of the polity through constitutional amendments as a lasting panacea to the crises of governance, separatism and instability in order to avoid a total

enabled it to gain the control of power at the centre while economic power remained in the south by virtue of their modern industrial production and greater numbers of western educated population. The south also had access to the sea which enabled it to gain more from foreign trade; and a sprawling industrial system particularly in the Western Region. The structural imbalance fueled significant distrust among the regions and constituted a major challenge to governance in the immediate post-independence period. In fact, it accounted for major retrogressive events in the country's political history such as the different military coup d'état staged by the Northern military officers in July 1966 in response to the earlier January 1966 coup perceived to have been staged by military officers from the Eastern Region; in order to "recapture" political power at the centre, which the North saw as their only leverage in the power-mix of Nigeria. In reaction too, the Eastern Region decided to secede from Nigeria in 1967. This provoked a 30-month-long civil war that lasted until 15th January 1966.³

Subsequently, Military interventions in the power-mix and political structure of the country continued from 1967 and manifested in the dissolution of the regional system and the creation of a 12-state structure in its replacement. Thereafter, in 1976, 1987, 1991 and 1995 more states were created by different military regimes that governed the country, most of which were dominated by the northern officers. In fact, out the 8 military regimes that governed Nigeria between 1966 and 1999 only one of them came from the southern part (General

Lagos respectively gave birth to the Lyttleton constitution. The constitution fully introduced a federal system, with North, East, West and Southern Cameroons. While the Federal capital territory was in Lagos; The Independence Constitution of 1960 is Nigeria's first constitution as a sovereign state and was enacted by a British order in council so as to come into force immediately upon independence, on 1 October 1960. Under this constitution Nigeria retained Queen Elizabeth II as titular head of state and kept the federal arrangement.

³R. L. Sklar, "Nigerian Politics in Perspective." in R. Melson and H. Wolpe, *Nigeria: Modernization and the Politics of Communalism* (1970), East Lansing: Michigan State University Press. p.50.

Olusegun Obasanjo) and he did not create any.⁴ In other words, only the northern military officers created states which they ensured favoured the northerner part and gave it the political advantage over the south both in fiscal and administrative terms. All these states' creation formally consolidated and expanded the political advantage of the north over the south as she, in every state creation exercise, gained more political leverage over the south. Today, there are 19 states created out of the Northern region but only 17 created out of the south's three regions of East, West and Mid-West Regions.

Apart from the fact that military rule was an aberration in the country's constitutional system, their rule served as a form of interregnum to democracy and it systematically put federalism on hold via various decrees deployed to suspend important constitutional provisions that had been agreed upon by the founding fathers of Nigeria's federalism as the basis of their continued union, in 1953. Although, General Yakubu Gowon who became Head of State in July 1966 expressed a tacit support for federalism when he stated that; "I believe in a federation with a strong centre but with states having enough powers to manage their own affairs",⁵ his regime nonetheless created a lopsided federal system. Regardless of Gowon's opinion, military governments in Nigeria adopted a unitary system of government; making laws through a centralised Supreme Military Council (or the Armed Forces Ruling Council) and interfering at will with the authority of the judiciary and the States of the Federation.⁶ Appointment and accountability of governors was strictly to the Head

⁴ These were the military regimes of: Generals J.T.U. Aguiyi-Ironsi (1966), Yakubu Gowon (1966-1975), Murtala Muhammed (1976), Olusegun Obasanjo (1976-1979), Muhammadu Buhari (1983-1985), Ibrahim Babangida (1985-1993), Sani Abacha (1993-1998); and Abdulsalami Abubakar (1998-1999).

⁵ *Drum* (Lagos), March 1968. (interview of General Gowon).

⁶ For instance, in response to court order on seizure of the properties of a former politician, the military government passed a decree with retrospective effect seizing the power vested in the judiciary under the constitution or any other federal law. J. I. Elaigwu "The Practice of Federalism in Africa, the Nigerian Experience and the Way Forward" (2013), 3rd Goddy Jidenma Public Lecture delivered at Nigerian Institute of International Affairs, Lagos.

Constitutionalism and Nigeria's Federal Structure

Federalism is a flexible concept usually influenced by peculiar socio-cultural backgrounds and history of the federating units. Consequently, it has been a subject of various scholarly definitions. In most cases definitions reflect some common features which may not necessarily be present in every federation as theoretical perception of the concept differs from what is obtainable in practice where unforeseen variables may affect the relationship among the federating units. Variables such as foreign relations and need to coordinate national unity amidst ethnic diversity often lead to the granting of greater powers to the central government in most federations. Having laid down this premise, a federal state may be defined as a relationship between a central government and other tiers of government where the central government represents the federation in external relations and matters of common interest while state authorities possess administrative and legislative autonomy granted by the Constitution over their respective territories.¹¹

From the perspective of K. C. Wheare, federalism is a method of dividing political power among units of government in a manner that affords each unit requisite independence in its affairs.¹² By implication, federalism is said to exist where regional governments willingly agree to surrendering parts of their political powers to the central administration in a manner that guarantees the autonomy and equality of each federating unit. For instance, thirteen independent states came together to form United States of America on the terms of the Philadelphia Conference of 1787. It therefore follows that a federation must comprise of minimum of two levels of government; each federating unit must be independent, equal and must derive its political power from the Constitution. They must also have financial autonomy over their territories and any dispute between the different levels of government is resolvable by a Supreme Court established by the Constitution. Hence, from Watts' perspective, "Ultimately

¹¹ See, A. Appadorai, *The Substance of Politics*, London, Oxford University Press, 1975.

¹² See, K. C. Wheare, *Federal Government* (4th edition). London: Oxford, 1963.

federalism is a pragmatic and prudential technology whose applicability in different situations has depended upon different forms in which it has been adopted or adapted, and even upon the development of new innovations in its application.¹³

A federal system of government exists as a compromise arrangement often adopted in diverse societies as an instrument for achieving unity in diversity. It enables the levels/tiers of government to cooperate with the central government on national issues. All tiers are seen as equal and are granted the requisite autonomy to operate and thrive within the ambits of the law. So, it is an irreducible principle that in a federal system, there must be in existence at least, two levels of government who share political power derived from a written and rigid constitution. The system thrives with the existence of a central legislature where all federating units are equally represented, independent judiciary that will intercede over conflicting issues and establishment of institutions and agencies to facilitate intergovernmental cooperative federalism. Although, in actual practice there is no perfect or ideal federalism, it is thus difficult to find a federal State where all the basic principles of federalism are being upheld. Variables like historical antecedents, socio-political and economic environment, societal ethics and morals have great influence on the form of federalism that a State adopts.

Regardless of the historical antecedents, socio-cultural practices of a state, technological advancement, societal demands and political needs, which necessitate horizontal and vertical integration leading to increased inter-dependence among component units, the cardinal principle of federalism must be guaranteed by the constitution and upheld by the federation before a federal state can be said to exist. One of the most crucial principles of federalism is the autonomy of the federating units. Niki Tobi, JSC, who, while delivering the lead judgment in a matter involving the federal government's interference with a state government's financial autonomy stated that the autonomy of state governments is a crucial part of Nigerian federalism which

¹³ R. L. Watts, *The Federal Idea and its Contemporary Relevance*. Kingston, Institute of Intergovernmental Relations, 2006, p. 6.

Constitutionalism also relates to issues of control of government, right from the point of drafting the constitution, the extent of which it is people participatory, consultation with the people whether through referendum or plebiscite to gather their opinion on major national issues, incorporation of such opinions into the document, accessibility of the draft to the people in an understandable form and protection of the people's right through the Constitution. Express disregard for the principles of constitutionalism leads to draft of a faulty Constitution which will serve as a breeding ground for national conflicts.¹⁷

However, a reflection on the history of constitution drafting in Nigeria reflects express disregard for the principles of constitutionalism. For example the unitary constitution promulgated by General J. T. U. Aguiyi-Ironsi in January 1966 had scant respect for constitutionalism.¹⁸ The truth is that governments of Nigeria since 1960 (except for that of General Obasanjo) have had a history of neglecting the people in the process of constitution making. It is usual for them to ignore their people's well-being in the drafting of the constitution and suppressing the will of the people. Consequently, the Constitution ceases to be a document that vests sovereignty in the people rather, it fuels several societal conflicts.

In the history of Nigerian federalism, seven federal constitutions have been drafted but only five were implemented. The 1954 Oliver *Lyttleton* constitution which ushered in the federal system was preceded by the 1953 and 1954 Constitutional Conferences held in London and Lagos, respectively. Representation of the people was through their political parties and traditional leaders, there was no avenue for direct consultations with the people. As expected under an ideal Constitutionalism, the initial draft should have been circulated, tested and reactions of the people gathered through a referendum. But absolute reliance was placed on the opinions of the two classes of representatives and the constitution was shoved down the people's

¹⁷B. Ramcharan "The Evolving African Constitutionalism: A Constitutionalism of Liberty and Human Rights" (1998), *The Review*, vol. 60.

¹⁸ A. Odubajo "An Examination of Contending Issues in Nigeria's Federal Practice" *Journal of Alternative Perspectives in Social Sciences*, (2011), vol. 3, No 1. 1-33.

throat. Even the 1960 Independence Constitution followed similar pattern but in the case of the 1963 Republican Constitution, its initiation and adoption was more democratic. A Constitutional conference was organized and attended by all political parties where it was agreed that Britain's interference with national governance should be terminated as a reaction to the reversal of the Supreme Court's decision by the Privy Council earlier in the year. Still, the 1979 Presidential Constitution was entirely different being a document that was by military *diktat*. Although attempts were made to consult with the people through a constitutional drafting committee set up in 1975, which acted based on the people's views expressed through a memorandum, but the method through which members of the committee were selected has been highly condemned as it was neither democratic nor scientific.¹⁹

Another constitution was drafted in 1995, although it never saw the light of the day, its drafting was a task in the hands of a three hundred and sixty-nine membership National Constitutional Conference organized by Late General Sanni Abacha, although most of the members of the conference were nominated. Thus, in preparation for drafting the 1999 Constitution, public debates and symposia were organized to consider the practicability of adopting the 1995 Constitution, the draft was rejected while precedence was given to the 1979 constitution. Thus, a new constitution was drafted, vetted by the Supreme Military Council²⁰ and signed into law through Decree 24 of 1999. The 1999 Constitution followed similar pattern as previous Constitutions, as it was drafted without consulting with various stake holders and incorporating people's interest, rather it was imposed on the nation by the military administration. This was rightly articulated by Ihonvbere who stated that:

¹⁹ Besides the unconventional method of selecting the committee members, hiding under the umbrella of national interest and security, the powers of the constituent assembly to debate over certain subjects was expressly prohibited. A. Gboyega, "The making of the Nigerian constitution" in O. Oyediran (ed.) *"Nigerian Government & Politics under Military Rule"* Lagos, Friends Foundation Publishers Ltd, 1988.

²⁰ The Supreme Military Council was the highest organ of government during the Abacha regime.

the Country has never adopted a participatory or process-led approach involving the various nationalities, groups and the various communities, constituencies and interests that make up the country in compacting its constitution.²¹

The observable trend in the history of Nigeria's constitutional making is the failure to involve the people who will eventually be bound by the law, rather the constitutions are usually imposed on the nation. Also, most of the constitutions were handed down by military administrations with political power concentrated at the Centre thus reflecting unitarism and dictatorial tendency as opposed to tenets of federalism. If the country is really committed to solving major national issues most of which are linked to our faulty political system, a people's constitution need be drafted in compliance with the principles of constitutionalism and democracy. All stake holders must be actively involved in drafting the instrument, formal legislative process must be followed and the people's will must not be suppressed as the basis of the legitimacy of the constitution.

Effects of the Provisions of the 1999 Constitution on Nigeria's Federalism: Challenges of Politics and Governance

The Constitution is the *grund norm* which forms the basis of legality of any government; it ensures that government and the people act within the confines of national law. It is the supreme law of the land which over-rides any other that is inconsistent with it²² and prescribes the political system of governance and the relationship among the arms and tiers of government where such exist. Although

²¹ J. Ihonvbere, "The Nigerian State as Obstacle to Federalism: Towards a New Constitutional Compact for Democratic Peace". In: T. Gana & S. Ekwu (eds.), *Federalism in Africa: The Imperative of Democratic Development*. Trenton: Africa World Press, Inc, 2003.

²²Section 1(3) Constitution of the Federal Republic of Nigeria, 1999 (as altered).

the 1999 Constitution describes Nigeria as a federation²³ consisting of thirty-six states and a Federal Capital Territory.²⁴ The Constitution has other provisions which distort the nation's federalism by concentrating too much power at the Centre giving the country a unitary or quasi-federal structure. The structural defects in Nigeria's federalism as propelled by the Constitution constitutes the root-cause of several national issues mitigating against national development and fueling several socio-political conflicts hence, it is imperative on scholarship to identify those conflicting provisions and the resultant effects, as the first step towards amendment of the constitution.

The most noticeable defect of the 1999 Constitution is the over-concentration of political power at the center, to the extent that the autonomy of other tiers of government and cooperative federalism is adversely affected. Certain matters which ought to be within the confines of State authority or in the concurrent list are placed in the exclusive legislative list. These include: (i) ownership of States' mineral resources, which should be the business of the state where such is found. To the contrary, this is placed in the exclusive legislative list²⁵, (ii) financing of local government which ought to be the sole responsibility of States is made a federal concern,²⁶ (iii) creation of National Judicial Council responsible for the appointment, discipline and removal of judicial officers of States is placed under the authority of the federal government,²⁷ (iv) overriding States' autonomy or involvement in matters relating to industrial relations, labour, determination of minimum wage and affairs of trade unions,²⁸ (v) vesting in the hands of the federal government, matters relating to

²³Section 2(2) Constitution of the Federal Republic of Nigeria, 1999.

²⁴Section 3(1-4) Constitution of the Federal Republic of Nigeria, 1999.

²⁵Section 44, Item 39, Exclusive Legislative list, *Constitution of the Federal Republic of Nigeria, 1999*.

²⁶Section 164(4 and 2), *Constitution of the Federal Republic of Nigeria, 1999*.

²⁷Part 1, Third Schedule, *Constitution of the Federal Republic of Nigeria, 1999*. This ought to be within the concurrent list in such a manner that state judicial officers will be regulated by the respective states of employment.

²⁸Item 34, Exclusive Legislative List, *Constitution of the Federal Republic of Nigeria, 1999*.

electricity generation and transmission except in rural areas²⁹, (vi) conducting population census in the territory of States to aid internal planning and development³⁰ and; (vii) issues of policing and State security are made exclusive to the federal government.

The basis of federalism is found in the manner of interactions among the tiers of government, where there is strict compliance with the limitation of functions, powers, duties and jurisdiction as prescribed by the Constitution. This manner of relations is called "dual-federalism". On the other hand, "cooperative federalism" is practiced where, despite the consciousness of functional limits and jurisdictions the various tiers of government interact closely in a decentralized manner without overriding the autonomy of one-another. However, since the return of democratic government in May 1999, the relationships between the federal government and the states of the federation has been marred by myriads of conflict. Under the administration of the first democratic President, Olusegun Obasanjo (1999-2007), there were numerous instances of unilateral decision making without consulting with State Governors in matters that affected their states. For example on the 1st of May 2000, the federal government single handedly increased the Minimum Wage of States' Civil Servants to ₦5,500 and that of Federal workers to ₦7,500 without consulting the State Governors or any of the Houses of Assembly of the States of the Federation. Although the President is empowered under the Constitution to carry-out this act, since State governors will be responsible for payment of civil servants' salaries at the State level it would have been more realistic and in the interest of cooperative federalism, the President had the duty to consult them before making taking such decision. It was difficult for the Governors to comply considering the meagre revenue at their disposal; this led to intermittent industrial actions in different States for up to one year.³¹

²⁹ Item 14(b), Concurrent list, Constitution of the Federal Republic of Nigeria, 1999.

³⁰ Item 8, Exclusive Legislative list, *Constitution of the Federal Republic of Nigeria* 1999.

³¹ See, *Vanguard* (Lagos), 4th May, 2000, p. 2.

In a similar pattern, the President unilaterally declared a free Universal Basic Education in Sokoto State. This was clearly against the principle of federalism, since education falls within the concurrent legislative list, it will be realistic for the president to consult with the Governor of the State concerned before taking such step. Moreover, this may contradict the proposed educational policy of that State administration. Also, against cooperative inter-governmental relations necessary for federalism to thrive, the president unilaterally introduced a "Poverty Alleviation Programme" which was later changed to "National Poverty Eradication Programme" without consulting State Governors. Notably, a unified national poverty combating programme would have been more effective in alleviating poverty in Nigeria since all tiers of government have joint interest in ending poverty.

