



**DELE GIWA:  
2 Years After**

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The AFRICAN  
**Guardian**

A WEEKLY NEWSFEATURE MAGAZINE

OCTOBER 24, 1988



# SHARIA

## Before the Fire

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It seems simple enough that moslems in Nigeria want a constitutional provision that recognises a private law regime which helps in anyway to reinforce their faith.

The Sharia is said to be an integral part of Islam, although it would appear that there is far from being any definitive statement as to its acceptable limits from country to country.

Even in near theocratic situations like Nimeri's Sudan and Zia's Pakistan, the precise ramifications of the law that were considered consistent with the demands of the modern state often became an issue for 'life-and-death' controversies.

However, to argue about content, was perhaps entirely another matter, different from questions concerning desirability of the system per se. If moslems want their separate law to define such things as the processes of divorce, for example, I think

they are entitled to a hearing in a country that proclaims its multi-religious character to the high heavens.

But moslems, as christians, animists or free thinkers must not be permitted to ask for more than their fair share of nuisance value



in the compromise. Having not quite lived down the bitterness of recent religious riots, accompanied by bigoted effusions of bellicose bishops and sheikhs, not many Nigerians are likely to be amused by the bad blood that has seemed to surge forth at the Constituent Assembly over the Sharia and what place to accord it in the new Constitution.

Our man Paul Nwabukwu after two weeks of intense foraging at Abuja, indicates in this Cover Choice that there may well be some persons intent on making a mountain of a veritable molehill. There are fanatics or mavericks. The danger is that they manage to sound equally intelligent and persuasive, on either side of the fence.

*Cindy Akpondo*



## Nigeria

The World Bank has accepted to aid technical education in Nigeria. The proposal however, is not without condition; Nigeria should invest the loan directly on the existing technical colleges and polytechnics.

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## Economy

As eight members of the pricing and strategies committees of the Organisation of Petroleum Exporting Countries (OPEC) meet in Madrid, one big problem stares them in the face: finding answers to the declining crude oil prices.

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## Society

This Wednesday makes it exactly two years when Dele Giwa, one of Nigeria's star journalists, was bombed out of existence.

But arresting and prosecuting his killers is one task that has become impossible for the Nigeria Police.

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## A rail behind time

When Kalu I. Kalu was reassigned to take charge of the Transport Ministry, the masses of this country hailed that move, because it raised in us a hope that the dream of mass transit will be a reality. He is an achiever.

Secondly, if Government had its priorities right, all the money used for "luxurious buses" should have been channelled towards the restoration of railway transport (the real mass transit). Unfortunately you did not interview the Honourable Minister as to why they got the priorities wrong.

**Akuzamus M.G. Anakwe**  
Jos, Plateau State

We wrote to the Minister asking for an audience with him. He didn't bother to reply.

— Editor

What is the use of appointing a contented retired general to head a place like the Nigerian railways which needs a man with a new orientation? In any case, even if he has beautiful ideas, will he not be bogged down by the now officially chorsured "lack of funds"?

**Kenneth Ogor,**  
Otuoko, Benue State.

Let one governor decide to travel from Maiduguri to Port-Harcourt or from Kaduna to Lagos; let us make it an official policy for government officials to travel by train instead of by plane; and Nigerians will be surprised at the lightning transformation that will occur in that "snail land" (the railway corporation).

The present problem of the railways is that Nigeria's "big men" (the policy makers) do not care about the institutions that do not affect them.

It is the same nonchalance that informs our policy on university education and in the handling of students crisis. What humaneness do you expect from a leadership which has all its children (including toddlers) studying overseas? They close the schools at will, knowing that their children are not affected by even a year's closure. So is the problem of the railways.

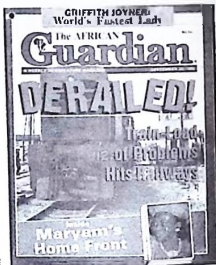
**Pita Ibeia,**  
Makurdi, Benue State.

For the first time a serious magazine has focused on the Nigerian Railways (September, 26).

Paul Tarfa is still remembered as a

tough administrator who got things moving when he was administrator of Oyo State. Does he still have the steam to make the railway system the masses' main means of transport? Nigerians are watching with crossed fingers.

**Joshua Akhahon,**  
Ikorin, Kwara State.



## Cheerless guardsmen

In your story 'Cheerless Guardsmen' (September 26, 1988), you commented on the police response to one Okpesa Eguakaeri who complained at a Warr Police Station that his employers were owing him six months salary. Because the case is civil, the police advised the gentleman to consult a lawyer, an action which you consider to be unsatisfactory.

It is amazing that you were thrilled that the man, with the assistance of armed soldiers, collected his salary.

Be informed that the response of the police was perfectly in order and within the ambit of the law. One prays that some other people wouldn't be misguided by your report and resort to what your correspondents called "extra-legal activities" to recover debts or settle old scores.

**Lekan Alabi**  
Lagos

The story only reveals one thing: that the laws of this country are due for overhauling. What is the use of the police if members of that force hide under one law or the other to shirk their responsibilities to the taxpayer who maintains them for his protection?

Can't there be established a civil defence corps charged with the duties that are being performed by the officers and

men of the 20 Air mobile battalion in Warri?

*Pays Opoladou, Badagry, Lagos.*

Nobody wants to know whether the soldiers of the 20 Airmobile Battalion are performing "extra-legal activities" or not. The important thing is that results are achieved instantly. The people are also happy.

The police and their lawyer-friends should hide their faces in shame.

*Titus Omone, Sapela, Bendel State.*

You referred to the assistance given to the people by the soldiers in Warri as "extra-legal activities". What will you call the activities of the police who abandon the people in their hour of dire need and the lawyers who quote one obsolete law or the other to confuse their clients'?

*Jelo Emanade, Ughelli, Bendel State.*

## Many faces of a maestro

For the photographs on page 19 of our



Cover Choice (October 17) credit goes to Mr. Femi Osunla

— Editor

Address Letters to the Editor, typewritten double-space, with writer's name, address and, if available telephone number, to The African Guardian, Rutam House, P.M.B. 1217, Oshodi, Lagos Nigeria. Letters subject to editing.

## Stemming apartheid's new thrust

**H**INTS that President Ibrahim Babangida may visit frontline states by the end of this month are making the rounds in diplomatic circles. Sources say that the President's possible visit, slated tentatively for October 25, would be made to counter apartheid South Africa's diplomatic forays into frontline states.

South African President, Pieter W. Botha has already been on state visits to Mozambique, Malawi and recently Zaire apparently to break South African diplomatic isolation in the continent. It was also reported that Zaire's Mobutu Sese Seko and Cote d'Ivoire's Houphuet Biogny are both trying to organise a regional meeting of frontline states that would include South Africa.

If this occurs, it would show the apparent success of African Unity (OAU) which resolved that member-states should have nothing to do with the apartheid regime.

It is expected that President Babangida's tour, which may take perhaps six countries in the Southern African region, would be mainly to the frontline states to close ranks and not accept South Africa's new thrust. It is expected that President Babangida would rely on the African states to support regional meeting which will have earlier refused to call a meeting in Zambia. President Kenneth Kaunda, who had earlier refused to call a meeting in Zambia, is expected to support the proposed regional meeting which will have earlier refused to call a meeting in Zambia.

Also in the President's support will be Tanzanian elder as a member of the Nyerere. Nyerere had last week in Lagos condemned apartheid as a crime against black leaders in South Africa and not African leaders.

## Moving Pains

**O**NIKAN, Lagos, is apparently playing host to a familiar guest on commission.

Last week the National Electoral Commission (NEC) moved its offices from the National Assembly building into the defunct Federal Electoral Commission (FEDECO) Race Course, Lagos, a shouting distance away.

During the 1983 general elections of almost riotous days of vigil by both politicians and hawk-eyed, poll results. But moving, it seems, is not for NEC.

The Economic Community of West African States (ECOWAS) which has been using the former FEDECO offices and premises within King George Road, has been asked to vacate the premises within a month to make way for the NEC, which already has moved to King George Road.

Sources say that the ECOWAS is already multi-million naira skyscraper near Campes speculated fee of 60 million. It was not clear last week whether the ECOWAS has given the ECOWAS secretariat to move out of its premises. It has been undergoing renovations for the accommodation of its secretariat.



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Olatunji dare

## The Press and the Third Republic

**T**HE struggle to get the Constituent Assembly to include in the draft Constitution a clause that specifically guarantees the freedom of the press suffered a major blow recently when the Assembly's subcommittee on Fundamental Human Rights ruled against such a provision. The issue will now go before the full house where, if the temper of its members and some leading citizens are any guide, the request will also be denied. That would be a pity indeed, for the freedom of the press is the foundation on which all other freedoms rest.

Signs that the press may not get constitutional protection came soon after the Assembly began sitting in Abuja. A newspaper reported that there had been a noise over some matter of no great consequence. The Assembly men and women were outraged. Ibrahim Dasuki, a nominated member and power broker of long standing, charged the newspaper with biased reporting and hinted darkly that when the issue of press freedom came up for discussion, he and his colleagues would have to take into account the conduct of that newspaper.

It did not matter that the newspaper in question, assuming that its report contained flagrant inaccuracies, was only one of more than two dozen newspapers in Nigeria against which the Constituent Assembly had made no complaint. Representatives of the people were being urged to predicate public policy not on overarching public considerations but on private grievances.

The situation is not without parallel, however. Ten years ago, the outcome of the spirited debate in the Constituent Assembly that prepared the 1979 Constitution turned on the private grievances of the members rather than on the intrinsic merit of the issue. The press had made capital out of the brusque rejection by Assembly members of quarters provided for them in what has since become the Durbar Hotel, and their appropriation of residential facilities for civil servants on Victoria Island. Turi Muhammadu tells us in his book, *Nigerian Constitution 1979: Framework for Democracy*,

that more than anything else, the unsympathetic attitude of the press on the accommodation for the Assemblymen was responsible for the press being denied constitutional protection.

The governor of Cross River State, Navy Commander Ibim Princewill, unwittingly provided aspiring politicians in the Constituent Assembly additional ammunition when he stated that it was the press that usually gave the armed forces the signal to move to overthrow the government, through frequent criticism of the existing order.

This claim is absurd. It implies that if the press is not free to criticize, or better still, if it does not exist, there would be no military coups. It implies that the armed forces are incapable of

*"What is being sought is not constitutional protection for corrupt press practices, but the freedom to investigate, report and publish news and information for the public benefit."*

judging for themselves when to intervene. Still, not a few Assemblymen must have been asking themselves why they should do anything to protect an institution that would sooner or later invite the military to terminate their political careers.

More recently, Philip Umeadi, a ranking lawyer and running-mate to Chief Obafemi Awolowo in the 1979 Presidential election, counselled that the press should enjoy no Constitutional protection because one unidentified publication allegedly demanded or accepted N50,000 to do a story on a detained governor. If Umeadi is sure of his facts, why does he not take the matter to the police?

In any case, what is being sought is not constitutional protection for corrupt press practices, but the freedom to investigate, report and publish news

and information for the public benefit, with proper regard to the reputation of individuals and the security of the state as defined by reasonable laws rather than by capricious and self-serving rules. Corruption in the news media will undermine the proper working of this conception of press freedom, but this is not sufficient reason to deny the freedom. Nor can a serious case against press freedom be predicated on the reasoning that it will lead to abuse. Soldiers abuse and misuse their guns, but we do not for that reason say that they should not bear arms. Government abuses and misuses taxes, but we do not for that reason abolish the right of the government to raise taxes. Legislators often abused their immunity from prosecution for statements made in the legislature, but they continued to enjoy the immunity all the same.