On the issue of Policing, since it is a matter within exclusive legislative list, Governors, as the "Chief Security Officers" of their respective States however take orders from the Inspector General of Police in Abuja, who is a federal officer. This is one of the most ludicrous constitutional provision in Nigeria. In fact, this practice have led, many times, to quarrels between Commissioners of Police in states and the State Governors.³² Furthermore, there were several instances of express disregard for Court orders and the rule of law by the executive, which is against the principles of democracy and cooperative federalism. On many occasions, the president unlawfully interfered with State finances as seen in President Obasanjo's refusal to release funds for newly created local governments in Lagos State despite the decision of the apex court that the federal government did not have the right to withhold local government funds.³³ The President

³² The Nation September 26, 2013. Reports the misunderstanding between Rivers State Commissioner of Police and Rivers State Governor, where the commissioner changed the Governor's aides without his authorization and prevented his associates from entering the Government House.

³³ See the Case of the *Attorney General of Lagos State v. Attorney General of the Federation* (2005), ALL FWLR Pt.244, pg. 805; Justice Uwais in expressing his dissatisfaction states that "the president's action was not only a clear contempt of the Supreme Court ruling but also illegal and unconstitutional. The ideal penalty wasto arrest anybody who committed that offence". *Daily Sun*, 13th June, 2006, p. 4.

expressly abused his executive powers on many occasions by using federal agencies as tools to subvert or intimidate the States. This too, offended the federal principle of coordinate existence and authority. For instance, the Economic and Financial Crimes Commission (EFCC) was used as a tool for impeaching State Governors while others were suspended through the declaration of State of Emergency as was the case with Governors of Anambra State, where the Assistant Inspector General of Police under the President's instruction arrested the Governor who was made to resign under duress³⁴, and the experiences of Governors of Bayelsa³⁵, Plateau³⁶ and Ekiti³⁷ States were in line with the same pattern. None of the circumstances under which state of emergency was declared by President Obasanjo ever complied with constitutional provision or the requirement of genuine federalism³⁸. Although the Judiciary was proactive enough to declare the impeachments of some Governors under federal government pressure as null and void, irreparable damage had already been done to the Nation's democracy and the federal system of government, not least, the rule of law.³⁹

Fiscal Federalism and Distribution of National Resources

Distribution of national resources encompasses allocation of financial, material, institutional resources at the nations' disposal. It also encompasses assigning location of government projects, employment into political offices and government institutions and ability of government officers to maintain equality in executing their functions. In order to ensure fairness and equal representation in appointment into government institutions and public services at the three levels of government, the Federal Character Commission was established to curtail complains of marginalization and discrimination.

³⁴ *Sunday Independent*, 15th October, 2006, p.11

³⁵ *Sunday Independent*, 15th October, 2006, p.9

³⁶ *Sunday Independent*, 15th October, 2006, p.11.

³⁷ *Sunday Independent*, 15th October, 2006, p.9

³⁸ Section 305, *Constitution of the Federal Republic of Nigeria, 1999*.

³⁹ *The Guardian*, 26th October, 2006, p. 1&2

Although the commission cannot boast of lots of achievements as the nation is yet to have an egalitarian society. As regards revenue allocation, the 1999 Constitution provides that Revenue Mobilization Allocation and Fiscal Commission (RMAFC) is saddled with the responsibility of presenting draft revenue allocation formula to the National Assembly for deliberations, distribution of income from natural resources shall be based on 13% derivation.⁴⁰

However, since the return of democracy, State Governors have argued that at least 40% of national income should be allocated to States, this was buttressed in the resolution of Governor's forum in 2002 and 2012.⁴¹ The argument is that the present revenue allocation formula is an imposition of military administration which concentrates too much funds at the Centre while starving other tiers of government. It has also been argued that power to collect tax should be devolved to the State and Local Governments. There have been agitations over marginalization by several groups the South-South states where crude-oil which accounts for 80% of national income is found. They complain that federal government have neglect to develop the area, they also frown at 13% derivation formula as provided by the Constitution and 100% control of their natural resources.

Furthermore, as regards resource allocation, the Obasanjo administration also passed a law which clearly conflicted with the principles of federalism. Through the law, Federal Government usurped the powers of State Governments to supervise and control statutory allocations to their Local Governments Areas.⁴² The law compelled State Governments to establish Joint Local Government Accounts Committee to be supervised by a federal government agent through which state allocation to local governments would be monitored. The law also empowered the federal government to make deductions from States' allocations of any outstanding but unpaid local

⁴⁰ Section 61 of the *Constitution of the Federal Republic of Nigeria, 1999* (as amended)

⁴¹ Acting through the National Governors Forum, the Governors demanded 42% of the National Income from the Federation Account. *The Nation*, 6th April, 2012, p. 6.

⁴² The Monitoring of Revenue Allocation to Local Government Act 2005

government funds. But thanks to the Supreme Court, in a *locus classicus* judgment, Niki Tobi, JSC, nullified the law/Act and further held that it was an attempt to abolish federalism and establish a unitary system in Nigeria. Such an Act expressly contravened constitutional provisions⁴³ and judicial precedence in several cases.⁴⁴

Economic Challenges

Nigeria is combining two financially demanding system “Democracy” and “Federalism”. Federalism involves duplication of government institutions, agencies and parastatals at all levels. In order to maintain autonomy of each tier of government, administrative offices are duplicated and this involves extra expenses by the government. Similarly, democratic systems are generally expensive to operate and manage. In order to capture the interest of the people from whom government derive its sovereignty, the three arms of government must be well equipped to represent the people, especially the legislature. In Nigeria, the Central Legislature is bi-camera, and there are legislative houses in every States of the Federation. At the end of each political tenure, elections are conducted at every level of government hence, the nation incurs huge costs of governance.

Cooperative federalism is easily achievable where the economy is vibrant. Nigerians have for several years now been thrown into abject poverty with more than 50% of the population living below poverty level. Although different political dispensations in the country usually include poverty alleviation programmes into their development plans,⁴⁵ the fight against poverty in the country is presently a lost

⁴³Section 162 (5) and (8). *Constitution of the Federal Republic of Nigeria. 1999.*

⁴⁴ In *A.G Abia State v. A.G Federation and ors.* [2002] 6 NWLR (Pt. 763) 264 at p.422. it was held that Local Government Councils are state Agencies and as such, the Federal Government lacked the power or authority to interfere with activities of local government. See, *A.G Ogun state and ors. v A-G Federation and ors.* (1982) NCCR 583, it was held that the federal government cannot by impose duties on state government or its agencies.

⁴⁵ Some of which includes “Operation Feed the Nation”, “Structural Adjustment Programme” (SAP), “Poverty Alleviation Programme”, and “National Poverty

battle. At present, Nigeria is undergoing economic recession with the exchange rate at ₦420 to one United States dollar and the high rate of inflation which affects general costs of living intensifying poverty. This is worsened by decades of failure to invest in developmental projects, social infrastructures are dilapidated, human capital is under developed and underutilized, educational, agriculture, health and manufacturing sectors are moribund.

The economic challenges confronting the nation are intensified by the effect of corruption which has worsened poverty and unemployment level. Because government has failed to invest job creation is adversely affected, there is a huge population of upset and unemployed youths who are used by politicians and terrorist groups as instruments of violence. Hence the high rate of inter group violence with the existence of crowd of frustrated unemployed youth who are handy for all illegal purposes including political thugs, body guards, armed robbers, kidnappers, insurgents and terrorists. This has also escalated the rate of crime and insecurity in the Country.

Like “Fifty Shades of Grey”: Differing Perspectives on the Idea of Restructuring Nigeria

The word “restructuring” simply means reorganization, rearrangement, reformation or altering of an existing structure. In Nigeria today, the idea of restructuring has different meanings to the different segments of the Nigerian population. To the current administration, restructuring entails economic reformation and diversification from crude oil dependency through the opening up of new frontiers including agricultural production, expansion, mining and investment in the manufacturing sector.⁴⁶ To an average person from the North including insurgent groups, restructuring connotes adoption of *sharia* law and limited westernization, but not necessarily checking

Alleviation Programme”, now, it is “Millennium Development Goals” and the “Sustainable Millennium Development Goals”.

⁴⁶*The Punch* “Buhari promises to restructure the economy”, 15th April 2016. It is further argued that at present, the priority of this administration is to rebuild the economy, create jobs and handle security challenges.

the excesses of public officers, due process and transparency. In the South-eastern part of the country and indeed, the South-south zone, restructuring is perceived as fiscal autonomy, total control of crude oil revenue, natural resource control and secession, if possible. The masses fighting for resource control and secession have failed to take cognizance of the fact that increased income is not tantamount to good governance and better living standards. For instance, allocation of additional 13% of national revenue to the Niger Delta region since 1999, establishment of Niger Delta Development Commission (NDDC) and granting of Amnesty to the militants by the Federal Government as means of improving the living standards have not led to any significant improvement in the economic and social conditions of the populations in that region. In the South-west restructuring is viewed as decentralization of political power in a manner that will transfer ownership and control of resources to States or geopolitical zones from whom central government will receive taxes.

Nigerians from different regions have at one point or the other called for the restructuring of our federal arrangement in the last two decades. As early as the time of General Sani Abacha, the South-west had demanded that a sovereign national conference be organized to discuss restructuring of Nigeria or at the very least, return it to the previous form in which there was regional autonomy and political power and resources was not concentrated at the Centre. In 1999, the Oodua Peoples' Congress (OPC) declared its intention to stand for the independence of the Yoruba Nation and protect the interest of the Yoruba people of Nigeria.

The struggle and demand for restructuring has evolved along Nigeria's political history, even insurgent groups like the Maitatsine in the north-eastern part of Nigeria during the early 1980s and the current Boko Haram terrorists have among their demands, a call for an autonomous state where *sharia*, the Islamic law, will be applied without any trace of western civilization. In the past decade, this kind of calls for restructuring dominated the arena of national debates. It is therefore crucial to examine the meaning of restructuring to the different regions, feasibility of embarking on restructuring, effects of

government's continuous neglect of the call and the way forward for the nation.

The North and the Restructuring Proposal

The North is made up of three classes of people and the idea of restructuring Nigeria has different connotations to the three groups. These groups include: (1) "the politically influential and rich elites" who constitute the ruling class and reap the benefits of North-South dichotomy in the country; (2) "the average Northerner" who derive their livelihood from their hard-earned income and have little or no contact with the ruling class; and (3) the "restive youth population", most of whom are agitated and prone to violence in response to poverty and denial of access to basic amenities, most of these people have been recruited into one insurgent group or the other.

In the historical development of Nigeria, the Northern Region is known for the ostensibly high population and evidently low level of education. In fact, the region is the least educated in Nigeria. The educational system of Northern Nigerians make the region vulnerable to the formation of youth restiveness and violence because it separates schools for western education (makarantanboko), from schools for religious teachings (makarantanaddini) and Qur'anic schools (makarantanallo). Western education is not readily accepted and pupils of such schools are treated with disdain. The Koranic schools promote the *Almajirai* system of education which opens their students up to street begging and makes them vulnerable to religious sects recruitment. This is the system promoted extensively in the North right from the pre-colonial through the colonial to the present era. The Northern Region Premier (Ahmadu Bello, 1959-1966) was reported to have established over two million koranic schools in the North in place of British schools.⁴⁷ And, this fact has continued to account for the North-South educational disparity.

⁴⁷ N. D Danjibo "Islamic Fundamentalism and Sectarian Violence: The "Maitatsine" and "Boko Haram" Crises in Northern Nigeria" (2009) Peace and Conflict Studies Programme, Institute of African Studies, University of Ibadan.

Also, despite the fact that the North has produced the highest number of leaders, political office holders and Heads of State of Nigeria; and anti-marginalization policies like federal character principle and zoning are most favorable to the region, there is no commensurate development to account for these privileges. Rather, the masses in the region are poverty stricken; their livelihood depends on subsistent farming and hand crafts. The region is also characterized by high birth rate resulting from religious and cultural believes of the Northerners which supports polygamy and extended family system. Socio-religious and educational factors permit the breeding of restive youths in this region and the high poverty level exposes the youth to violence in reaction to their poverty.⁴⁸ Recently, a frontline Emir from the region, Emir of Kano, Muhammadu Sanusi II (now deposed) spoke against these issues.⁴⁹ Consequently, terrorism grows in the north and is fueled by a huge army of unemployed and unemployable youth. Hence cases such as those of The Maitatsine sect, formed by Muhammed Marwa, a radical Cameroonian Islamic teacher, who migrated to Kano in 1945, could fester. The Maitatsine sect of Islam propagated his unconventional Islamic ideology involving condemnation of western culture and a believe in the need to cleanse Islam from contamination by western interference.⁵⁰ Till date, activities of Boko-Haram and ansaru sects which still pose security threat to the country have found attraction in the earlier Maitatsine ideology.

Until recently when former Vice President Atiku Abubakar and former Head of State Yakubu Gowon began to express their support for the idea of restructuring Nigeria's dysfunctional federalism, the Northern ruling class have been absolutely silent on the matter as they

are the main beneficiary of the present structural abnormality and thus entertain the fear of losing access to national treasury and political power in the event of a restructuring.⁵¹ For several years the Northern ruling class vehemently opposed the idea of restructuring Nigeria. In furtherance of their agenda to discourage restructuring, they have conspired with two Northern Pan-national groups; Arewa Consultative Forum (ACF) and Arewa Elders Forum (AEF) to distract the region with the fear that restructuring would lead to the collapse of their political advantage in the country.⁵²

Opposing views from the north have however been expressed by Atiku Abubakar who called for urgent socio-political restructuring of governance in Nigeria into a genuine federal system characterized by regional autonomy and decentralization of political power. He stated that restructuring will bring lasting solution to the numerous problems confronting the nation today, and set jurisdictional boundaries for each State by solving issues like land ownership and Fulani-herdsmen conflicts. It will also lead to financial autonomy for each constituent unit thus ending the age-long clamour of the South-south for "resource control", facilitate accountability, eradicate poverty and successfully accomplish anticorruption policies. He added that the present structure causes over-concentration of political power at the centre which enhances abuse of office, corruption and marginalization. He laid postulated a support for the decentralization of the police, and the termination of indigenization policy.⁵³

However, from the south, Chief Duro Onabule, a renowned journalist expressed the view that President Muhammadu Buhari ought to have been more diplomatic in turning down the idea of restructuring and implementation of the 2014 National Conference's Report. In a further explanation, he stated that the fact that one of the justifications relied upon by supporters of President Jonathan, particularly Chief

⁴⁸ C. Richardson "Relative Deprivation Theory in Terrorism: A study of Higher Education and Unemployment as Predictors of Terrorism", Senior Honors Thesis, Politics Department, New York University, 2011.

⁴⁹ *Ibid.*

⁵⁰ Harvard Divinity School, Religious Literacy Project, viewed at <http://rlp.hds.harvard.edu/faq/tut-country/nigeria?page=3> (Viewed on 27th of July 2016).

⁵¹ *The Eagle Online*, "The North and Restructuring Phobia" 30th September 2016. <http://www.thebiafratelegraph.co/2016/08/why-is-north-reluctant-to-talk-about.html>.

⁵² A. Abubakar: Nigeria Needs Urgent Restructuring. Says Atiku., *This Day*, 1st June, 2016.

Ayo Adebajo, who led the Afenifere group (Yoruba); as the basis for his re-election was the implementation of the 2014 National Conference Report, which encompasses restructuring Nigeria into 18 States; yet he was voted out. This clearly implies that the majority of the people are not interested in implementation of the conference's report and restructuring Nigeria's federal system.⁵⁴ The elites of South-south and South-east also supported the need to restructure Nigerian federal system. This position was expressed through a group known as South-South/South-East Professionals (SSP) who stated that in order to have a transparent and accountable government under which mismanagement of public funds and corruption will cease to exist, the Nigerian federal system must be restructured.⁵⁵

Although the concept of restructuring has different connotations to the various stakeholders, at present, the North is the only zone with divergent opinions on the issue. Renowned Nigerians and pan-nationalist groups all concur with Atiku Abubakar on the subject.⁵⁶ Even the present administration of President Buhari has not ruled it out in entirety but has subscribed to prioritizing economic reorganization, job creation and security issues for now.⁵⁷ Although there are different motives being the huge support for the idea of restructuring Nigeria's federal system, the realization of the urgent need for it is a remedy to the prevalent socio-political and economic problems confronting the country.

⁵⁴ See, *Leadership*, "Duro Onabule On the Restructuring Debate (I). 1st September 2016.

⁵⁵ See, *Vanguard* "Only restructuring will bring equity, justice in S/East. S/South. 17th September, 2016.

⁵⁶ Including the former Commonwealth Secretary General Chief Emeka Anyaoku, former chairman of Transparency International Maj Gen Ishola Williams (retd), Edwin Clark, Balarabe Musa, Wole Soyinka, Yakubu Gowon and pan nationalist groups like Afenifere and Ohanaeze Ndigbo have all called for restructuring of Nigeria.