Some eminent journalists have contended that to accord the press constitutional protection is to confer a special status on journalists and to grant them more rights than individual Nigerians enjoy. But the 1979 Constitution did vest the press with the duty of holding the government accountable and responsible to the people, just as the next Constitution is likely to do. If the press has special duties, should it not have special rights? In any case, such rights will not devolve on individual journalists or on the press as an institution. They belong to all citizens. The press is only one of the vehicles through which they exercise them. Such rights may be abused. Still, they must be protected because society needs for its own health to know what its members are doing and hearing what they are saying. It is not so much a question of the citizen's rights as it is of society's need.

"The national unity of a free people," Walter Lippman wrote nearly 50 years ago, "depends upon a sufficient even balance of political power to make it impracticable for the administration to be arbitrary and the opposition to be revolutionary and irreconcilable." Without a free press, protected by the Constitution, such a balance cannot be found or maintained.

# Aid for a firm base

Nigeria considers World Bank finances for technical education

**W**HEN in September 1985, the Federal government approached the World Bank to finance the development of technical manpower in Nigeria, the bank refused to go along with the proposal. The bank's reasoning was that it did not consider loans that would be used to finance mainly colleges of technical education as "cost-effective."

Two weeks ago, however, a memorandum for the approval of a \$23,300,000 World Bank aid to assist with the financing of technical education was presented to the council of ministers in Dodan Barracks. Sources say that the memorandum prepared by the Minister of Finance and Economic Development, Dr. Chu Okongwu, was a follow up to an agreement reached in October last year in Washington, between officials of the ministries of finance and education and representatives of the World Bank. It is believed that the World Bank's offer to assist in financing technical education this time around had to do with the change in government's attitude to use the loan for direct technical manpower training in the five federal polytechnics in Ado-Ekiti, Ondo State; Bida in Niger State; Mubi in Gongola State, Uwana-Afikpo in Imo State and the Federal Technical College, Yaba, Lagos.

As opposed to earlier government stance, it is said that the World Bank believes that using the loan for direct manpower training would be better than using it for the training of teachers in technical colleges of education.

It was gathered that the loan, already

granted an anticipatory approval by President Ibrahim Babangida in March, would be used for improving the quality of middle-level technical institutions in such areas as the provision and maintenance of instructional equipment in the five federal polytechnics and in the strengthening of technical education planning, management and co-ordination. However, sources say that the cost of the entire technical education project, out of which the World Bank would provide 83.5 per cent will amount to \$27.9 million (N129.7 million). Britain's Overseas Development Association (ODA) would provide \$1.2 million (4.3 per cent) while the federal government would contribute the equivalent of \$3.4 million (12.2 per cent). The World Bank and the ODA grants are to account for the entire foreign cost of the project.

Usually, the bank's standard loan agreement with countries in Nigeria's category includes amortisation over a 20-year-term with a grace period of five years; a commitment fee of 0.75 per cent annually on the undrawn balance of the loan and a variable interest rate amounting to 0.5 per cent over the Cost of Qualified Borrowing (COB) by the World Bank. Sources say that the current annual interest rate of 7.72 per cent or \$1.8 million will be applied by the bank.

According to finance ministry sources, if the approval for the loan passes the scrutiny of the council of ministers, Nigeria would have to fulfill certain conditions before it eventually gets the loan. These include the opening and

maintenance in US dollars of a "special project account" in a commercial bank by the ministry of education on terms and conditions satisfactory to the World Bank; payment of an initial deposit of N3 million into the project account by the federal government, and the issuance of a requisite legal opinion by the Attorney-General and Minister of Justice, Prince Bola Ajibola. When these conditions are fulfilled, the Nigerian Ambassador in Washington D.C. would be authorised to sign the loan agreement on behalf of the Federal Government.

As it is, if the \$23 million offer of the World Bank is taken up, it would make the loan the first to be negotiated in support of a project in the education sector in over a decade. The World Bank, up to date has only financed three education projects in the country. The first education-project loan was signed early in 1965 and closed in December 1979. A second loan was approved in April 1972 and closed seven years later in December 1979. The third was signed on August 16, 1973 and expired on December 31, 1982. All projects, *The African Guardian* learnt, were aimed at redressing the regional imbalance in educational opportunities at the secondary school level; diversifying the secondary school curriculum; training secondary school teachers; rehabilitating schools damaged during the civil war in the eastern zone of the country and helping to relieve the shortage of technical manpower in higher institutions.

Officials at the Ministry of Education say the implementation of these projects was bedevilled by poor funding arrangements and inadequate project design which resulted from too many project institutions scattered over a vast area.

The *African Guardian* gathered last week, that the Federal Ministries of Justice and Education had earlier cleared the memorandum submitted by Dr. Chu Okongwu. With the support of both ministries and the recommendation of the Finance Minister to council members on the loan, it is expected that Nigeria may well be on a new drive in the search for a sound technological base.

By Wale Akin Aina and Abdul Oroh

• Okongwu, (right) Aminu. In the forefront of the negotiation for educational aid.



# A shine on the presidency

*Babangida sets tone for the promised new pace*

**R**EFORMS in the hierarchical structure in the presidency had perhaps been long contemplated, before October 1, when President Ibrahim Babangida publicly dropped hints of changes in the administrative gear. He had said then that this was to put "in place a more coherent policy-making team" as the end of the transition period draws near. Political observers, for instance, have pointed to the appointment of a Minister of State and Special Assistant Planning and Budget mid this year as an indication of restructuring within the Presidency.

With the reforms, the Chief of General Staff in a military situation or a Vice-President in a civilian administration; and the Secretary to the Federal Government both have direct access to the President as before. While the Chief of General Staff, however, remains the bona-fide second-in-command in the hierarchy, he has now shed off some of the responsibilities of office, limiting his direct duties to State government affairs and special commissions like the National Electoral Commission (NEC) and public bodies like the National Electric Power Authority (NEPA). The CGS who will be assisted by two special advisers and a director general in his office would however relate with the Secretary to Government who also has the President's ears.

Within the structure, the President's scope of direct influence has been expanded with the Governor of Central Bank, the Minister of Special Duties, the Minister of State, Planning and Budget and the newly created Minister of Police Affairs reporting directly to him. This is in addition to his Special Adviser on politics and the Chairman of Presidential Advisory Committee (PAC), including his Chief of Personal Staff (the Aide-de-Camp) who have always been directly under the President.

The Presidency, obviously, has created an inner or kitchen cabinet for the nation's Chief executive, making the concerned ministers and Special Advisers, including the Governor of Central Bank equal, at least functionally. With the soon-to-be-appointed Minister of Police Affairs, it is being speculated that the appointee might be a member of both the Armed Forces Ruling Council

and the Security Council together with the Inspector-General of Police. But the more obvious fallout of the creation of the post, whose nominee will serve as a junior minister will be the removal of the police affairs department from the Ministry of Internal Affairs. Making rounds in government circles last week is that Inspector General of Police, Alhaji Muhammadu Gambo may be made the Minister of Police Affairs while Assistant Inspector-General, Fidelis Oyakhilome, may emerge as the new head of the police force.

Unlike the office of the Chief of General Staff, the scope of responsibilities of the Secretary to the Federal Government has also been expanded. This co-ordinating office of government would now have direct command over the directors-general of Political Affairs and Privatisation. Under the office of the director-general of Political Affairs falls the areas of international affairs and local government affairs which had formerly been under the office of the Chief of General Staff. One reason advanced for this is linked to the President's decision to scrap for instance, Ministries of Local Governments in the state level, giving local governments more autonomy by removing them to the co-ordinating arm of government which reports directly to the President instead of placing chairmen of local governments in the executive control of the Chief of General Staff or the Civilian Vice-President. Other areas of direct influence for the Secretary to Government include that of the directors-general of Special Services;

■ Babangida: More powers under one roof.



General Services; Privatisation; Armed Forces Ruling Council, National Council of States and Councils of Ministers Secretaries, Special Duties; and Economic Affairs under which falls Population Affairs.

Ostensibly to avoid contradiction in spheres in influences, the director-general of Economic Office Affairs which controls population research and planning, for instance, will liaise with the director-general of the Office of the Chief of General Staff since the Chief of General Staff has under him the National Population Commission. Also all directors-general reporting to the Secretary to the Federal Government may inform the office of the Chief of General Staff of their activities of their activities.

On the whole, what the new structure has done is to concentrate different offices under one roof, with implications of closer access among sections. It would seem that the reforms are tailor-made for an executive presidency under a civilian regime. President Babangida had in his national day speech said that the institutional reforms were to raise the level of top management of personnel in the public service. This is an indication in itself that the President is perhaps laying down a foundation for the understanding of working in a Presidential System in a civilian regime, precluding claims of ignorance of the system which were often heard as reasons advanced for the failure of the Second Republic.

However, government watchers believe that there are dangers in this structure which makes the President quite more central in the scheme of things. For instance, it is said that while success in implementation could be quite swift within the new reform, a single mistake on the part of the President may spell disaster since all powers seem to be concentrated on him. But this is neither here nor there. For now, the Government seems to be concerned with laying what it feels is a foundation for national development.

P.S. :

Perhaps, it is in line with the new arrangement that sole administrators for both the Nigeria Airways and the Mass Transit Task Force were named last week. Retired Major General Olu Bajowa as Sole Administrator of the Nigeria Airways and Air Vice Marshal Mohammed Yahaya for Mass Transit will both report directly to the President.

By Wale Akin-Aina

## A case for Nolle prosequi

At last week's conference of chief law officers in the Federation which took place in Abuja, it was evident that the attorneys-general were worried over a provision in the draft constitution which seeks to curtail their power to enter a *nolle prosequi* — withdrawal of a case-at any stage of trial in a court.

Justice Minister and Attorney-General, Prince Bola Ajibola, who made the first frontal attack against the move said the power of *nolle prosequi* was a fundamental principle of law and should not be removed from attorneys-general.

The clause in the draft review of the 1979 constitution, if approved by the Constituent Assembly now meeting in Abuja would require an attorney general to exercise the power of *nolle prosequi* only after obtaining the express permission of the court.

The attempt to remove the power of *nolle prosequi* from the chief law officer is informed by the misuse of this power, especially during the Second Republic. President Ibrahim Babangida who opened the two-day conference had urged the attorneys general to enhance the government's efforts at improving the legal system.

## One Man Show

Last week, the federal government appointed the managing director of the Nigerian Airways, retired Major General Olu Bajowa as the National carrier's sole administrator. As sole administrator, Bajowa who became the airline's chief executive last January will operate without board of directors which had as its chairman, retired Air Vice-Marshal John Isa Doko.

Government's decision to appoint Bajowa as the sole administrator of the National

carrier is seen as two fold. It is believed that the appointment on the one hand is an attempt by government to contain the numerous problems of the crisis-ridden Nigeria Airways. On the other hand, the move is another step by government to eventually privatise the airline.

Bajowa's tenure as sole administrator is for an interim period which will ex-



• Ajibola

pire in December. President Ibrahim Babangida had on October 7, before he left Lagos for Abuja, pledged government assistance to solve the problems of the airline. He had told Bajowa that "I am convinced that you deserve some encouragement. The government shall help you salvage the national airline."

## Crime worries at the top

The concern over the crime wave in the country by top government functionaries was last week made more apparent with President Ibrahim Babangida's warning to soldiers who assist armed robbers with arms. The President's warning, the second he has made publicly in the last two weeks was made at the final day of the army headquarters garrison training

week at the National Theatre, Lagos. He said that soldiers who availed armed robbers with military weapons will be shot, in accordance with the decree on Firearms and Armed Robbery. One reason he attributed to high crime rate was the ease with which robbers got their hands on sophisticated military weapons. To stem the rising fear of insecurity of lives and property



• Nyako

in the country, the Armed Forces Ruling Council recently set up a six man sub-committee on security with

Rear Admiral Murtala Nyako as chairman. The committee visited Ogun and Bendel states, two troubled spots of violent robberies last week and is expected to pay visits to other states later.