⁵⁷ *The Punch* (Lagos), "Restructuring Nigeria: Presidency, APC Shuns Atiku, Afenifere's call" 30th September, 2016.

Conclusion and Recommendations

Although the arguments canvassed by proponents of the need to restructure the country's governance system sound viable, restructuring alone will not be sufficient in solving all of Nigeria's problems. The dilemma facing the country today is quite complicated. Despite the almost total unanimity on the problem of leadership deficit, the nation is also confronted with followership challenges. Followership in Nigeria at least since independence, have tended to be based only on emotional attachments to issues outside of development trajectories and political leaders being fully aware of this use it as a tool for achieving their aims. There is now an intense need for ideological reorientation and public sensitization on the need to challenge the narratives of leadership in Nigeria. It is also crucial to improve our ethical and moral standards in order to make headways from the various national problems. If restructuring is carried out without corresponding inquisitive followership necessary to achieve transparency and accountability, political power will still fall into wrong hands and the nation will keep falling into the same pit. It is also crucial to sensitize the public on the need to question their leaders on important national issues in order to achieve transparency as the first step towards ending corruption. It must be made known that sovereignty rests with the people and without the followers there can be no leaders.

CAUSES OF DELAY IN CRIMINAL PROCEEDINGS IN NIGERIA

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Abstract

The dispensation of Criminal Justice often takes an unduly long time from commencement to the delivery of judgement. Several scholars have identified several factors such as logistics, corruption and technicalities, as the main causes. This paper however, looks at the Police as one of the causes of delay in criminal proceedings and concludes that if all or some of the points raised are addressed, it would eradicate or reduce delays in criminal proceedings in Nigeria.

Introduction

There is delay in the dispensation of justice in criminal matters and this has shaken the confidence of the public in the ability to redress grievances and to grant adequate and timely relief. In criminal justice system, it is particularly necessary that delay be eliminated since decision of the court may depend on oral rather than documentary evidence and the memory of parties and their witnesses may fade away with the passage of time.

In Nigeria, delays in the prosecution of criminal cases have become the norm rather than the exception. Several factors account for the delay in the prosecution of criminal suspects in Nigeria. Delays may start from the complainant not reporting the commission of a crime on time to the police thereby making it difficult for the police to take steps on time or where the complainant reports a crime on time but the police refused to take steps to arrest the offender and/or begin investigation promptly or where investigation begin promptly but not

I. A. Olatunbosun, "Constraint in the Administration of Criminal Justice in Nigeria", Unpub. M.Phil Thesis, Faculty of Law, Obafemi Awolowo University, Ile-Ife, 2000, p. 75.

concluded promptly and/or police not prosecuting promptly. The police normally begin a criminal proceeding at the Magistrates' Court where prosecution of criminal cases are commenced. Sometimes, when the police have not concluded investigation and could no longer detain the suspect beyond a particular duration, the accused is taken to court to be formally detained on the order of the Magistrate. Also, where the Magistrate Court lacks jurisdiction to entertain criminal proceedings, the suspect is still arraigned so as to be formally remanded in custody until arraigned in a court competent jurisdiction. All the foregoing, among others, constitute delay to criminal proceedings. Contrary to the popular axiom that "justice delayed is justice denied", in practice, the above-mentioned outlines, among others, constitute delay in the dispensation of criminal justice system in Nigeria. The Police constitute a major cause of delay in criminal proceedings in Nigeria

The Police

The Nigeria Police Force (hereafter called 'the police') is the authority responsible for the protection of lives and property, apprehension of criminals and the investigation of complaints made by victims in Nigeria. However, in the discharge of their duties, the police are constrained by several factor. These include:

Lack of adequate and suitable equipment and facilities

Generally, the Police are poorly equipped with tools to prevent, detect, investigate and control crimes in our society. But sadly, the police lack basic facilities such communication network equipment nationwide. Most Police Stations do not have telephones, fax machines, telex, walkie-talkie, pager, internet, long-range radio communication etc. to link one police formation to another or all the police formation to one another the result of which will enhance prompt police responses to emergencies or slow responses if not out rightly impossible. The police are often confronted with such logistic problems which make contacts impossible between one police formation or station and check points in the cities and rural areas.

There may not be serviceable vehicles to convey policemen and officers to carry out their activities. In particular, most police posts in the rural areas may not have a single vehicle and as such the policemen may have to use their personal vehicle or commercial vehicle to carry out their duties and assignments. On some occasions, investigation assignments might drag on for so long due to non-availability of such vital equipment to work with.

In some situations, suspects or their counsel pay to procure vehicles used by policemen to carry out investigation or arrest or to convey suspects to and from custody or court. In fact, to say that essential facilities for the effective and efficient performance of the policemen are non-existing in the various police stations is an understatement. The conditions are so deplorable that ordinary basic items such as stationery and other writing materials are not provided at the police stations. Sometimes investigation of cases are hampered with or delayed simply because the investigating police officer (I.P.Os) does not possess writing materials for recording information. Several Police Officers interviewed claim that they often use their personal money or depend on complainants, suspects or their lawyers to provide money for the purchase of these items to be used in the recording of facts, events and findings on cases reported at the police station.

In spite of the enormous workload of the police in the aspect of collection of data and statistics of crime, there is virtually no police station that is equipped with a computer system which makes it impossible for relevant information and data to be stored for the purpose of embarking upon proper planning and policing with the aim of crime prevention as well as to study the nature and pattern of crime in Nigeria. Also lacking are digital cameras and digital video cameras.

The Quality of Police Manpower

The quality of police manpower could be looked at in terms of recruitment, training and re-training of serving officers in their rank and file. It is sad to note that this is substandard and very low. As a result of the absence of requisite skill and educational qualifications of

most officers and the rank and file, their performance falls short of the expected level of maximum performance. Most of them do not possess the necessary education or skill to tackle the complicated nature of their job and with the increasing sophistication in the nature of crimes, the detailing of poorly educated and unskilled police personnel to handle such sophisticated and technical cases invariably lead to delays and inefficiency in the course of the investigation. Adeyemi succinctly put the implication thus:

It should be remembered that all current and future recruits into the Police Force are those who will constitute the personnel of the Force for the twenty first century of space age technology, when many crimes will be committed with the aid of advanced technology. In the area of banking frauds, this is already happening with forged telexes and fraudulent transfers or intercepting of legitimate transfers through computers. We definitely need high caliber, specially trained police officers that will be able to cope with the demands of these offences. The same will be true of our oil sector and such other crimes like tax evasion through transfer pricing, etc. The Nigeria Police Force will certainly not be able to cope with the crimes of ten years' time unless it vigorously prepares itself for such crimes in advance.²

Arising from the above one contends that more crimes continue to assume international dimensions with the take-off of the Economic Community of West African States (ECOWAS) involving the free movement in the import and export not only of goods, services and honest citizens but also of criminals and crimes as well. Thus, such a situation requires much higher, efficient and more specialized skills

² Adeyemi, A "Nature and Pattern of Crimes in Nigeria: Planning and Policy Implications for Crime Prevention and Law Enforcement" in Justice, *Journal of Contemporary Legal Problems* Vol. 2 No. 4 April 1991, P.99-106.

than presently exist within the Nigeria Police Force. The public attitude towards the police needs to be re-appraised. Many people detest the image of the police in the society as a result of the various mal-behaviour of some officers and the rank and file of the police in the society the effect of which discourages young men and women with good educational qualifications not to be interested in joining the force rather they prefer taking up other jobs.

Lack of Expert Personnel

The Nigeria Police Force lacks personnel skilled in technical matters such as handwriting and fingerprints analysis, forensic laboratory techniques, ballistics and other scientists. Most criminal cases relating to fraud, forgery, impersonation or even murder and other offences are delayed for more than reasonable period whenever the investigation of such cases require identification of fingerprints and handwriting specimen of suspects.

Forensic laboratories are few in the country. For example, only one forensic laboratory exists in Lagos to handle all cases from the Southern States and in Kaduna, the Government Laboratory for tests in criminal cases in the Northern States. As such, criminal cases involving capital offences and others have to be adjourned for several months while the police are awaiting reports from either of the two centres. Facilities for scientific analysis of evidence and specimen are lacking, even basic items needed to carry out research work of experiments in this aspect are not available. There are also few ballisticians in the country.

Low Standard of Police Prosecutors

In criminal proceedings at the Magistrate Court, police officers are deployed to prosecute a large number of suspects accused of committing certain simple offences and misdemeanors. In practice, most of these personnel are junior cadres with little or no training in legal practice or skills and some are barely literate. In effect, they are handicapped in terms of effective performance and the rate of

prosecution is unduly delayed, protracted and at times inefficiently and poorly carried out.

Poor Motivation of Police Personnel

The present emoluments of police personnel in terms of salaries and other allowances are nothing to write home about. Sometimes the salaries are unnecessarily delayed while some allowances are out-rightly not paid. It is submitted that for as long as police personnel are poorly remunerated or their morale are not boosted, they will not be motivated to work honestly and conscientiously. The current level of motivation, dissatisfaction with the conditions of service and lack of good leadership by example in the hierarchy of the police in particular and the society at large in general also affect the level of performance of police personnel. The state of most police stations as well as the police barracks where policemen stay nationwide are in a terrible and deplorable condition. It is sad to note that some police stations still look like the colonial outpost of the ancient time.

Arbitrary Transfer and Retirement of Police Personnel

The structure of police operations gives room for frequent transfer of personnel from one station to another even to long distances from their last posting. There are incessant posting of investigating police officers outside the area where they had conducted investigations or are prosecuting cases in court and this usually have disruptive effects on the trials of such cases and thereby occasioning delays. This common routine is done without notice and often without regard to the nature of their work or continuity thereof. Due to the demoralizing practice of the Nigeria Police Force and "quota promotion" whereby merit is not the yardstick for promotion, some subordinates are made or promoted ahead of their seniors or superiors. In such a situation it is obvious that there are two options open to such neglected officer; either he accepts his misfortune like that and become unproductive, ineffective and frustrated officer who becomes corrupt as a way of getting something out of his employment or retires

prematurely or forced to retire prematurely with all the attendant consequences such as delays in cases being investigated or prosecuted by such a police officer.

Attitude of Nigeria Police

The Nigeria Police is established under Section 214 (1) of the 1999 Constitution. Subsection 2 of the section provides that the Nigeria Police Force shall be organized and administered in accordance with such provisions as may be prescribed by an Act of the National Assembly. Section 215 (1) establish the offices of the Inspector- General of Police and a Commissioner of Police for each State of the Federation. Under that section, the President is to appoint the Inspector -General of Police on the advice of the Nigeria Police Council from among the serving members of the Nigeria Police Force, while the Police Service Commission appoints a State Commissioner of Police.

The general opinion of the people is that the attitude of the Nigeria police is not impressive in the execution of courts' judgments. Like INEC³, the Nigeria Police has largely pandered to the whims and caprices of the executive arm of government in the sense that it selects and chooses which court judgment to enforce or respect⁴.

The Nigeria police as a creation of the Nigerian statute have a sacred duty to respect the tenets and ideals encapsulated in the Constitution. The Nigeria Police is governed by the Nigeria Police Force Act⁵. Specifically, the general duties as encompassed in section 4 of the Act is to the effect that:

The Police shall be employed for the prevention and detection of crimes, the apprehension of offenders, the preservation of law and order, the protection of life and property and the

³ Independent National Electoral Commission.

⁴ E. Onwubiko, "The Nigeria Police and the Judiciary: Friend Or Foe", *The Guardian*; (Sunday), October, 17 2004 at p.38.

⁵ CAP 359 of the Laws of the Federation of Nigeria; 1990.

due enforcement of all laws, regulations with which they are directly charged⁶.

At a public lecture titled, "*The Judiciary, the Legislature, the Nigerian Police and Justice Delivery*" Justice Olatawura gave the following as the strategic role of the Police in the delivery of justice⁷.

In the exercise of its powers how does any of the arms of the Government contribute or perform in the administration of Justice? I will take the Nigeria Police: a body that deals mainly with the maintenance of law and order. On the criminal side, the Judiciary can hardly function without the co-operation of efficient police officers. It is the police that is charged with the responsibility of investigation⁸.

Counsels

The role of legal practitioners either as a defence or prosecuting counsel can determine whether a case will be heard expeditiously or not. In spite of the common goal of criminal justice system to ensure speedy dispensation of criminal justice, counsel for the accused persons in certain situations unnecessarily delay the speed of dispensing justice to the detriment of the accused persons standing trial. It is a common phenomenon that defence counsels make too many and frequent applications for adjournments for frivolous reasons ranging from claiming not to have been briefed early enough, to being engaged in other matters in other courts and as a device to frustrate the efforts of the witnesses who want to testify in the case.

In any of the above-mentioned situation, the court grants adjournments either willingly or reluctantly in the overall interest of

justice and indirectly swells up the number of suspects in custody or unduly prolong the life span of criminal trials. But in certain situations, it is desirable for courts to grant adjournments, for instance, due to ill-health of counsel handling the case or the suspect or witness if there are well founded and genuine grounds for such applications. However, if a court finds out that such an application is made on the basis of laziness, sheer laxity or other sharp and unethical practices, it should turn down the application for an adjournment as to do otherwise will constitute an abuse of court process. It is submitted that counsel for the defence should be alert to their responsibilities by ensuring prompt disposition of trial taking cognizance of the fact that justice delayed is justice denied.

Litigation Cost, Poverty, Illiteracy and Ignorance.

One clear inhibition of justice in Nigeria is the exorbitant cost of litigations, which discriminates the poor litigants in favour of the rich litigant. One fundamental right or freedom of any individual is the right of access to court of law. If the Constitutional right of access to court is denied a person on ground of poverty, then the right becomes valueless. Although the poor litigant may have a genuine grievance in court, he cannot seek the appropriate legal remedy because he lacks the means and facilities to do so. He is thus denied justice. Aguda, commenting on the problem of poverty and the high cost of litigations in Nigeria observed that it is a sad reflection of our administration of justice that to a very large extent, the quality of justice one is able to achieve from our judicial proceedings depends to a large extent on how much he is able to spend on the proceedings⁹. To the extent that the kind of trial a man get depends on the amount of money he has, there can be no equal access to Justice in Nigeria. Though the establishment of Legal Aid Council is intended to take care of this, the council has not been able to go far for some reasons amongst which are inadequate funding.

⁶ E. Owubiko, *Ibid*

⁷ *Ibid*.

⁸ *Ibid*.

⁹ Aguda, A, (1986), *The Crisis of Justice in Nigeria*, Lagos: Eresu Hills Publishers p.12

Some of the problems of the Legal Aid Council as observed by a scholar¹⁰ which are inhibiting the Council in realizing the lofty objective of rendering legal assistance to indigent persons in need of legal aid across the country, include: (i) the limited scope of legal assistance, the Council is by law permitted to give¹¹; (ii) inadequate funding; (iii) inadequate facilities to carry out its services; (iv) inadequate personnel; (v) little or no participation by prominent and more experienced legal practitioners¹²; (vi) the high administrative cost of running a legal aid scheme;¹³ (vii) legal aid scheme picks and chooses practitioners at random and this tends to deny some counsel the opportunity of serving, whilst over- patronizing the services of others; (viii) lack of nearness to the people.¹⁴

Corruption

The reputation of the legal profession in Nigeria has suffered major setback in recent times. A number of judicial officers have been relieved of their posts following investigations into allegations of improprieties¹⁵. This was followed by the arraignment of two legal practitioners on charges of having offered bribes to law enforcement agents. The judge before whom these legal practitioners were

¹⁰ E. Malemi, (2005), *"The Nigerian Legal System Text and Cases"*, Lagos: Grace Publishers Inc., 2005, pp. 270-271

¹¹ This narrow scope limits the impact of the Council.

¹² This is partly due to unattractive remuneration and or bureaucracy.

¹³ Much has to be spent on staff salaries, allowances, stationery, equipment, offices, rent, motor vehicles and other infrastructure. Care has to be taken so that allocated funds are not swallowed up by recurrent expenditure or running cost.

¹⁴ Most offices of the Council are located in the Federal and State capital and their services and addresses are hardly advertised. People do not know where the offices are located, as a result people are often unaware of the Council and its services. Therefore, there is difficulty in reaching the people who need the services of the Council and vice visa. The Council relies mainly on application from persons seeking aid, references from courts, police, prisons and direct contacts for its outreach.

¹⁵ B. Ogunlape, One Crooked Lawyer or Judge, is One Too Many; *This DAY*, Tuesday, February, 17, 2004 at p. 38

arraigned declared in open court that information had reached him that some legal practitioners were going around suggesting that he (the judge) could be bought and soliciting money from persons accused of fraud for the purpose of purchasing the judge's conscience¹⁶. The sad part of all that has been happening is that judges do get bribes offered by lawyers, and some of them accept these offers, and pervert justice as a result of such bribes. Worse still, both the legal practitioners and the judges get away scot-free, or get soft landings too often after having been discovered¹⁷.