## Examination muddle

It was a nightmarish experience for many education-thirsty Nigerian youths who, last week, missed the final selection interview for admission into the prestigious 45 Unity Colleges. The fault was not traced to the candidates, but to the West African Examinations Council (WAEC), which conducted the qualifying Common Entrance Examination last May, and which inadvertently failed to put the names of some successful candidates into the master list from where successful candidates were invited for the final selection interview.

Many parents of affected candidates besieged the Lagos Office of the National Teachers Institute (NTI), to protest the muddle up. Indications are that another interview date may be arranged for the affected candidates.

## Overheard

► "NITEL, my phone is not working — 0 — 0!"

— Professor Emmanuel Emovon, Minister of Science and Technology, at 5 20 p.m. October 12, as he stepped onto NITEL stand at the National Science and Technology exhibition at Tafawa Balewa Square, Lagos.

► I have confidence in the Lagos Police Force, in fact, I don't pursue the robbers about. They are the ones that come across me. — Governor Raji Rasaki of Lagos State on speculations that he is personally leading the battle against armed robbers due to lack of confidence in the Police Force.

► I am disappointed about this action but now I want to get on with my life. I want to get my life in order. — Mike Tyson, Heavyweight boxing champion, when his wife filed for divorce.



• Rasaki

## ZAMBIA

# A grandmaster's game

*Kaunda gets set for yet another term.*

**T**HERE might indeed have been a foiled coup attempt in Lusaka (as the authorities claim there was). Or, it could have been just a clever political stunt to whip up enough public fervour for the forthcoming (October 27) general elections. Whatever it is, the recent arrest and detention of nine suspected coup plotters (six military officers and three civilians) over an alleged coup attempt a fortnight ago, appears to confirm speculations that there are, as at now, no major obstacles on President Kenneth David Kaunda's road to yet another five-year-stint in office.

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*By Emenike Okorir*

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*Growing opposition imperils forthcoming municipal election*

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The October 26 election is arranged in such a way that the four major racial groups — the whites, the "coloured" (people of mixed race), the Indians, and the Black majority — are expected to elect councillors into the segregated councils. This means that each of the racial groups will have its own council and will thus elect members who will legislate for only the group — subject to the overall supervision of the white-controlled government in Pretoria.

The election, the first of its kind in the history of apartheid South Africa, is one of the measures adopted by Botha to gain international credibility for the much talked-about "reforms".

Anti-apartheid groups have described the election as the manifestation of a "cosmetic democracy", and are calling for its boycott. They say that voting in the election is tantamount to endorsing racial segregation. Bishop Desmond Tutu and Reverend Alan

Boesak, chairman of World Alliance of Reformed Churches are leading the boycott campaign. They have been circulating statements in churches calling on the blacks to boycott the elections.

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For now, Pretoria seems to be in a dilemma over the question of how to handle Tutu and Boesak. Information Minister, Stoffel Van Der Merwe said last week that the government had "no intention of gratifying the apparent desire of the two men to be martyrs by arresting them" But it is believed in some quarters that the government's apparent unwillingness to arrest the two men is based more on the government's conviction that the men are not politically very dangerous, since they are not allied with any of the radical political associations.

Still, the government is not taking anything for granted. Last week, it engaged in massive media propaganda to prop the idea of the election. As a way of ensuring the success of the exercise, the government introduced new regulations called "prior votes", whereby people (especially Blacks and Indians) are allowed to register their votes in advance, beginning from October 10. This measure, a government release explained, was to avoid "intimidation" on election day.

Botha is definitely committed to the objective of seeing the election through, if only to have something to show his Western mentors about the seriousness of his "reforms". But he is still under pressure from the right which is accusing him of "a sell-out", while urging a return to hard, unadulterated apartheid.

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*By Chima Eweam*

UNITED STATES

# Going for the jugular

## Bush, Dukakis finalise last-lap battle strategies

**T**HE presidential political swing is obviously not moving in the direction both Vice President George Bush and Michael Dukakis, the Democratic flag-bearer would have loved it to take. Bush's aides had expected that by now the Republican ticket would have zoomed past Dukakis, regaining its once formidable lead in the race to the White House. And Dukakis, on his own part, has thrown in nearly everything in the bid to even up, and then overtake Bush. So far, neither dream has come true. Here and there, opinion polls show both candidates as either at par, or that Bush is only a few uncomfortable paces ahead. And it is barely three weeks to the finishing line.

It immediately puts both camps on a delicate, albeit high-strung, campaign trail. There is a desperate need to try and tilt the balance. A no-holds-barred push for campaign points has already begun, and is expected to last for the rest of the exercise. The candidates themselves used their last Thursday's final debate to kick off the new round of battle. Bush's battle plan was easy to detect: continue the character smear on Dukakis. But the Massachusetts Governor seemed more interested in guiding the voters into a greater understanding of his political programme. Several times, he tried to draw out the Vice President into the discussion of solid campaign issues.

Outside the debate platform, the Dukakis team is zeroing in, full blast, on the Republican soft-spot — Dan Quayle. Bush's number two. They are not focusing on Quayle's string of con-

troversial past per se (that already being obvious). They are trying to reinforce negative impressions already generated by the possibility of the inexperienced and controversy-prone 41-year-old Indiana Senator (as contrasted with 67-year-old Bentsen) actually ending up as

American president. The Dukakis camp has begun to run television advertisements, highlighting the fact that "presidents are mortals." This implies that Quayle could end up in the number one spot if anything happens to Bush, assuming he is elected the president. This fear of a "President Quayle," reportedly seen by three out of four Americans as "disturbing," is real. Out of America's past eight vice presidents, six have ended up as either president, or their party's nominee for president.

Following the vice presidential debate a fortnight ago, Quayle seems to have made himself even more vulnerable to Democratic assaults. Cross-country polls taken immediately after the debate showed that most viewers who were "undecided" at the beginning of the telecast easily made up their minds at the end — against Quayle.

A *Washington Post* political analyst,

Charles Krauthammer, perhaps, put it more squarely when he noted that "Either Quayle is too shallow to have original thoughts — in which case he is intellectually unfit for high office, or he has thoughts, but is too terrified to risk expressing them — in which case he is emotionally unfit for high office." Part of the blame is expectedly rubbing off on Bush for choosing such a shallow running mate. "I can't believe he (Bush) chose him," complains one of the Republican sympathisers who considers Quayle's selection an "insult."



• Quayle: Hard road to travel



• Bentsen: So far so good

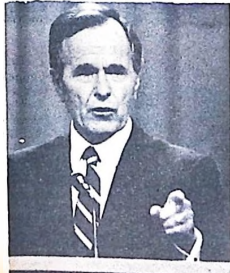
"Now, I've got to re-evaluate whether I can vote for Bush," she added.

The pressure, therefore, is clearly on Bush. Still, he has not considered the option of dropping Quayle from the presidential ticket. This, analysts believe, may prove his undoing. But, surrounded by outgoing President Ronald Reagan's political experts (the so-called damage-control specialists), Bush seems confident that he would, at the end, emerge unscathed. He probably could — like Richard Nixon who still became president despite the controversy that dogged his choice of Spiro Agnew as running-mate.

However, analysts are saying that all now depends on the ability of the Dukakis team to capitalise on Quayle's poor public rating and its impact on Bush. Unfortunately, while the Democrats are apparently taking their time in finalising their battle strategies, the Bush team seems to have already launched a counter-attack. They are heaping on Dukakis all imaginable accusations, the idea being to taint his nice-guy image, and to portray him as a "dangerous liberal."

By Emenike Okorie

• Bush (left) Dukakis. Still anybody's game



## YUGOSLAVIA

## New kind of troubles

## Protesters demand political reforms

**P**ROTEST over economic policies long became part of the staple of Yugoslavia's Eastern-style socialism based on a Western-style economic system. Last week, for the first time, thousands of protesters took to the streets to demand changes in the country's political system. And they caused authorities quite some trouble.

Following a two-day, 50,000-man siege on the parliament of Montenegrin Republic, one of the country's republics, the government there resigned. On October 6, over 100,000 demonstrators forced the resignation of the entire leadership in Vujuidina, a northern Serbian province, following rallies in Norisad, the provincial capital.

The factor responsible for the demonstrations in the Titograd Republic was

what the masses described as its leadership's failure to back attempts by the leaders of the neighbouring Republic of Serbia aimed at forging understanding with its (that is, Titograd's) two autonomous provinces of Vujuidina and Kusuvu where there had been calls for protection against the moslem Albanian majority. Reports say the Serbian Kusuvu minority claims that the Albanian majority has been promoting ethnic nationalism. The demonstrators literally called for the unification of Montenegrin Republic and Serbia.

Yugoslav Prime Minister Branko Mikulic promised to announce, last week, a series of measures aimed at removing wage restraints. He said "it was necessary to take political steps to make social defence of living standards more



• President Mika Spiljak Protests galore

efficient." And the Yugoslav Communist League — the ruling party — said October 9, that demonstrators' demands were justified and called for emergency measures to, among other things, improve ethnic tolerance and "socio-economic satisfaction" of wage earners.

By Chukvumeka Onyedikan

## POSTCARD

Soviet-Sino  
summit planned

**I**T is now scientific — as they say at the Kremlin — to call Mikhail Gorbachev the original isolation-breaker. Yes — isolation-breaker. The Soviet leader smiled and did nearly everything to get Europe to end its



• Gorbachev: Effective diplomacy

cold misgivings about his country. Then, he mounted the breath-taking peace poker with Ronald Reagan — and won that one too. Now, it is official: Gorbachev has also got Chinese leader, Deng Xiaoping, to begin to warm up to Kremlin. Deng announced last week that he

has agreed to a Gorbachev proposal for summit next year. If they do meet, it will be the first time in nearly 30 years that Soviet and Chinese will meet at a summit. Nikita Khrushchev and Mao Tse Tung met in 1959.

Zimbabwe:  
Strange disease

Sleepless nights. These are what Harare authorities are having these days, over a strange disease that broke out recently among school children. Worst of all, they don't know what it is. But health ministry officials suspect that the sickness, which makes its victims scream and become violent, sometimes for several hours, may be nothing stranger than the mass hysteria normally associated with examination situations. Could be a terrible case of examination fever.

In a number of schools in the Chirhu area of the Midlands province — where the disease broke out initially few months ago — several pupils, including a female teacher, are said to have contacted it.

Flood hits  
England

This may well be the year of floods. From Sudan to Bangladesh and Mexico, unusual downpours have ruined lives and property. Last week, the plague descended on some parts of England. Two-day-long torrential rainfall, accompanied by heavy wind last Tuesday, drove hundreds of families from the Cornwall Peninsula and other areas in the Western and South Western England.

Plodding through four-feet deep water, emergency evacuators worked round the clock, transporting shopkeepers and families from the low-lying town of Truro, 482 kilometres west of London

India:  
Opposition  
groups merge

After Indira Gandhi came Rajiv Gandhi. After Rajiv, it might just prove difficult to know who and who will form the next dynasty. Reason: three major political groups

merged last week to form a powerful opposition against the Prime Minister and his ruling Congress (I) Party.