A jurist, Warren Burger¹⁸ once remarked that "a sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people and three things could destroy that confidence and do incalculable damage to the society: that people come to believe that inefficiency and delay will drain even a just judgment of its value; that people who have long been exploited in the smaller transactions of daily life come to believe that courts cannot vindicate their legal rights from fraud and over-reaching; that people come to believe that law-in the large sense- cannot fulfil its primary function to protect them and their families in their work, and on the public streets"¹⁹.

Although, the Chief Justice of Nigeria, Justice Uwais has continuously addressed what many skeptics perceived to be a crisis of confidence in the judiciary²⁰ by expressing satisfaction with the overall performance of judges and cautioning that the small number of judges operating outside the norms and ethics of the Bench should not be allowed to overshadow the efforts of the vast majority of hard working judges in the country. In less than a month after, the Chief Justice of Nigeria in an unprecedented press statement, before the Supreme Court delivered its decision on the Ibori's case, was forced into

¹⁶ *Ibid*

¹⁷ *Ibid*

¹⁸ A former Chief Justice of the United States.

¹⁹ S. Kola- Balogun, Making Justice More Just, *THISDAY newspaper*, vol, 10. No. 3222. February 10, 2003 p. 37.

²⁰ Exacerbated by the controversial decision of the Honourable Justice Stanly Nnaji of the Enugu State High Court in the Anambra State fiasco

defending his own integrity and that of the Supreme Court²¹. This was after a group of faceless persons called the "Derivation Front" alleged that he had received a bribe of N240 Million in order to favour His Excellency, Chief James Onanefe Ibori, the Executive Governor of Delta State. The group had earlier in a letter dated January 20, 2004 alleged that as much as N5 billion had been given to the Chief Justice to be distributed amongst his fellow Justices of the Supreme Court in order to influence their decision, the details of which they claimed they already knew. In another letter dated January 29, 2004 and also addressed to the Chief Justice they threatened to display to the public the Court's judgment. A copy of a letter dated February 2, 2004 and addressed to the Inspector General of Police in which they attached the last two pages of what they perceived to be the court's judgment was also sent to the Chief Justice as further proof of their allegations.

Responding to these allegations, Justice Uwais emphatically denied them in its entirety and challenged the culprits to come forward and substantiate their claims. The Chief Justice stated that no member of the Supreme Court would tailor the ends of justice for filthy lucre and that each member of the Supreme Court had been tested and found to be of unblemished character over the years. He went on to reiterate that no Justice of the Supreme Court was about to throw away their reputation of honesty, justice and fairness in the determination of any case that may come before them. But, if the Chief Justice was right to doubt skepticism about the integrity of the judiciary, there is very little he can do about the wider concerns of Justice Warren Burger's remarks relating to the effectiveness of the judicial system all of which seem very apt to the Nigerian situation²². According to Warren Burger, "the effectiveness of the judiciary depends on its integrity".

A case study of judicial corruption in electoral matter is the 2003 Akwa Ibom State Governorship Election. It will be recalled that the Akwa Ibom State Election Tribunal took bribe to give judgment to Ubong Victor Attah, the Governor of Akwa Ibom State. In the petition

²¹ See, S. Kola-Balogun, *Ibid*.

²² S. Kola-Balogun, *Ibid*.

of Dr. Ime Umanah, candidate for the All Nigeria Peoples Party at the April 2003 elections, the tribunal members were asked to disqualify themselves from the petition, having been compromised by the money they received from agents of the Governor²³. The tribunal²⁴ dismissed the application and ordered that those behind the application be "apprehended, investigated and prosecuted for their act of contempt". They gave judgment to Governor Attah. Umanah's petition to the NJC against the tribunal members succeeded and the judicial officers involved were dismissed except one²⁵.

While the laudable administrative procedure employed by the Chief Justice of Nigeria-led National Judicial Council dealt with the corrupt judges, there is so far no remedy for the victim of the punished corrupt judicial officers. The Governor sits tight and continues to enjoy the fruit of corruption. The law may not preclude justice for the victim of judicial fraud in election matter but the peculiarities of electoral courts' hierarchy have contributed to the denial of justice. For example where a justice of the Court of Appeal is found to have taken bribe to give a particular judgment, since the Constitution does not allow appeals to the Supreme Court in some election matters, except in presidential elections, what happens?²⁶

Ekpaha has urged that the issue of corruptly obtained electoral judgments is one which the Supreme Court could take up under its general powers pursuant to Section 22 of the Supreme Court Act²⁷. The Section empowered the Supreme Court to make any order necessary for determining the real question in controversy in the appeal, and may amend any defect or error in the record of appeal and may direct the court below to inquire into and certify its finding on any question which the Supreme Court thinks fit to determine before

²³ B. Ekpaha, "Supreme Court and Judicial Corruption", *The Punch*: Monday, March 27, 2006 at p. 47.

²⁴ *Ibid*, Constituted by Justice M. M Adamu (Chief man), Justice D.T. Abura Justice A.M Elelegwu, Mr. J. O Isede (Chief Magistrate) and Hon. Kadi T. Mahmud as members

²⁵ Kadi Mahmud who testified at the NJC that he saw money but did not take.

²⁶ B. Ekpaha, *Ibid*.

²⁷ S. 15. See B. Ekpaha, *Ibid*.

final judgment in the appeal and may make an interim order or grant any injunction which the court below is authorized to make or grant and may direct any necessary inquiries or accounts to be made or taken and generally shall have full jurisdiction over the whole proceedings as if the proceedings have been Instituted and prosecuted in the Supreme Court as a court of first instance and may rehear the case in whole or in part or may remit it to the court below for the purpose of such rehearing or may give such other directions as to the manner in which the court below shall deal with the case in accordance with the powers of that court.²⁸

Again, the Supreme Court is further equipped by its rules, to deal with appeals pursuant to its general powers where the justice of the case demands. Under Order 8 Rule 12 (2) of the Supreme Court Rules, the apex court has power "to draw inferences of fact and give any judgment which ought to have been given or made and to make such further or other orders as the case may require, including any order as to cost." Sub-rule (5) thereof provides that "the powers of the apex court under the foregoing provisions of this rule may be exercised notwithstanding that no notice of appeal has been given in respect of any particular party to the proceedings in that court, or that any ground for allowing the appeal or for affirming or for varying the decision of that court is not specified in such notice; and the court may make any order, on such terms as the court thinks just, to ensure the determination on the merit of the real question in controversy between the parties". There is nothing that prevents the Supreme Court from setting aside the corruptly obtained judgment in Akwa Ibom State and

²⁸ B. Ekapha, *Ibid*. See also, *Yusuf v Obasanjo* 2003 16 NWLR (Part 847) 554 at 619-620 E.F., and *Ediagbonya v Dumez* (Nig) Ltd 1986 3 NWLR (Pt. 31) 753. In this case, Karibi-White, JSC, in his lead judgment said at P.764... "I think in the exercise of the general power vested in this court by Section 22 of the Supreme Court Act, 1960, we can exercise full jurisdiction over the whole proceedings and deal with this case in the same manner in which the trial judge ought to have dealt with it" In *A. C. B V Apugo* 2001 5 NWLR (Part 707) 483 at 500, the Supreme Court reiterated that it has power under the rules to deal with a matter, as a court of first instance will do.

ordering that a new panel be set up to take up the case. The issue of corruptly obtained electoral judgments is one which the Supreme Court should take up under its general powers pursuant to section 22 of the Supreme Court Act²⁹.

Locus Standi

It has always been an important limitation on the availability of remedies that they are awarded only to litigants who have *locus standi*³⁰. The term denotes a legal capacity to institute proceedings in a court of law or tribunal.³¹ Formerly the attitude of the court is characterized by reluctance to relax rules about *locus standi*, particularly when it relates to public law and this was due to the fear by the court that courts will be swamped with litigation particularly from litigants whose personal rights are not in issue. The modern attitude however is that the law must somehow find a place for the disinterested or less directly interested persons in order to prevent illegality in government which otherwise no one would be competent to challenge. Thus, two approaches have been developed to the construction of the doctrine; i.e. traditional or strict approach and liberal approach³².

In Nigeria, three elements are essential to this doctrine. First, the litigant must show that he is directly affected by the act he complained about before he can be heard. Thus, a general interest common to the public at large is certainly not a litigable interest to accord a right to sue in court proceedings. Again, the litigant must have a right peculiar or personal to him and there must be a real threat of an immediate infringement of such right.

The strict or traditional approach was applied in *Olawoyin v Attorney-General of Northern Nigeria*³³ wherein the plaintiff sought a

²⁹ B. Ekapha, *Ibid*

³⁰ H. W. R. Wade, *Administrative Law*; 6th ed. ELBS/Oxford University Press, 1988, p. 688.

³¹ *Senator Abraham Adesanya v Attorney General of the Federal Republic of Nigeria* (1981) NCLR 358 at 935

³² See, H.W.R. Wade; *Ibid* at p. 689.
³³ (1991) 1 ALL NLR 269

declaration that part of the *Children and Young Persons Law* 1958, of the then Northern Region of Nigeria had been rendered void and therefore unenforceable by the provisions of sections 7, 8 and 9 of the Sixth schedule to the Nigerian (Constitution) Order in Council, 1960. The Supreme Court dismissed the plaintiff's claim on the ground that no right of the plaintiff has been infringed or is in imminent danger of being infringed upon in consequence of the law as to warrant such a declaration³⁴. The effect of the strict approach was to shut the door to the temple of Justice against many litigants whom the court prevented from being heard, unless they are able to show sufficient interest in the matter, over and above other members of the society. The foundation of modern approach was laid in the case of *Senator Abraham Adesanya v President of the Federal Republic of Nigeria and another*³⁵. Though the plaintiff in that case lost on ground of *locus standi*, a dictum by Fatayi-Williams, Chief Justice of Nigeria suggested that the strict approach is being relaxed. According to the Jurist:

In my opinion, any person, whether he is a citizen of Nigeria or not, who is subject to the laws in force in Nigeria, has an obligation to see to it that he is governed by a law which is consistent with the provisions of the Nigerian Constitution. Indeed, it is his civil right to see that this is so.

In *Hassan v Attorney-General of Kaduna State*³⁶, the *locus standi* of the respondent's father was sustained by the Supreme Court on the basis that the interest of parental or filial relationship between father and son is enough for the grant of right to the father to institute

³⁴ *Alhaji D.S Adegbenro v Attorney-General of the Federation of Nigeria & Others* (1962) WNLR 169.

³⁵ (1985 2 NCLR 358)

³⁶ (1985) 2 NWLR Pt 67) 797. Also in *Gani Fawehimi v Akilu and another* (1987) 4 NWLR (Pt 67) 797, the Supreme Court held that Gani Fawehimi had *locus standi* to prosecute privately persons he suspected of having killed his friend and client.

proceedings to challenge the exercise of the power of *Nolle prosequere* by the Solicitor-General of Kaduna State terminating criminal proceedings against suspects who were (accused of) charged with killing his son. In *Gani Fawehimi v. Akilu and Another*³⁷ the Supreme Court held that Gani Fawehimi had *locus standi* to prosecute privately, persons he suspected of killing his friend and client.

It has been said that the liberal or modern approach does not open floodgate of litigations ungaurded as it has limitations so that in *Irene Thomas v The Most Reverend Olufoseye*,³⁸ *locus standi* was denied the plaintiff who claimed to be communicants and members of the Christ Church Cathedral but who had no right to be appointed Bishop and are challenging such appointment made by the defendant. It is my opinion that whatever the approach to the idea of *locus standi*, it is an inhibition and a clog in the administration of justice though, one opens the gate to the temple of Justice a little wider than the other.³⁹

Conclusion

This paper has attempted a cursory look of some of the causes of delay in criminal justice in Nigeria which includes the police, judges, lack of adequate and suitable facilities, lack of expert personnel, corruption, counsels, litigation cost, poverty, illiteracy and ignorance. This article does not claim that the list is exhaustive. It is however my opinion that if all or some of the above-mentioned causes are eradicated or reduced by litigants, counsels, judges, witnesses, police, government and all the stakeholders, then the administration of criminal justice would be improved.

³⁷ (1987) 4 NWLR (Pt 67) 797

³⁸ (1986) 25 C 325.

³⁹ See, O.A. Olorunmba, *Administration of Justice in Nigeria*; Unpolished LLM Long Essay submitted to the Post Graduate School, Obafemi Awolowo University, Ile-Ife, in partial fulfillment of the requirements for the award of Master of Laws of the Faculty of Law of the University, 2002, at p. 34. On *Locus standi*, see the following Nigerian cases: (1) *Ebongo v. Uwemedimo* (1995) 8 NWLR (Pt. 411) 22 C.A (2) *A.G., Enugu State v. Avop Plc* (1995) 6 NWLR (Pt. 399) 90 C.A (3) *F.M.B Ltd. v. N.D.I.C* (1995) 6 NWLR (Pt.400) 226.C.A. (4) *Elendu v. Ewkwoba* (1995) 3 NWLR (Pt. 386) 704 C.A. (5) *Gombe v. P.W. (Nig) Ltd.* (1995) 6 NWLRT (Pt.402) 402, S.C.

REVISITING THE 'SILENT' VOICE OF TEENAGERS IN LAGOS 1940 – 1950

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Abstract

This article calls attention to and presents the 'silent' words of teenagers as they were written in their correspondences to colonial authorities with the aim to place on record the direct, uncensored 'comments' of these youngsters on general livelihood in colonial Lagos. Already, significant discourses have evolved and perspectives have documented the experiences of a significant number of these teenagers. However, the expanding nature of these interrogations makes necessary the need to substantially present the experiences of these teenagers in their own very words in order to place them on record despite their 'disorganisation', 'lack of finesse', 'bad grammar', 'errors', 'vagueness', and in certain cases, 'outright inconsistency in presentation'. Hence, this article makes no pretence about trying to 'elevate' the status of those words to that of analysis. Rather, with minimal attention to analytical perspectives, it discusses urban livelihood realities as stated in the writings.

Introduction

Of the non-elitist reactions to the social transformations engineered by colonial rule, that of teenagers was remarkable and indicative of the depth of impact colonialism had on livelihood patterns. Thus, the experiences of teenagers revealed effort to come to terms with the new urban regime. Before our period, the socio-economic change processes had impacted money, education, vocation, settlement pattern, crime, religion, group membership, employment and labour. These factors created a new regime of survival options and strategies. The case data of teenagers in the period indicate a decline in traditional extended family practise. Teenagers suffered neglect from immediate and

extended relatives as a result of lack of economic power, the death of parents, marital problems, and inadequate parental care. This paper thus exposes the 'reactions' of these teenagers to these factors and exhumes direct 'commentaries' from them. These commentaries reflect their experiences in the light of the impact of new urban culture engineered by the British colonial system and presents, directly from archival sources, their views and petitions to the colonial establishment.

Large body of literature is expanding on the experiences of children and teenagers in colonial Lagos;ⁱ and in the manner of other studies conducted elsewhere in Europe and the Americas, there is a consensus that teenagers are 'empty spaces' in which all forms of influences converge to alter their identity, psychology, and the extent of their vulnerability.ⁱⁱ Some of the studies have discussed the experiences of teenagers in colonial times with emphasis on the manner the colonial establishment responded to the attitudes of these teenagers towards the new realities posed by colonialism. The use of the word "silent" in the title is used to suggest that their writings were not directly 'confrontational' and public-oriented as the petitions of the elite and advocacy groups were in the period. The tone of the letters written by the teenagers suggests that many of the youngsters wrote in such a way as to confide in the colonial officer. Hence, the 'silent' nature of such correspondence.

Laurent Fourchard and Simon Heap have also presented the perspective of colonial institutional structures in the understanding of and response to the children's challenges. Fourchard examines the legal regimes which criminalised the unwanted activities of youths, underscoring the fact that the youths were labelled as criminals because the colonialists promoted 'approved' urban standards by which the immigrant or the indigene had to abide. Although Fourchard confesses that his analysis is based purely on the evidences provided by Nigerian newspaper reports and administrative reports – two sources that only reveal the perspective of adults,ⁱⁱⁱ his sources align with the perspective from which he argues his case, while noting that the socio-economic conditions which prevailed in Britain were

replicated in Lagos. Simon Heap examines the experiences of these youths in the manner in which they were perceived by the colonial establishment and the elite.^{iv} For Heap, the colonial establishment considered delinquency as a condition that must be reversed if the efforts at colonisation was to be successful. Hence the need for home-like institutions (boys and girl hostels) that would fill gaps created by the separation of the children from their homes. Generally, the plight of the vulnerable has been one of the thematic preoccupations of scholars in different societies. In some societies that have been examined, they were hidden and unheard,^v in others they were oppressed and suppressed,^{vi} in others they were enslaved.^{vii} Their expressions often infuriate the whims and caprices of the status quo and have endangered political superstructures across the ages.

However, when youngsters are not 'endangering society' or 'posing as direct threat', some categories become silent, withdrawn and left to continually live their conditions 'outside' of the stereotypic nature (forceful, aggressive and volatile) of their identity. Thus, this article presents words of teenagers that, in themselves, give clues as to the nature of colonial rule. Although the teenagers were trained in basic knowledge promoted by missionary schools, their aspirations were truncated by the conditions identified earlier. This article thus attempts to magnify their voice and thus present colonial Lagos and its institutions the way and manner these teenagers expressed it in words of their own. Hence, the desperation and determination with which teenagers survived in Lagos between 1940 and 1950 was partly dependent on their willpower to contain internally suppressive variables of urban challenges that they had to contend with; silently, often unnoticed, except for the archival documentations that now bear witness to their tales of psychological trauma.

Socio-economic superstructures of colonial Lagos society had a direct bearing on the psychological development of the individual. Such occurrence has been attested to by recent studies.^{viii} Particularly, some scholars have stated categorically that colonialism directly affected the psychological make-up of the individual in the period.^{ix} This position is tenable given the uncoordinated responses of certain

teenagers to unexpected exposure to economic hardship and the mischievous desperation of those in whom they placed their trust. This condition permeated the lives of teenage girls. Rose Ojenughe was a teenager in Lagos in 1944. She had been ill and her mother, Madam Eleleji, brought her to Lagos where a woman named Alice Etovbodia convinced Rose's mother that Rose should stay with her and go to the hospital consistently for treatment.^x Before Rose's mother left Lagos, she paid one pound, and one pence to the doctors and gave Rose two pounds and one pence for other expenses. From then on, Alice prevented Rose from visiting the hospital for treatment and rather forced her to do house chores.^{xi} In 1945, Alice took Rose to Ikeja where Rose was told she would be better treated. At Ikeja, Rose was prostituted to a soldier who paid Alice 3 pounds. From then on, Rose lived with Alice as a prostitute making money that was kept and spent by Alice. After consistent appeal from Rose, Alice allowed Rose to visit the doctors who warned her not to approach any man for sexual intercourse.^{xii} After being informed that European soldiers had arrived in Lagos and staying in Ikeja, Alice again forced Rose to leave with her to Ikeja. Rose refused, insisting she wanted to go back home and that Alice should pay her money to leave. Alice refused and after much disagreement, Alice forced Rose inside a boat to go home. Rose returned to Alice insisting she be paid money and given clothes.

Throughout her stay, Rose slept with several European soldiers, sometimes having intercourse with three men at a time.^{xiii} Archival records did not provide answers to these questions: Did Rose's mother not visit Rose at least once after leaving her with Alice? Did Rose's mother get permission from the father before taking Rose to Lagos? Why did Rose's mother not conduct investigations into the character of Alice before leaving her daughter to stay with a stranger? Why did Rose's mother not allow Rose to stay with a family relation in Lagos? Records indicate that one Ben Esusu, a brother-in-law to Rose was living in Lagos at that time and reacted to Rose's situation after investigations by the colony welfare office discovered that he was a relative to Rose.^{xiv} Why did the doctors who were paid money by Rose's mother not inquire after Rose when they noticed Rose's

absence at the hospital? Was Rose aware she had a relation in Lagos, while living with Alice? If she was, why did she not make efforts to lodge a complaint long before the matter got to a head? Was the family aware that Rose was brought to Lagos? Was Rose's 'mother' an agent of the sex trade? These questions remained unanswered even as investigations by the colonial welfare office revealed the complexity of the circumstances surrounding prostitution in Lagos at the time.

What is incontrovertible from Rose's case was the desperation of Alice to keep up with a socio-economic lifestyle which defied decency and ethical conduct and made a victim of Rose who became the victim of Alice's mischievous imaginations. The substance of this calamity was not solely engineered by Alice, but also through the conduct of Rose's father (whose role was silent in the records), her brother in law in Lagos, the medical doctors who attended to Rose and particularly Rose's mother. It calls to question the sanity of the society within which such psychological catastrophe flourished. It was within this same society that the subjects of this paper desperately sought answers to their livelihood challenges, yearning for the positive alternative and succour that they desperately believed was within the powers of the systems that governed it to provide. The following sections thus examined this perspective as held by the teenagers in the period.

Teenagers did not just come to the conclusion that things were difficult or that the social environment was threatening to their livelihood. Already, colonialism had (in significant cases) created social conditions that threatened indigenous family values and generated reasons for the establishment of welfare institutions and the enactment of ordinances to curb the effects.^{xv} Additionally, many had begun to suffer neglect from immediate and extended relatives mainly as result of family challenges. In Yisa's words:

Since the dead of my father, my senior brother refused to sent me to my school. My mother responsible for my schooling. They are now in that case. Now I imagine that she was too tired. Because our senior brother has sent us from our

father's house with my mother. So my mother rent a house for me and take my rest responsibility [Errors in the original].^{xvi}

Added to this included the consistent absence or death of a bread winner, marital problems particularly divorce, inadequate parental care leading to delinquency, child trafficking and prostitution. While archival data proved that the foregoing was true, what was particularly revealing was the increasing trend of teenagers physically despising the financial incapacitation of parents: Kolade's words in 1949 resonate: "And the mother that I have is as poor as a church mouse".^{xvii} Fourteen-year-old Grace Williams did not even mention her parents in her correspondence to the Welfare Officer in 1943:

Having learned from friends and local papers about your activities, I now put myself in your care and hope to achieve good result. I have all confidence in you as my earthly father and trust that you will not allow me to be an unfortunate girl when I am still small and wishes to pursue my education. You interview with me will convince you to arrange for my education as a father to a daughter. Please sir, I beg you most respectful not to allow me to be a cast away. I want you to own me and feed me with the seeds of education. From the name of your office, I know that you are sympathetic, kind and good to those who deserve your care as I am one of them [Errors in the original].^{xviii}

Many of the teenagers did not depend on the ability of the extended family to cater for their needs. This is more so because the performance of the extended family 'was determined' by the level of dependency on it by supposed beneficiaries. As prospective beneficiaries themselves, the teenagers considered the performance of the extended family as less tenable, and were attracted to the probability that the colonial government could directly lift them out of poverty. Consider the words of Layiwola Folawiyo in 1943:

I have made a constant effort to beg you possible to be the representative of my both parent in schooling me in the year 1944. What you have offered to do for me [without evidence of such commitment]^{xix} is more than any man is expected to do for another. No one man can possible save me unless you, the man of great kindness. I have been hearing that you render as you can to those who riches and poor, as I am, therefore I was treacherously beg for the best assistance from you. Thanks [Errors in the original].^{xx}

Hence, they rated the establishment's capacity more than that of the extended family. One of the deficiencies of the thought process of some teenagers in colonial Lagos was to 'shift loyalty' from the nuclear and extended family system to the colonial establishment which did not share the social sentiments and emotions that was the hallmark of the extended family. By communal standards, the colonial establishment was far from the teenagers and ill-equipped to play the role of the extended family in the lives of the children.^{xxi}

What worsened matters, and not surprising, was the fact that hometown voluntary associations established in Lagos during the period had objectives which dealt with issues essentially devoid of teenage concerns. This is not surprising given the fact that the associations were established by the efforts of "men in their thirties who were relatively better educated.... these men evolved overtime into local leaders who eventually became the power elite of the community that continues to wield influence".^{xxii} Of course, these associations' objectives were to provide social welfare services but the category of beneficiaries did not include children. These associations would have served to create a semblance of the response the children expected of the colonial establishment. The associations which tried to do so were the voluntary associations of boys and girls established by the elite of the Lagos colony to nurture the children towards urban transformation and orientation commensurate with 'approved standards'. Hence such organisations as the Boys Scout, the Boys

Brigade and the like surfaced to direct the course of this new urban orientation of youths.^{xxiii}

Teenagers said so much in their written petitions that what they did not say also stares at the researcher in the face. On 21 February, 1943, Yisa Andu, a boy whose age is unknown wrote the word "Confidential" clearly on top of the letter he wrote to the Colony Welfare Office thus:

I am a boy in Eko Boys High School. I am in Class IV Middle. I am one of the cleverest boys in that class. The object of my writing you this letter is to ask you for a fatherly obligation. I want you to please help to send me to school for further study. I shall like to read up to class VI middle. My uncle who has been sending me to school all these years is no more able to help me further. I am prepared to accept whatever conditions your fatherly kind-heartedness will dictate to me. I promise faithfully that I shall D.V. pay every farthing you may expend on me whenever I begin to work. I shall also exert my utmost to repay your fatherly kindness with filial deeds. Awaiting your favourable reply[Errors in the original].^{xxiv}

Thus, Yisa was also saying that 'being a clever boy matters and that it is expected that a clever boy like me should attract the interest of an identified role model who should be able to care for me. Since I have been educated up to a point, it should be a relief for the potential benefactor to take pride in complementing my effort; particularly so because I possesses the potential to express gratitude for the expected benefaction. Hence, the willingness to help by the supposed benefactor would not be in vain and the benefactor should be a male figure who is capable of assisting'.

The implication of written and unwritten words of these teenagers is the relationship between correspondence and expectation i.e. their challenges as conceived and expressed by them are not

significant as the response they expected from the addressee; and this is the general pattern of the unstated objective of the communications. Significantly, a substantial number of teenagers subjected the attainment of personal objectives to education, so much so that they viewed the system from personal perspectives. In so doing, they 'assessed', as we shall see in their own words, their schools, the entrance examinations, their parents and the colonial government officials in the light of their [i.e. the schools, parents, officials, relatives] expected capacity to directly provide funds for them to complete their primary or secondary education or to engage in a vocation. Where any one of these role-modelling agents is not able to play its role, it was envisioned that the other 'should' be able to either assist or take over the responsibility entirely. Kamal Aro, a teenager who lived at 1, Alayaki Court, Freeman Street, Lagos wrote to the Commissioner in 1946:

My aim of writing this letter to you is about an important thing which is painning me in my mind. And I wish you to render it for me. I am introduced to you by one of my friends, if I put my trouble before you can take the trouble of curing it for me. That is to take the responsibilities of sending me to school or to put me into a job where I shall be learning. My mother died when I was a babe and my father when I was five years old. Because my father is poor, nobody cares for me. It was an old man in my area who sent me to school. When he died his children drove me out. Before he dies I had finished my course in elementary school. It is my friend who is feeding me and when he used any of his clothes and saw that it has torned he will give it to me. But I am not satisfy with that, for I want to go on my own ways. I want to attend school or to go to a business. I have my first school leaving certificate with me. When I write to any department it will

not be appreciated. That is why I put it into writing that I must consult you first. I want you to try your possible best for me. May the Almighty God assists you in your work. I shall have more to say next time.

I am yours obedient.

Kamal Aro.^{xxv} [Errors in the original]

This was also the opinion of those whose guardians became weary of providing funds for their education as was the case with Otu Asuquo four years later:

I just enter Eko Boys High School this year 1949.

I am in class 1 middle. My uncle who was helping me all the while is unable to do so again, and I am eager to learn more but I am not financially supported. I shall be very pleased, as concerning my ambition if you will kindly support me financially to complete my secondary education in this high school in Lagos. I am ready to come to you if you wish at any time [Errors in the original].^{xxvi}

Particularly, the teenagers considered themselves fit for the employment market but ignorant of the policy that guided the theoretical assumptions of the colonial establishment on African labour and the attendant wage policy. The colonialists believed that the African was contented in the sense that he had little use for money and that any effort by the colonial establishment to encourage greater monetary rewards would result in diminishing returns in terms of the efforts the African puts in the job he is engaged.^{xxvii} Though John Weeks considered that such assumption was racist, this paper contends that such assumption misunderstood the historical fact that pre-colonial society was less materialistic and money was significantly a secondary motivating factor for individual endeavours. However, teenagers in colonial Lagos readily absorbed the materialist bent of the new society without an understanding of the requirements for individual participation. Some teenagers like Nosiru Lawal petitioned

the Commissioner for the colonies with an attitude that the Commissioner's Office probably considered as having a dose of effrontery:

.... It is not a fair thing for a youth like myself to be wandering about the street under this protected Region of the British. I am ready to do any work and when we are driven at times I sustain injury. I am tired of these Lagos troubles. Will your honourable please assist in the capacity of your honourable chair in getting me a passport in order to travel to any part of Europe to learn a work which will indeed benefit me after becoming a man or will your honourable please play a reasonable effort for me in the Nigeria Government so that something tangible will be the result of humble petition [Errors in the original].^{xxviii}

Three days later, the office of the Commissioner wrote on Nosiru's letter "No reply needed".^{xxix}

The teenagers did not fall within the 'target earning hypothesis' of the background sloping supply curve effort' assumptions on African labour by the colonialists as noted by Weeks.^{xxx} In spite of this ignorance of the colonial wage policy, the children wrote severally with similar convictions. G. A. Aina, another teenager wrote in 1949:

I am a poor and unfortunate boy who had been looking out for job for the past five years and no success. I was the one who came to you at Ikeja in 1944, whom you promised to recommend to RAF Oshodi.... I could educate myself up to Government Class Two only, which is my present qualification. I have registered my name at the Labour Office since January 3, 1944 and unfortunately, I have not been called to any job since that time [Errors in the original].^{xxxi}

What was remarkable in the governance of Lagos during the period of this study was the manner in which the inhabitants petitioned the colonial office for one reason or the other. The welfare of teenagers in colonial Lagos was a matter of concern to the Colony Welfare Office which was established in 1941. Before then, correspondences of these adolescents had inundated the office of the commissioner for the colony requesting the office to alleviate their conditions particularly in the provision of employment so they could feed, pay their school fees and possibly secure accommodation. The contents of their correspondences revealed the belief by the teenagers that the office of the commissioner could alleviate the conditions of joblessness, ill-health, inability to complete standard school, and bereavement which they were experiencing. For the children, the office of the commissioner could take up their case.

Elijah Olu wrote in 1950:

As you are the commissioner of the colony, I made up my mind to inform you this my note. Sir I feel it difficulty to express how very deeply I regret the necessity which compels me to write you this my letter. I was in the school when my father died and in this case I have nobody who can help me more in my way to come to the point. And I have never study to any class which boy can work with it in this life. I have only study to std III.

I don't know the work which I can do with std III to bring my daily bread in my life. Now to eat food is so hard for me. Because of money. Sir I did not know what to doing in the case. Then I began think. In this think am think then I heard your opinion that you can help a poor boy like me, Sir I beg for your help kindly help me in this my difficult. Because I have nobody who I can go to help me after you.

I trust that you may help me as I have no father. Sir I waiting for your help sir.

I am yours obedient servant

Elijah Olu.^{xxxii} [Errors in the original]

Some of the teenagers resorted to praising the person of the colony's Commissioner in the bid to arouse sentiments for their plight. Phillip Ogunyemi wrote in 1949:

My lord you are a my backbone, my lord and my saviour through whom i can be favoured and grow under his shade. Kindly relief my agony for me my lord by helping me to get work. I have knowledge of typing and office written, no obligation done is thrown away but the reward be in heaven. [Errors in the original]^{xxxiii}

Others considered leaving the Lagos Township with the support of the colony administration:

I have the honour most respectfully... to draft you this few lines which I hope you will reply me with your deepest and sympathetic consideration. On my honour, I beg to confess that my present condition is above expression. My left palm hand is cut off through fire accident which I have undertook in 1939. I have no father, no mother and am born alone. There is none to help me. I am now a sheep without a shepherd. I try one way or the other to get work as soon as I have attended school up to standard five in St. Johns Central School Sabongida Ora, but no success due to no labour card and also no assistance. Now I humbly beg the commissioner to assist me as to get money to transport myself to my homeland. As soon as I am jobless and unable to feed myself, is better for me to go home than to be wandering in the Lagos township. I am a freeborn of Ora, very far from Lagos and will be pleased if this note is considered and approved.

I have the honour to be, Sir, your's obedient servant,
James A. Ogedengbe.[Errors in the original]^{xxxiv}

Obvious in the correspondences of the teenagers was the tendency to reiterate their stories of hardship and difficult conditions to

underscore their plight and raise the possibility of response from the commissioner. It is clear that the teenagers considered the logic behind the possible response from the commissioner's office: they were aware that the office would demand clarification as to the conditions responsible for their present state. These they identified as death of breadwinners, parental divorce, inability of guardians to provide further care, and such like.