At a rally organised in the southern city of Bangalore, about 6,000 politicians and activists endorsed the creation of the new Janata Dal (People's Party) from the Janata, Lok Dal and Jan Morcha parties. A break-



• Gandhi: Mounting opposition

away faction of the ruling Congress Party called the Small Congress, also sent a delegation to the rally. Vishwanath Pratap Singh, India's former defence minister ousted last year and later expelled from the Congress, was elected president of the new party

# In search of oil stability

## OPEC moves to curb quota abuses

Eight members of the pricing and strategies committees of the Organisation of Petroleum Exporting Countries (OPEC) would meet in Madrid this week to perform the usual ritual: finding answers to the declining crude oil prices.

The last time the oil ministers met, it was to bring in China, Mexico and other non-OPEC producers to mutually cut production in a bid to stem plummeting prices. This time, the cartel does not have to look far. The cause of their dilemma is right at their door steps and it will take more than a Spanish inquisition to set oil prices on the right path. Significantly, the ministers must come to terms with the quota they set for

stead of bland statements.

Already, there are early signs. The brightening market has been speculated to be partly due to Saudi Arabia's oil minister, Hisham Nazer's statement that his country would cut output if other members of OPEC do the same. They might do so because it appears that prices have fallen low enough to cause member countries sleepless nights as most approach the next budget year. They would like to be assured of good takings from oil.

Having been mired in budget problems caused by falling prices in 1986 Saudi Arabia's gesture may get some following. Speculations suggest that the country is actually acting as a lone ran-



• Lukeman, Nigeria has nothing to fear

themselves. Recently, the cartel has been producing more than 20 million barrels of crude per day as opposed to 17.5 barrels that was targeted to achieve a reference price of \$18.9 per barrel. In the past two weeks, the market has been reacting to the glut. Brent reference crude went down to \$11.85 while the Arabian heavy crude crashed to about nine dollars.

But it seems that the market is out to prove that old tricks die hard. Even as energy watchers predict that Madrid would not offer a magical solution, the news of the meeting was a welcome respite for OPEC. Brent went up 60 cent to \$12.40 per barrel for December deliveries last Tuesday. This may well be a signal for a firmer market situation early next year if they come out of Spam with concrete and enforceable resolutions in-

stead of OPEC deliberately depressing prices by pumping more oil into the market to force members to go back to the negotiating table, if not the quota.

If members of the cartel respond, they may even have a bigger task of convincing Iraq, also a member of the committee, to join its colleagues and accept OPEC's quota allocation. In the past, Iraq has insisted it needs the money to finance its war with Iran and cannot be bound by the agreement insisting also that it could not accept a quota less than Iran's. Whether Iraq will also insist that it needs the money to finance post-war reconstruction it is difficult to say for now.

What has not been difficult, however, for the OPEC President and Nigeria's oil minister, Alhaji Rilwanu Lukeman to predict that crude oil will grow at a slow-

er rate than other energy forms in world energy matrix up to the year 2000. Delivering a paper, "Future Prospects of the World Energy Market and the Role of OPEC", at the fourth annual lecture of the Obafemi Awolowo university, Ife, the minister said that oil in world energy mix would drop from 46 percent achieved in 1986 to 40 percent by the end of the century. With an annual growth rate of only 0.8 percent for oil, natural gas, coal, electricity and nuclear energy would play significant roles. OPEC would do well to heed the implied warning. However oil will remain the dominant energy form since the expected decline will be in per centage contribution to the total energy mix rather than in the demand for the product. So it appears that if OPEC can get its act together, members may yet have room to manoeuvre. The projections, says Lukman, indicate that the market share of non-OPEC producers would decline to about 31 per cent during the period, down to about nine percent in 1986. The reason for this, according to Lukman is that it would become more difficult to locate reserves that do not belong to OPEC territory, and where they are found, it may not be cost effective to exploit. Says the oil minister: "as OPEC's inexpensive resources are being depleted, the cost of finding and producing the incremental reserves will become progressively higher, as most undiscovered non-OPEC conventional oil may be in small fields with complex, remote and hostile geological environments".

Despite the market advantages in this futuristic view, OPEC will still face a complex market at the turn of the century. The cartel will grapple with a prevalence of dry well as proven reserves cease to gush out the black gold. Then it would seem that only the Arabian countries, with large reserves would be supplying the world's needs.

That could be an amitious sign for countries like Nigeria with limited reserves. But Lukeman says not to worry. "appropriate policy measures" he says "are being evolved to ensure optimum utilisation of the country's enormous energy resources". Even so, as OPEC countries continue to invest in down stream activities, there are forecasts that the cartel may have enough control of other petroleum products. All of these are quite optimistic. But the future of OPEC, no matter how good it looks can only be guaranteed if all members agree to play by the roles.

By Herbet Ojeh

# Bottlers' battle

Soft drink makers renew jostle for customers

**T**HE bait is interestingly varied. From cash to a mercedes-benz 190E, the gifts that companies are offering customers look unending and irresistible. For many firms, big and small the lure appears too great to stay off. The name of the game is promotion; the strategy, simple. Says most advertising copies: "Buy a product and win cash or gift." "The more purchases, the greater the chances of winning." It is, as if every buyer is a winner. Infact "everi bodi is a winner" is the promotions slogan for FEMSTAR and Company, makers of Gold Spot, Limca and Parle Soda drinks. Initially, the campaigns came in trickles. And in different styles too. The contest lines then looked thin and crooked. But the battle line later became visible, thickening with each campaign launch. It soon became sectoral, with many brands keeping abreast of competitors activities. "No one will like to remain in active while others are busy" says FEMSTAR's managing director Ahaji Sharafa Sule. He is right. For in the bottling business where he operates, the contest has become more open, and equally more pervasive.

In the first week of this month, Seven-Up Bottling Company Limited announced the results of the first set of winners in its 7-Up promotion tagged "A NAIRA RAIN". Ordinarily, such event would not be significant. But this time it wore a different apparel. The campaign launch signalled a renewed effort of bottlers to sustain, what has become the bottlers' battle for customers. For Seven-Up, it was the second major multi-million naira sales support promotion in two years. The first in 1987 tagged "Seven-Up Cash Machine" gulped N2.1 million in prizes and another N1.4 million in advertising activities. The campaign came on the heels of Nigerian Bottling Com pany's (NBC) promotion effort to improve the positioning of Sprite in the Lemonade Brand.