In the event that the colony's commissioner and welfare offices delayed their response, the teenagers took alternative decisions to seek help elsewhere. This was the case with Samuel Anyaegbu, a teenager in 1946 and an orphan who on the death of parents strove to send himself to school up till standard six.^{xxxv} Samuel was assisted by a man who accommodated and fed him for a period. The man, whose name is not on record, later left Lagos on job transfer to the provinces. Without any income to pay school fees, Samuel sought the assistance of the colony commissioner. After his request, the commissioner's office conducted investigations and found out from the inmates at 26 McCarthy Street in Lagos that Samuel had left the house as a result of inability to pay house rent and the need to seek menial jobs to sustain himself.^{xxxvi}

Conclusion

As verifiable above, the expressions of the teenagers were on the whole 'silent', (in some cases, even confidential), but indicting of parental and the colonial system's capacities to truly respond to their needs. These teenagers were at different times timid, bold, sentimental, indecisive, hopeful but together desirous of a hopeful future within the challenges posed by a transitory society that was managed by an opportunistic system of governance. This development is indicative of the yearnings of the unheard and an indictment on the 'glorified' economic and political superstructures which today enjoy greater attention than the very lives they are meant to impact positively. In the final analysis, this paper has thus said that every governance system is appraised by vulnerable groups of society – an appraisal that is equally as important as the results of electioneering campaigns and other such

'sophisticated' contemporary nation-building factors; particularly so because in many advancing countries in Africa, information on the needs and yearnings of vulnerable groups are yet to be adequately utilised or given appropriate attention; if at all, they are treated as data figures devoid of the humanitarian reality that they truly express.

Endnotes

See Laurent Fourchard, "Lagos and the Invention of Juvenile Delinquency in Nigeria 1920 – 1960," *Journal of African History*, 47 Cambridge University Press, UK, 2005, p. 116; Simon Heap, "Their Days are Spent in Gambling and Loafing, Pimping for Prostitutes, and Picking Pockets": Male Juvenile Delinquents on Lagos Island, Nigeria, 1920s-60s', *Journal of Family History*, Vol. 35, No.1, 2010: 48-70.

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- iii Laurent Fourchard, "Lagos and the Invention of Juvenile Delinquency in Nigeria 1920 – 1960," *Journal of African History*, 47 Cambridge University Press, UK, 2005, p. 116.
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- vi See Frantz Fanon, *The Wretched of the Earth*, Penguin Books, Great Britain, 1963.
- vii See Paul Lewinson, *Race, Class and Party: A History of Negro Suffrage and White Politics in the South*. Universal Library, Grosset and Dunlap, New York, 1965.
- viii Consider Kelly Turner and Amanda Lehning, Psychological Theories of Poverty (p.2.) in Michael J. Austin, ed., *Understanding Poverty from Multiple Social Science Perspectives*, University of California at Beckley, mjaustin@berkeley.edu, August 2006.
- ix Consider the position of Magbool cited in Lere Adeyemi, "Yoruba Chieftaincy Institution and Yoruba Novelists: A Post-colonial Discourse" in Tunde Babawale, Akin Alao and Bimbo Adesoji, eds., *The Chieftaincy Institution in Nigeria*, Centre for Black and African Arts and Civilisation, (CBAAAC), Lagos, 2010, pp. 28 – 29.
- x N.A.I., Comcol. 1, File No. 2844, Rose to Colony Welfare Office, Lagos, November 21 1946.
- xi N.A.I., Comcol. 1, File No. 2844, Correspondence between Rose Ojenughe and Welfare Officer, Lagos.
- xii Ibid.
- xiii Ibid.
- xiv See Ben Esusu's letter, N.A.I., Comcol. I, File No. 2844.

See A. A George, *Making Modern Girls: A History of Girlhood, Labour and Social Development in Colonial Lagos*, Ohio University Press, 2014; Saheed Aderinto, "Of Gender, Race and Class: The Politics of Prostitution in Lagos, Nigeria, 1923-1954", *Frontiers; A Journal of Women Studies*, Vol. 33, No. 3, (2012), University of Nebraska Press, pp. 79-80.

N.A.I., Comcol. 1 File No. 2766 Vol. I Correspondence from Yisa Molake to the Commissioner for the Colony, Lagos, 26 July, 1944.

N.A.I., Comcol. 1 File No. 27666 Vol. II Correspondence from Kolade Victor to Commissioner for the Colony, Lagos, November 30, 1949.

NAI, Comcol. 1 File No. 2766, Vol. I, Correspondence from Grace Williams to the Welfare Officer, Lagos, October 25, 1943. There are many examples of such expressions that indicate the level at which the teenagers put the officials under pressure to response positively to their requests.

N.A.I., Comcol. 1 File No. 2766 Vol. II, correspondence from Layiwola Folawiyi to the Commissioner for the Colony, Lagos, September 7, 1943.

In pre-colonial times, the traditional extended family system prevented a wide gap in the pre-colonial class structure. The closeness was sustained by the system through which those who were poor were effectively contained. It was an inbuilt welfare system that hindered widening poverty. Though some entered into debts, the debts were easier to pay through the non-monetary format. Colonialism however nurtured greater individual economic engagement rather than the household and communal economic engagement in pre-colonial period. New means of socio-economic integration emerged and the desire to gain access to such means became a goal for the individual. The result of this was emergence and proliferation of children and young adults who considered that greater opportunities abound in colonial urban Lagos. See the Ebi Theory of Akinjogbin in Deji

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The *West African Pilot*, Friday October 28, 1955 See Also N.A.I., C.S.O. File No. 2600.

N.A.I., Comcol. 1 File No. 2766 Vol. 1 Correspondence from Yisa Andu to the Colony Welfare Officer, Lagos, February 21, 1943.

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N.A.I., Comcol. 1, File 2766, Vol. II, Letter 807, G. A. Aina to Hon. W. A. Fowler, Acting Commissioner of the Colony, Lagos, May 3, 1949.

N.A.I., Comcol. 1, File No. 2766 Vol. II, Letter written by Elijah Olu to the Commissioner for the Colony, January 16, 1950. N.A.I., Comcol. 1, File 2766, Vol. II, Letter 814, Phillip Ogunyemi to Commissioner for the Colony, Lagos, November 11, 1949.

N.A.I., Comcol. 1, File No. 2766, Vol. II, Letter No 816, Correspondence between James A. Ogedengbe and Commissioner of the Colony, Lagos, November 17, 1949.

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N.A.I., Comcol. 1, File No. 2766 Vol. I, See a handwritten report at the Colony Welfare Office, Lagos, November 7, 1946.

IFE RITUAL PERFORMANCES IN THE FLUX OF MODERNITY

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Abstract

Ife rituals are a veritable source for the history of the people widely known as Yoruba. They are an age-long cultural form that has had to contend with the challenges of modernity occasioned by colonialism in Africa. Since the ultimate custodianship of Ife rituals lies with the Ooni, the monarch of Ife, both the rituals and the hallowed office of the Ooni have had to adjust to imperatives of modernity. This paper attempts a discussion of this adjustment as a matter of historical importance from the point of intersection of the rituals and Ife traditional institutions.

Introduction

Ritual festivals of Ile-Ife (henceforth Ife) approximate symbolic representations dating back to pre-history. To be able to glimpse the age-long ritual performances in totality may no longer be possible given the tides of change that time brings about, the survivals of the festivals are in a relatively large number; and the regular command of quality audiences of the survivals is a proof of their invincibility in the face of the annihilating effects of modernity on traditions such as rituals.¹ The festivals, quite like others in similar postcolonial circumstances, constitute an art heritage. To state that they have been in constant battle of survival as a result of the hydra-headed annihilating effects of modernity is to repeat the obvious.

¹ Abiodun Adediran lists a total of 38 of the surviving ritual festivals of Ile-Ife. See Abiodun A. Adediran and S.O. Arifalo "The Religious Festivals of Ife". In: I. A. Akinjogbin (ed.) *The Cradle of a Race: from the Beginning to 1980*. (Lagos: Sunray, 1992), 307-308.

Centuries of colonial domination which foisted on Africa all sorts of modernities have left such African cultural practices as Yoruba rituals at the margins of the present-day socio-cultural construct for long. The situation is now different and may be appreciated in line with the "surge of interest"² in rituals observable across cultures of the world in the last three decades or more. The ritual practices of Ile-Ife, "the religious capital of the Yoruba"³ have particularly received attention from various interests and groups. For example, the yearly presence of the Oodua Peoples's Congress's in Ile-Ife is a new dimension to the act of symbolically representing and connecting to Oodua, the acclaimed progenitor of the Yoruba people. There are happenings at other ritual festivals of Ife such as Olojo festival, Edi festival, Obatala festival, Obarese festival, and Orisalse festival among others which facilitate symbolic reunification of certain Yoruba towns and their roots, Ile-Ife, through acts of the imagination infused in the pristine procedures of the rituals. This interest in Ife rituals owes largely to the historico-spiritual pre-eminence of the town in the culture of the Yoruba. Yoruba mythic and legendary ancestors who constitute the center-points of the ritual performances of Ife are being reevaluated; through re-enactment, the festivals continue to speak ambitiously to the cherished past of the Yoruba, which are to be seen today in their collective identity constructions and ethno-nationalistic aspirations.

Ritual as a symbolic art form is equally an inherited pathway to the sublime. Events of old are transmitted across generations through rituals in their full realisation through performance. Ritual attains this full realization through what Turner identifies to be peculiar to ritual: "a synchronization of many performative genres"⁴ such as a "dynamic

² In their study of the Duna people, this point is well made. See Ronald L. Grimes, *Deeply into the Bone: Re-inventing Rites of Passage*. London: University of California Press, 2000. P. 3.

³ Andrew Apter, "Notes on Orisha Cults in the Ekiti Yoruba Highlands: A Tribute to Pierre Verger". *Cahiers d'Etudes Africaines*. Vol. 35, 138/139 (1995): 370.

⁴ Victor Turner, *From Ritual to Theatre: The Human Seriousness of Play*. New York: Performing Arts Journal Publications, 1982, p. 81.

performative systems generating new materials and recombining traditional actions in new ways".⁵ In the symbolic portrayal of the mythic past of Yoruba ancestors that Ife rituals facilitate is the featuring and consequent affirmation of the institution of the Ooni as that of the all-encompassing surrogate of the gods. This, the festivals ensure through their "indexical"⁶ character as symbolic representations of the mythic beginnings in which the gods existed as archetypal figures navigating the metaphysical and the physical, the two dimensions of the immensity of the cosmos of the Yoruba imagination that are separated by "a numinous passages: transitions".⁷

As trans-realm navigators, the gods approximate various departments of nature: Ogun (superintendents over iron, metallurgy and associated knowledge); Oranfe anthropomorphised in Sango (oversees thunder); Elejuge otherwise known as Orisateko (administers rain and agricultural products); Oluorogbo (takes charge of trans-realm mediation between Olodumare and the gods); Ifa (superintends over wisdom and reflects Olodumare's omnipresence and omniscience); Esu (controls the duality in man and nature); Alafere (takes charge of winds); etc. The Ooni is held as the last of the gods endowed with the human voice. In both claims that the Ooni is the surrogate of the gods combined and the custodian of rites and histories associated with the gods, these art form stand as "archeological specimens"⁹ validating such claims.

⁵ Richard Schechner, *The Future of Ritual: Writings on Culture and Performance*. London: Routledge, 1993, p. 228.

⁶ S.J. Tambia, "A Performative Approach to Ritual." In *The Proceedings of the British Academy*. LXV. London: Oxford University Press, 1979, p. 119.

⁷ Wole Soyinka, *Myth, Literature and the African World*. Cambridge: Cambridge University Press, 1976, xii.

⁸ Omosade Awolalu's contention that Jakuta is the primordial ancestor anthropomorphised in Sango provides reinforcement to the claim of the Oranfe ritual institution in Ile-Ife that Sango is a child of Oranfe. See Omosade Awolalu, *Yoruba Beliefs and Sacrificial Rites*, New York: Athelia Henrietta Press, 1979, 38.

⁹ See Robert H. Lowie, "Oral Tradition and History." *The Journal of American Folklore*. Vol. 30, No. 116 (1917), 162.

As the gods approximate various powers and the Ooni is held as a culmination of the powers so we have devolution of the powers to the priests of Ife known as the Isoros. The priests in turn superintend over the affairs of the gods. While the affairs may be seen as metaphysically derived, they are made potent through human deference to the gods. Rituals allow for a most vivid and intense demonstration of this reverence. The expression *Bí ò sèniyàn imalè ò sí* (without humans there won't be the gods)¹⁰ is a proverb that underscores this point. In this devolution is a revelation of the Chief Priests of Ife as wielders of spiritual and temporal powers. This power-wielding takes the semblance of those of ancient Greece and Rome.¹¹ Just as is the case with the two ancient cities – Greece and Rome, some of the Chief Priests of Ife act as “departmental kings of nature” who “rule over particular elements or aspects of nature”¹² while others are in charge of important matters of life. Hence, there is the Oluroye (in charge of thunder), Obameri (in charge of death by hanging), the Olufon (in charge of archaeological markings of the first son of Obatala, the Olufon)¹³ while the Eredumi superintends over that of Oranmiyan (the founder of ancient Binin and Oyo), among several others. In the whole of these, the rituals are to be seen as acts which call back memories of the Yoruba ancestors, either in their perception through cosmological to cosmogonic happenings or from their mythic appearances to their approximations in historical terms. Ile-Ife is therefore a site of multiple rituals significant for the recapturing of the past in which the Yoruba gods featured as inventors of “pathways”

¹⁰ Ibitokun makes a similar proverbial allusion. See B.M. Ibitokun, *African Drama and the Yoruba World-View*. Ibadan: Ibadan University Press, 1995, p. 22. An earlier proverbial reference is made by Soyinka. See Wole Soyinka, *Myth, Ritual and the African World*. London: Cambridge University Press, 1976, p. 10.

¹¹ The comparison drawn here is only for mere cross-cultural elucidation, for the Ife often claim certain primacy of origination which subsumes all other societies under her historical pre-eminence.

¹² See James G. Frazer. “The Golden Bough” In *The Myth and Ritual Theory*. Edited by Robert A. Segal. Malden: Blackwell Publishers, 1998, 86-87

¹³ The Olufon, according to oral traditions shared by the Ife and Ifon-Yoruba sub-cultures, was the founder of all Ifon-Yoruba sub-cultures.

without which the idea of Yoruba either as a culture or people would have been difficult to conceive.¹⁴

Since rituals are an artistic form rich in ethnographic imports, the high numerical presence of rituals in Ife makes Ife a site of rich artistic practices; and for the fact that performance is key to the realisation of ritual as an artistic experience, the place of the performer, who often can swiftly oscillate between the position of the performer and audience, is salient in appreciating the rituals in their full dimensions. The Ooni stands both as a most prominent performer and the patron from whom much material support and psychological alignment are expected. This is because so much is given unto him via the inducement of the supernatural through the rituals and intense shown of loyalty by the Isoros. The Ife ritual traditions by which Yoruba ethnographic studies stands to benefit so much hopefully trudge on, it is indeed noteworthy to reiterate the socio-historical significance of these age-old practices and evaluate their contemporary standing against the backdrop of their travails in recent times.

The period in which the reign of Ooni Okunade Sijuwade, Olubuse II (1980-2015) falls would serve as a mirror by which the rituals as inter-generational resources could be reflected; it would equally serve in reflecting on the travails of the rituals. This is because the reign of Ooni Okunade Sijuwade Olubuse II witnessed serious questioning and consequent affirmation of the values of Ife rituals. And more importantly, the reign could be seen to have paved the way for outstanding re-packaging and re-invigoration of Ife rituals in the ongoing promising reign of Ooni Babatunde Adeyeye Enitan Ogunwusi, Ojaja II (2015 to date).

¹⁴ This is an inference drawn from Tom F. Driver's view of ritual as archetypal acts serving as necessities for the operation of human societies across ages. See Tom F. Driver, *Magic of Ritual: Our Need for Liberating Rites that Transform our Lives and our Community*. San Francisco: Harper, 1991, 16. (Henceforth, Driver, *Magic of Ritual...*).

Ooni as Ritual Performer

In questioning the name, Ooni, one easy response is elicited: The traditional monarch of Ile-Ife. This is an appropriate answer to the interrogation. Nevertheless, a lot is called to question over such simplistic response when mythico-historical and psycho-social-cum-spiritual implications of the name are the issues to address. The name calls out to so much that a separate space would be needed for nomenclatural clarifications. However, one way to grapple with the complex semantic embodiments of the name is cross-cultural, which is being fortuitously favoured in the present paper. From there, we could start engaging with the politico-cultural concept "Oba" – an embodiment of the secular and the divine in Yoruba culture. The totality of existence of the traditional Yoruba people hinges on a mode of political system established on and legitimized by the people's willing acceptance of the divine personhood of the oba. Expressed differently, the institution of the oba as an embodiment of the politico-spiritual is sustained through the collective will of the people whose collective interest the oba is expected to represent. Again, the notion of interest and will implicated in the responsibility of divine kingship (rulership)¹⁵ upheld by the Yoruba are a matter bordering on reciprocity: the collective will of the people sustained the divine king whose existence is pivotal to the essence of life of the traditional Yoruba.

A cross-cultural way to understand this could be glimpsed through Frazer whose account of the "primitives" Segal provides thus:

For primitives believe [...] that the king's life or spirit is so sympathetically bound up with the prosperity of the whole country, that if he fell ill or grew senile the cattle would sicken and cease to multiply, the crops would rot in the

fields, and men would perish of widespread disease

The foregoing is though insights, nevertheless, the inference to be drawn from the notion of Yoruba sacred kingship has a peculiarity which is mutually exclusive to the inference Frazer's "primitives" are said to draw from their conception of divine kingship. Let us set off the traditional Yoruba inference on divine kingship by reproducing the primitives' inference on same as reported by Frazer:

Hence, in their opinion, the only way of averting these calamities is to put the king to death while he is still hale and hearty, in order that the divine spirit which he has inherited from his predecessors may be transmitted in turn by him to his successor while it is still in full vigour and has not yet been impaired by the weakness of disease and old age.¹⁶

Frazer's account of the so-called "primitives" approximates three significant points which could form a template for setting a picture of the traditional Yoruba culture against the background of Frazer's impressive discourse of the so-called primitives: (i) The place of kingship in the primitives' conception of social existence. (ii) The consciousness of the mortality of the king in the primitives. (iii) The felt need to ensure continuity of communal life for which kingship is formulated and conceived of as the repository of all of life by the primitives.

¹⁵ The present writer is conscious of the inadequacy of and even complications in the adoption of Western categories for a discourse of essential African cultural forms, practices or phenomena.

¹⁶ Segal, Robert A., ed. "Introduction." *The Myth and Ritual Theory: An Anthology*. Malden: Blackwell Press, 1998, 4.

Theorising Ritual Modernity

We should come to terms with the fact that aspersions are often cast at rituals and contempt heaped on myths by the many.¹⁷ This dismissive treatment of indigenous cultural forms is not peculiar to Africa. However, rituals as well as myths of Africa seem to be the worst affected in the onslaught against these foundations of human socialisation.¹⁸ The reason for this inheres in the fact that Africa was dominated and that the domination is being perpetuated. The various "modernities"¹⁹ that African societies have evolved into today are offshoots of the domination. These modernities are such permissive socio-cultural enclaves which are nothing but fluid and "deterritorialisated" cultural domains. Within these modernities is excessive allowance for the misconstruction of ritual and myth. Incidentally this appears utterly unfortunate. Nevertheless, rituals and myths remain functional in both in the evolution and organization of human societies. Those of Christianity, Islam, Buddhism, and other firmly rooted religious formations of the world are sufficient examples. The misconstruction notwithstanding, rituals and myths of Ile-Ife attest to the significance and influence which these cultural phenomena continue to exert on social life in contemporary times.

The perception of Ile-Ife as the origin of the Yoruba and affirmations of identity and history that habitually attend the perception are a practical exemplification of this notion. Beyond these, cases of radical recourse to ritualistic and mythic beliefs abound generally in Nigeria. A most prominent example exists in the activities of the militant group, Oodua People's Congress (OPC) who often

¹⁷ The present writer considers this category of ritual observers and commentators as the unschooled, bamboozled, the seriously culturally displaced and disoriented.

¹⁸ See Tom F. Driver, *Our Need for Liberating Rites that Transform our Lives and our Communities*. San Francisco: Harper, 1991, p. 31.

¹⁹ The concept of modernities is being used to capture various "cultural responses" to the emergent global consciousness of cultural borderlessness and the experience of "personal and social life as a maelstrom". Marshall Berman, *All That is Solid Melts into Air: The Experience of Modernity*. New York: Penguin, 1988, 345. Giddens, Anthony Giddens, *The consequences of Modernity*. Stanford: Stanford University Press, 1990, 174.

appropriates the myth of Oodua,²⁰ the acclaimed progenitor of the Yoruba who, according to tradition, ruled over Ile of the primordial times, in articulating strong political views and projecting sensitive interests for the Yoruba of Nigeria. That such cases arise out of deep conviction in the efficacy of ritual and myth in challenging perceived social inequities more often than not demonstrates the strong and natural appeal ritual and myth have in the lives of the Yoruba people.

Today, because modernity has created a large space of opportunities, different modes of cultural negotiations are being hoisted by various agencies of cultural production and nurturing vis-à-vis determining the significance of ritual and myth within contemporary conception of social existence. The agencies of religion, politics, economy, language, pedagogy, history, among others function to this end all within other broad designations of culture. And all these ultimately serve the interest of "new global cultural order"²¹ that has enlisted globalisation for trans-cultural intercourse. Allied disciplines with cultural orientation such as anthropology, religious studies, literature, language, history, philosophy, sociology among others attempt to capture the phenomenon using the concept of modernity which, in turn, has multiple applications. In Yoruba cultural studies, to be specific, the idea of Yoruba modernity should strike at the irresistible pull of ongoing global cultural traffic within which the culture of the Yoruba cannot but constantly submit its legendary traditional identity as cultures worldwide are generally exposed to high waves of trans-cultural revaluations. And as the Yoruba culture gains admission into the arena of global trans-cultural dealings, its traditional political institution in which the Ooni and the Yoruba Oba in general play pivotal roles should be seen as enmeshed in lots of cultural negotiations. This is particularly shown in terms of an Oba's

²⁰ Olofin was confirmed to be more appropriate in explaining the rulership of the primordial rulers of Ile by the Obalara during an interview conducted with him by the present researcher; the title Ooni appears to be a latter-day title which nonetheless is part of the corpus of attributes of the ruler of Ile-Ife whose divine status is considered unequalled in traditional Yoruba culture.

²¹ The propensity towards a borderless cultural humanity is being inferred here.

need to assert his cultural territory, which enhances the definition of the character and relevance of such an oba. The obaship institution of the Yoruba is today one agency of cultural negotiation through whose activities at sustaining tradition the annihilating waves of modernity has been largely stemmed.

Traced to the epoch of "scientific revolution", modernity denotes phenomenal attributes associated with the experience of advanced technology, politics, economics, and social development among humans in specific social settings.²² Such attributes include the decline in the roles of the traditional monarchical institutions and the extra-traditional roles incidentally assigned them within contemporary nation-states of Africa. Others include the changing notion of utility vis-à-vis economic productions, changing modes of communication and transportation, and the huge population mixes in perpetual flux. In its most recent manifestations, modernity is projected through globalisation, a social phenomenon which involves the ways happenings in one place affect those in other places that are remote in time and in terms of geographical location.²³

To be specific, traditional mandates of and cultural happenings around the Yoruba Obaship institution, which are affected in the process of globalisation, constitute an instance of cultural globalisation; by the concept of cultural globalisation, we refer to the "emergence of specific set of values and beliefs that are largely shared around the planet".²⁴ The complex cultural implications of modernity signal lots of cultural dynamics being brought about in Yorubaland.²⁵ In other The case is the same in major cultures elsewhere in Africa.

²² Modernisation refers to the process by which the attributes are acquired. See C. E. Black, *The Dynamics of Modernization: A Study in Comparative History*. London: Harper and Row, 1967, p.5&6.

²³ Anthony Giddens, *The Consequences of Modernity*. Stanford: Stanford University Press, 1990. This is also upheld by John Urry, *Global Complexity*. Cambridge: Polity Press, 2003, 39.

²⁴ M. Castells, *Communication Power*. New York: Blackwell, 2009, 117.

²⁵ Incidentally the notion of dynamism is at once encapsulated in the very concept of modernity by which the ongoing reconfiguration of the Yoruba cultural space is being elucidated.

words, the Yoruba cultural space is not an isolated case in the ongoing global cultural modernity. In view of the foregoing, to seek to know where traditional Yoruba culture is located within the framework of contemporary cultural experiences is to provoke the discerning mind as to whether the culture or any culture in similar circumstances exists anymore. This is because cultural tendencies today are in constant flux and are headed towards the global. All seem to be in an ongoing evolution of "global culture" that dims formerly existing forms of cultural demarcations. In such a situation, it should be noted, as Appadurai observes, that "the central feature of [global culture] is the politics of the mutual efforts of sameness and difference to cannibalize one another".²⁶ This is to imply that no culture retains its exclusive identity anymore even if such was ever the case. Two instances will be cited to underscore the claim being made: Obatala and Oodua festivals. Unlike its very enclosed space in the past, the space of Obatala ritual performance today is open to diaspora interests such as the involvement of initiates from diaspora as well as sponsorship of the festival's entailments through diaspora remittances. With regard to the second example (Oodua festival), the processes and space of the ritual performance are now enlarged to accommodate multiple modes of expression of ethnonationalism of the ethnic militia known as Oodua People's Congress whose membership and activities cut across several countries of the world. Yet while this may appear factual, our attention must be called to the noted improbability of the emergence of "a single global culture since there can only be "a deterritorialized, globalized culture".²⁷

In spite of this global cultural reality we have claims often being made that some cultures such as the Yoruba exist. That such are usually uncritically made notwithstanding, even a most anthropologically or, rather, ethnologically informed would be persuaded to recognise the existence of certain cultural formations

²⁶ Arjun Appadurai, *Modernity at Large*. Minneapolis: University of Minneapolis Press, 1996, 43.

²⁷ John Tomlinson makes this very important observation. See John Tomlinson, *Globalization and Culture*. Cambridge: Polity Press, 1999, 105.

with distinction in spite of the glaring fluidity of cultures across the globe in recent times. Under such condition of cultural consciousness often accompanied with pride and historical authorisation, anyone with a discerning mind, informed enough about the idea of culture might even need to disregard the fact that every culture mutates across space and time. Essentially, in the whole of these, determining that certain cultures or all cultures exist or not may not be as important as knowing that inherited and emergent cultural institutions do exist. For the record, such institutions have had to function in the ambassadorial capacities of their respective cultures as they remain strongly held as functional and vigorously existing among peoples who continue to see strong connections between them and their lives.

The Yoruba Obaship institution in its present standing is a particularly interesting case in this regard. Many contemporary Yoruba Obas have had to actively speak for various traditions of their Yoruba sub-cultural domains.²⁸ In fact they have had to contend with the challenge of living the culture as perceived and held by the people on account of whose collective will they manage to wield power, authority and influence today. What traditions the people expect of an Oba are often equated with the Oba's entire life as was the case in the past. Today, where an Oba may be said to be granted the right to his privacy as an individual, such right is freely infringed upon since the Oba is constantly a subject for public discussion. Given the mutation which modernity-invigorated-by-globalisation has brought about such as we have in Edi festival whose space and processes have been modified to align with and enhance the popularization of feminist ideology, the Yoruba Oba is expected to carry out the responsibility of ensuring that a particular legendary past exists under a condition that is rather lacking in the pristine traditional orientation.²⁹ In other words,

²⁸ A particularly interesting case is that of the incumbent Ooni Adeyeye Ogunwusi whose support for the promotion of traditional practices, particularly rituals is outstanding.

²⁹ The concept is used to describe the philosophy guiding life in traditional Africa. Mohammed Majeed "Working Paper", University of Ghana (Presented at the

too much is being expected of the Yoruba Oba in terms of promoting the cultural heritage of the people over which he rules. Such a high expectation is typically borne out of the ignorance of the fact that the circumstances which enabled full functioning of the institution in the actual traditional era are no longer there. While this is obviously the case all over Yoruba towns and communities, that of Ile-Ife where the Ooni rules over the acclaimed ancient home of the Yoruba and, by the same privilege, is seen to oversee the affairs of the Yoruba is particularly critical. This lopsided cultural condition has informed various cultural negotiations in Ile-Ife; and at the head of these negotiations, successive Oonis have proven to be on top of the game.

In the attendant cultural negotiations is the prominent issue of the placement of the ritual heritage of Ile-Ife amidst other core cultural prerequisites of the Ooniship institution. The period (1980 and 2015)³⁰ was within a most active moment of global technological and scientific boom. The period was marked by phenomenal influence of globalisation. It equally coincided with an active moment of the waves of postmodernity, when the global structure of received knowledge, traditions, and history became subverted both for nothing and anything real and imagined; then as now was an age when proverbs were no longer taken exclusively as received wisdom to be treated with reverence; that is, an age when anti-proverbs or postproverbials contested the epistemic domain of proverbs,³¹ an age when sacred institutions and rituals were held as charades by the majority – an age best described as that of "cultural rupture".³²

On the other hand, the period also witnessed lots of enthusiasts of Yoruba culture who would not understand that the Ooniship

International Workshop of African Humanities Programme in Dar es Salam, Tanzania, 2016).

³⁰ This period was the exact timeline within which Ooni Okunade Sijuwade Olubuse reigned in the ancient city of Ile-Ife.

Aderemi Raji-Oyelade, "Postproverbials in Yoruba Culture: A Playful Paraphemy." *Research in Africa Literature*. Vol. 30., No.1. (1999):75.

³¹ The concept derives from Raji-Oyelade's See Aderemi Raji-Oyelade, *Fluent Inter/ventions: Webs of the Literary Discipline*. Inaugural Lecture Series. Ibadan: University of Ibadan, 2013, 21.

institution or the derivative Yoruba Obaship institution in general³³ had become a vestige of some sort; those would not see the vestige as being belaboured by certain demands of modernity and that the institution could only have awaited a possible intervention of a radical mass and/or powerful institutional agency actively inclined towards traditional culture to provide it a new lease of life. The Ooniship and the entire Yoruba obaship institution were simply comatose. Alas, the comatose condition of the institution was probably seen as good enough for the needed mission to retrieve the lost cultural atmosphere that enabled the full functioning of the old traditions.

Modest observation would confirm that cultural enthusiasts that existed and still exist are broadly classifiable. Their existence then as the case is now was for reasons that were either plausible or otherwise; obviously they existed as they do now for purposes that were either dangerously parochial or broadly profitable when the purposes were not borne out of sheer ignorance. We shall attempt to classify the various cultural enthusiasts that existed: Harmless Cultural Enthusiasts, Harmful Cultural Enthusiasts, Curious Cultural Enthusiasts, Scavenging Cultural Enthusiasts, Cultural Charlatans, and Informed Cultural Enthusiasts. Each of these categories of Cultural Enthusiasts commanded different Cultural Choruses or admirers (followership?).³⁴

³³ This aligns with Apter's description that Ile-Ife is "the cosmogonic locus of Yoruba kingship and ethnic identity". Andrew Apter, "Notes on Orisha Cults in the Ekiti Yoruba Highlands: A Tribute to Pierre Verger". *Cahiers d'Etudes Africaines*. Vol. 35, 138/139 (1995):370.

³⁴ The present writer is of the opinion that the late Kabiesi showed his endowment through the display of a high sense of negotiation of cultural circumstances in the modernity of his reign. That particularly involved taking into account the limits imposed by the totality of the condition of the era within which he ruled as the Ooni and played the father-figure role in Yoruba culture. That Ooni Olubuse did with exceptional gaiety without the slightest ado over the contradictory conditions of the culture. Most times this happened to the dismay of those who sought a particular past which the present neither promised nor can be said to be attainable within the bounds of the operative principles of Ooni Olubuse II's era. As the Ooni actively negotiated the circumstances of modernity during his reign, the rituals of Ife by which the Yoruba world was supposed to be nurtured and intensively and extensively

In spite of these, cultural negotiations continue. In the negotiations, by which we mean how the Ooniship position was conducted to reflect its traditional essence within the changing circumstances, the ritual traditions of Ile-Ife reduced numerically, and in terms of cultural aura and, of course, spiritual attraction. Since in spite of modernity there still existed appreciable level of devotion to the observation of the rituals, there were reservations on the part of the major custodians of the ritual traditions for the disposition taken by the sitting Ooni.³⁵ Yet the negotiations continue so remarkably. Attention remains drawn to how rituals as important archaeological materials fared during the period.

Seeing Through the Historical Course

Building up to the foregoing, we contend that all forms of ritual negotiation during the reign under focus took place within an era of modernity. We add that the phenomenon of modernity be understood as that which "pours us all into a maelstrom of perpetual disintegration and renewal, of struggle and contradiction, of ambiguity and anguish."³⁶ The intention here is to indicate clearly that the socio-cultural character of contemporary Ile-Ife like those of other Yoruba sub-cultural domains is different from what it was in times past. Particularly, we should note that the glorious era of communitarian ideology guiding Yoruba social life had for long been displaced by capitalist individualism which was imposed on the whole of Africa at the instance of the Western imperialist mission. Suffice to say that this

projected; by which the Yoruba history and collective identity were to be affirmed; by which the Ooniship institution was to be authorised and sustained; and without which Ile-Ife's reverence among the Yoruba would be questioned, got negotiated along.

³⁵ Prominent custodians of Ife ritual tradition like Obalesun Dada Obatala, Obalase Orihayimka, Eredumi Akinyemi among others expressed reservation over Ooni Olubuse's disposition to the ritual obligations expected of him. Olupona's report further affirms this. See J. K. Olupona, *City of 201 Gods: Ile-Ife in Time, Space, and the Imagination*. Berkeley: University of California Press, 2011, 252.

³⁶ Marshall Berman, *All That is Solid Melts into Air: The Experience of Modernity*. New York: Penguin, 1988, p. 15.

brought about lots of complications in the socio-cultural life of the people of Ile-Ife. The traditional socio-cultural foundation of Ile-Ife has had to bear a socio-cultural superstructure which has modern realities greatly infused into it. The situation then required that the sitting Ooni at the point in time negotiate for a position of balance amidst contending demands of modernity – demands which remained perpetually in flux as the culture and the population that emerged with the postcolony. Nevertheless, the dynamics posed by three crucial cultural factors complicated matters vis-à-vis how the special position of the Ooni: (1) the Ooniship stool remained strongly attached to the living rituals of Ile-Ife, necessitating Ooni's prominent location in the ritual businesses (2) the entrenched perception that the custodianship of Yoruba culture resides in the Ooniship institution remained strongly sustained and was applied in crucial politico-cultural situations, and (3) the modern political and cultural responsibilities that factors (1) and (2) combined to bequeath on the Ooni remained very relevant in the handling of contemporary Yoruba affairs.

The change in the socio-cultural atmosphere of Ile-Ife did not just begin during the reign under focus. The colonial interruption in the affairs of a historical people that was latterly referred to as Yoruba had set the path for the reconfiguration of the Ooniship institution. Four epochs of Ooniship in Ife marked a turning point in the history of the highly revered institution. No Ooni before Ooni Adelegan Olubuse I had been so compelled to put tradition on hold in answering any call, more so one that required stepping out of the sacred city of Ile-Ife. As interruptive as it must have been, the stepping out of Ooni Olubuse I turned out to be a turning point in Yoruba history. It marked a remarkable moment of confirmation of the cultural unity of the Yoruba; it incidentally was a re-defining moment as well as that for the test of the cultural acceptability of the Ooniship institution within the framework of the Yoruba understanding and interpretation of their unique cultural space in the gradually evolving country, Nigeria, during the colonial era.

Subsequently, Ooni Adegunle Abewela and Ajagun Lawarinkan could only function under the shadow cast by the

historical interruption and the domineering presence of the colonial power. Both, though could be said to have enjoyed the pristine extraordinary power of the Ooni appreciably, the world over which they were to superintend had certainly been opened up to a full incursion of the Western powers and culture. The quality of ascendancy of the Ooniship stool by Ooni Adesoji Aderemi only confirmed the new regime of modernity. The succeeding Ooni Aderemi had western education that belonged in the high class when rated on the standard of the time. He was fabulously rich and cosmopolitan. These were a combination of rare privileges of the modernity of the time which the modified position of the Ooni would need for inter-cultural dealings on behalf of the Yoruba within colonial Nigeria. Hence, if the preceding epochs did not need serious cultural negotiations, Ooni Aderemi's era was definitely that which required urgent and intense cultural negotiations. The Nigeria project initiated by the colonial power was a process of cultural merger in which the Ooni as the father-figure in the Yoruba culture was to actively participate. Even though the Yoruba may never have existed as one organised political entity before the advent of colonialism, their shared oral traditions which established their historical oneness upon which their common identity could be constructed were identified by the colonial mission that sought such for ease of political administration of the colony. The nationalist activities prompted by the felt pressure of the colonial experience rested on the same historical consciousness as the Yoruba cultural formation of the emerging country injected its own pro-independence argument into the nationalist debate. Ooni Aderemi had to be everywhere combining the roles of the traditional ruler of the ancestral home of the Yoruba with those of the modern Nigerian elite that was warming up for the takeover of mantle of rulership from the colonial masters.

Sufficiently, therefore, the roadmap to modern Ile-Ife had been drawn and its outlines had become visible before the reign of Olubuse II – 1980-2015. The emergent roles of the Ooni had become obvious and tested well enough. But while the requirements of an Ooni suitable for modern Nigerian politics, economy and administration may be said

to have been taken care of, those of the Ooni's patronage of the rituals of Ile-Ife cannot be seen in the same light. The rituals of Ife require a particular mentality that placed a high premium on the potency of rituals as cosmic regulators and the necessity for their observation for cosmic harmony. Their full realisation as a mode of artistic expression had to invariably depend on the "oral mentality"³⁷ that gave rise to it in the first place. They also had to depend on the traditional demographic pattern or structure conducive or appropriate for their performance.

But by the 1980s, many parts of Ile-Ife centrally designated for ritual obligations had been transformed in the face of the waves of modernity that had been blowing across the entire Africa, producing conditions that were incongruent to the stipulations of the rituals of Ife. For examples, Ogboku otherwise known as Omin Eborá (stream of deities) had been made to flow along a modern canal with cement and granite floor rather than its sacred gentled meandering along the time-created ground channel; the Omin Eleye (stream of the witches) was already sandwiched between residential houses; Igbo Olose (the sacred Olose grove) was directly faced by a big Cathedral of Christ Apostolic Church built in 1937; the sacred area known as Ikire Oko and the sacred well marking out the area were already overtaken by residential buildings and government secondary school and the first private primary school in Ile-Ife; Bode, another sacred area, was threatened by the presence of a big Divisional A police station; and many more. These are spots on which awesome performances had taken place with impressive audiences in attendance in some cases.

The lowness in the required ritual mentality was largely caused by a combination of three distinct factors: the strong waves of Islamic doctrines, the very tough tornados of Christian teachings, and the colonial legal legacy that stringently outlawed certain ritual accompaniments and experiences. The totality of Ile-Ife's demographic structure had changed confining the rituals to the margin

³⁷Emevwo Biakolo, "Categories of Cross-Cultural Cognition and the African Condition." *African Philosophy Reader*, ed. P. H. Coetzee and A. P. J. Roux (London: Routledge, 1998), 8.

of the community already marked by modern propensity. Very many ritual practices in the town had "died". Nevertheless, a good number were still managing to exist. The list of ritual festivals compiled by Abiodun A. Adediran during the reing of Ooni Olubuse II includes the following: Agbon, Obalufon, Orisateko, Okun Walode, Egbodo Ooni, Egbodo Erio, Ogido, Efon, Ile Monle, Ekun, Ode Omo Ooni, Orungbe, Olokun, Erinmi, Ore, Luwoo, Esindale, Omitoto-Ose, Esu Obasin, Agemo, Obameri, Oke Agbonniregun, Olojo, Oramfe, Edi, Esa, Oodua, Iro Feegun, Iro Sanire, Iro Obawara, Orisa Ikire, Iro Ompetu, Iro Obalaaye, Iro Ooni, Ita, Ilase, Ija, and Pokulere. The existing festivals attest to the invincibility of African cultural heritage in the face of the annihilating effects of colonialism and postcolonialism.

Recognising the Cultural Negotiator

Sufficient experiences of the performance of Ife rituals would confirm that many of the expectations with regard to the position of the Ooni were met particularly within the first decade of the period in question;³⁸ However, from the mid-1990s till 2015,³⁹ there appeared to be a drastic reduction in the number of rituals observed in Ife. Upon scholarly enquiry, the sitting Ooni's disposition to the ritual festivals was said to have waned. This position agrees with David Olupona's report in which he identifies certain "cognitive dissonance"⁴⁰ in Ooni Olubuse II's perception of himself as God. The decline in the patronage which the rituals were supposed to enjoy from His Imperial Majesty could be associated with this weakness in the self-perception

³⁸ The present scholar was a witness to Ife rituals such as Edi, Olojo, Oke Agbonniregun, Pokulere, Itapa, Iro Fegun, Iro Baasa, Iro Isanire, Ferekete, and Owale festivals from 1980 to the late 80s before his departure to Lagos. The façade of the place was the meeting point for people from all and sundry to merry make after the exclusively sacred aspects of the ritual festivals would have been concluded.

³⁹ This period marks the present scholar's introduction to the ethnographic genre, ritual studies and the period of his advanced knowledge of and interest in ritual performances, especially those of Ile-Ife.

⁴⁰ J.K. Olupona, *City of 201 Gods: Ile-Ife in Time, Space and the Imagination*. Berkeley: University of California Press, 261. (Henceforth, Olupona, *City of 201 Gods*).

of the transited Ooni. Ooni Olubuse II's self-revelation of his own psycho-spiritual challenge is worth reproducing at length alongside Olupona's interrogation which specifically provoked the revelation; so is the Ooni's acolytes' (the Emese) rather audacious affirmation of the ancient status of the Ooni as reported in an interview conducted with Ooni Olubuse II by Olupona:

Olupona:
Your Majesty, Kabiyesi [King], I am happy to speak with you on a number of issues, and I would prefer hearing directly of your more personal reflections on these issues. The first question relates to your role as the Ooni, the Oba of Ile-Ife, the overall Oba of all the Oba in your domain, and the head of the Yoruba and Ile-Ife city. How do you view your status and role in Oduduwaland? The second question relates to the Americas and Africans in the diaspora. We have visited a number of places outside Nigeria and talked to people in Brazil, Cuba, and Trinidad, where you are viewed as God

Ooni:
There is only one God, and that is the Supreme God on High, Olorun"
The Acolytes (the Emese):
Kabiyesi, Alase Ekeji Orisa, Omo Irunmole (Your Royal Highness, one whose power is like that of the gods, descendant of 401 deities of the Yoruba pantheon)⁴¹.

⁴¹ Olupona, *City of 201 Gods*, p.52

Between Ooni Olubuse's mindset and that of the acolytes is a wide gulf created by modern religious consciousness whose pull Ooni Olubuse must have found irresistible. There was a loss of the required "oral mentality" in an era in which "the literate mentality"⁴² held sway. Olupona's synthesis of Ooni Olubuse's thesis and the acolytes' anti-thesis must have been a rarity, an applaudable critical estimation of positions on an all-important matter of Yoruba tradition. For Olupona, Ooni Olubuse only endeavoured to deny what stood undeniable about him.⁴³ Yet, the monarch should be sympathized with and his case understood beyond deliberate intent to rubbush an age-old tradition.

This cognitive dissonance could be explained from the angle of thought pollution which the contestations in certain quarters over the widely held belief that the Ooni is the father of the Yoruba promoted. This is because the Ooni and the Yoruba as a people should relate mutually on same page for the Ooni's father-figure perception to actively apply. This should be understood as a matter of necessary psycho-cultural condition, otherwise the pervasive literate mentality of the time would have utterly failed to fathom the depth of the traditional belief upon which such a notion should have been sustained. The period under study witnessed several deliberate historical reconstructions aimed at promoting parochial interests of individuals, Obas and places; and the role of the media in these was enormously disturbing as the very foundation of Yoruba unity was threatened. It was an era during which the condition of freedom to reconstruct history according to the whim and caprice of any individual who could dare the unwholesome effrontery was prevalent an act with impunity. Differently expressed, hallowed traditions had become a joke.

⁴² Emevwo Biakolo, "Categories of Cross Cultural Cognition and the African Condition." *African*

Philosophy Reader, ed. P. H. Coetzee and A. P. J. Roux (London: Routledge, 1998), 8.

⁴³ Ibid.

Implications for the Art

The foregoing implicates the history of the ritual art heritage of the Yoruba at the critical moment of the Yoruba culture's encounter with the colonial culture and the resultant incident of negotiation and renegotiation of cultural condition in the postcolony. The Yoruba art heritage of Ife which compares well with those of Asia in terms of imaginative depth and intensity of effect has been endangered for long. Indeed, Rev. Matthew Hassan Kukah is right to blame us all: "We, on the African continent, opted to learn the ways of the colonialists by accepting their culture, language, religion and mores. We have been slow to reposition ourselves in almost all departments as we are still Eurocentric in our world views".⁴⁴ Thank Providence that all is not lost after all. Should the ritual heritage of Ife be missing, a huge gap would be created in the history of the artistic heritage of the Yoruba people in addition to that of the religious heritage as pointed out by Olupona. We may now talk of the renaissance of this art form, particularly as championed by the incumbent Ooni Adeyeye Ogundwusi. However, the act of providence that their survival is echoes so much that would have been missed if it has been lost in the postcolonial storms. For the sake of the art this time, we might reiterate the same wish as Olupona: "God forbid that Yoruba religious tradition becomes shuffled off the face of the earth [...]".⁴⁵ This is so significant a wish because "[c]ulture is a tool kit of identities for our survival" and

[i]n this era of globalization where Western hegemonic tendencies are now being wrapped and bandied as universal value, we owe ourselves and our children a proper reading or writing of our history.⁴⁶

⁴⁴ Rev. Matthew Hassan Kukah, *Religion, Culture and the Politics of Development*. Lagos: Centre for Black and African Arts and Civilisation, 2007, p.7. (Henceforth Kukah, *Religion*)

⁴⁵ Olupona, *City of 201 Gods*. (Preface) p. xiii.

⁴⁶ Kukah, *Religion*, p. 10-11.

Since the artistic dimension of the Yoruba religious tradition has the subject of ritual centrally placed, the ethical obligation of the present writer as a professional with literary bias comes frontally. Hence the interface of the sacred and the profane in Ife rituals might need to be restated in a most recent version: "The Yoruba experience a world in which the sacred and the profane are symmetrical counterparts."⁴⁷ Ife rituals demonstrate this intertwining very deeply. Therefore, the discourse of the ritual of Ife is a discourse of the Yoruba (when and where the past is a factor that counts) at the confluence of various departments of their life. The highest value of the ritual art form of Ife is in its ambitiousness to inform about so distant a past of the people as it encompasses so much and seek to harmonise magnificent complexities of the universe in spite of themselves.

Conclusion

Modernity has obviously posed enormous challenges to Ife ritual traditions. Those relating to psycho-cultural condition which enables a full functioning of the office of the Ooni were grievous. In 2012, Ooni Olubuse II's interest in reviving the rituals was publicly announced after his goodwill messages and selective appreciation of the commitment to the tradition of Ife shown by some Isoro (Chief Priests of Ife). The event, Orisa Festival 2012, held on the football field of Oduduwa College, Ile-Ife. On the list of those appreciated were prominent ritual performers of Ife such as the Obaluru, Obalesun, Obalase, Owa Eredumi, Obaloogun (all late) among others. His gesture of appreciation was sufficient to show the extent of his support and interest in the orisa tradition project in which Ife rituals are a centerpoint. Many times, instructions were given by Ooni Olubuse to the Isoros that the ancestors be propitiated. Ogun-Laadin was a regular place visited for hallowed purposes by the Ooni and his numerous visitors. The long abandoned Iro ritual performance was to be re-awakened shortly before Kabiesi's demise. Shortly before he transited also, a statue of Oduduwa was erected within the Oduduwa Grove on Igbo-Idio, the centerpoint of the annual Oodua ritual performance.

⁴⁷ *Ibid*, 7

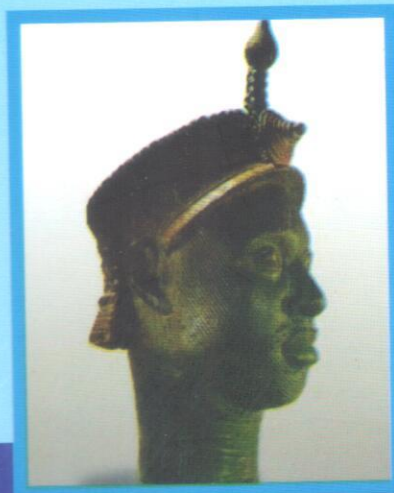
These altogether confirm the conscious avoidance of a confrontation with modernity while strategically tendering and paving the way for reinvigorated Ife ritual traditional practices exhibited by the sitting Ooni during this period.

The suppression of Ife traditional practices by the colonialist, particularly rituals, had had serious implications for Ife indigenous practices. What the period in question witnessed were minds already over influenced by foreign beliefs and practices to a point of embarrassing self-abnegation. Since no Ooni would rule over the people outside of the will of the people as modernity demands, no Ooni could be more concerned about matters of Ife ritual practices than the Yoruba whose interest the rituals, in their broader artistic and spiritual dimensions, serve. Today there is a promising Ooniship era under his Majesty, Ooni Babatunde Adeyeye Ogunwusi, Ojaja II. The ritual practices of Ife are being prepared for their pre-eminent roles in the affairs of the Yoruba and the ritual space of Ife is being impressively transformed also. Beyond, Ife rituals are being adapted to answering many questions of modernity so awesomely. The marvelous ways rituals are attaining prominence in the religious capital of the Yoruba will continue to call back the past of the Yoruba in remarkable ways.

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