Since that first round of campaign, the marketing scene has not changed much. However, one factor emerged over the period. It became clearer that with the swapping of positions between buyers and sellers, in the market, consumers have began to play king. Understandably, the high prices of consumables, arising from the two year old

Structural Adjustment Programme had brought about this situation. It was hardly surprising that the stock piled warehouses helped pull the veils off arm-chair marketers. To arrest the situation marketers responded with what has become an all comers pouri: increased sales promotion.

It was the big firms that triggered the game. The two Soap giants, Lever Brothers and PZ found new battle grounds, pitting their respective products Lux and Cussion's Imperial Leather in a gifts bonanza. Johnson Wax's Soft Sense, and A.J. Seward's Nku Cream soon came up with techniques to woo apathetic consumers. The brewers, including leading brands, Nigerian Breweries Limited's Star, did not stay idle while consumers dug for



● Omojafar: Frequent use causes loss of flavour.

Sona Breweries' Gold, Green Sands, Maltna, Maltonic and Vitamalt kept close watch on each other — offering essentially similar gifts on their sales promotion. It is simply a war of gifts.

The heat appears most intense among soft drinks' manufacturers. Infact while announcing a N5 030 million after tax profit for 1987, Seven-Up chairman, Mr. Mohammed El-Khalil told shareholders that the business of selling soft drinks has become tough. "Competition," he said, "has become more intense and the market place a commercial battleground".

Even in the service industry, the 'war' to woo customers is on. Inspite of the heavy advertising budgets of many firms, sales have not improved signifi-

cantly. But analysts say they could have been worse without them. Consumers are becoming restive about advertisers' sincerity. Some are even indifferent to the promotions. But marketers contest such view. According to Seven-Up's Advertising and Promotion Manager, Mr. Faysal Halabi, last year's successful campaign informed his company's renewed promotion this year. However effective the technique may be, FEMSTAR's Sharafa Sule, sees it as a short-term device because no company can afford to run promotions indefinitely. Promotions mam goal, he says, is to help brands establish identities. The long term desire is for a product to sell itself through improved quality. Like Halabi, Sule does not see present promotions as being too much.

Mr. Steve Omojafar, Client Service Director of Rosabel Advertising thinks that current techniques could be effective if used with other elements of the marketing mix. He however expressed reservations about constant recourse to these techniques by many companies. His fears are that frequent use may cause "loss of flavour," leading to customers' resistance. However, today the technique is working. And with it higher returns to advertising agencies. Omojafar, whose Agency had a N10 million billing in 1987, concedes that there are bound to be some positive effects on billings of agencies involved in such activities. Rosabel, he says, envisages a much higher advertising activities from its clients, and consequently a higher billing this year.

However, the gains of the advertising industry, some market watchers say may be the pains of consumers. They contend that invariably such advertising costs are passed on in the form of higher prices. Not many marketers subscribe to such view. And that is understandable. Halabi is one of them. The recent increase in the price of soft drinks, he said, is a reflection of higher cost of raw materials. That may not be convincing. As Sule puts it: "No company is a father Christmas".

Generally, the various promotions now appear to be giving marketers some respite. And consumers have something to look forward to in every purchase. It looks like the trend may continue for sometime, inspite of the high odds of winning. The Marketing Director of Sonpar Limited, the parent company of FEMSTAR, Mr. M. Raghupathi, sees a continuation of such promotions, as long as consumers continue to call the shots. And that may be for sometime.

By Felix Obanya

## Enter Trust Bank

**S**INCE the inception of market determined Foreign Exchange rates, private investors have moved into the merchant banking industry in droves. But none has dared into the more demanding area of commercial banking, except investors that were backed by state governments' financial might.

All States Trust Bank, a new commercial bank owned by a group of private investors, is out to change all that. Having been granted a license to operate by the Central Bank of Nigeria (CBN) two weeks ago, speculations are that the bank will soon open its doors to customers. Mr. Ebitimi Banigo, erstwhile at International Merchant Bank and now prime mover of AVC Funds Limited, it is rumoured, will be Chairman and Chief Executive of the new bank.

## Naira Slides

**T**HE naira depreciated against all currencies in the 64th bi-monthly foreign exchange auction held last week. It went down 1.4 per cent against the dollar from the previous central rate of N4.70 to the US dollar. Against the pound sterling and the Japanese yen, it went down by 3.9 per cent and 5.2 per cent respectively. For the next fortnight a dollar will sell for N4.77, pound sterling; N8.28 and Japanese yen; N0.04.

At the autonomous market, a dollar sold for between N5.94 and N6.00 while at the parallel market traders were asking for as much as N7.50.

## Cadbury Promotes two

Chike Morah and Olubunmi Oni have been promoted executive directors of Cadbury Nigeria Limited, the be-



• Morah and (below) Oni



verages and confectionery company.

Rising from Development Controller, a position he has held since June last year, Mr. Morah becomes Planning Director.

Olubunmi Oni, the new Personnel Director, has been a Personnel Controller since 1985, having joined the company in 1977 as a management trainee.

## IFC aids gas project

The International Finance Corporation (IFC), an affiliate of the World Bank is to assist in the funding of \$900m gas condensate project in Oso, Eket area of Akwa-Ibom State. Visiting IFC Executive Vice President, Sir William Ryrice confirmed at Uyo, October 15 the desire of IFC to see the project come to fruition. Mobil Oil Producing Nigera Limited initiated the project to be completed

in 1995. It will harness the gas from Nigerian oil wells for industrial use.

At a dinner party for Sir Ryrice in Lagos, the Managing Director of NAL Merchant Bank Mr. John A. Oyetan appealed to the IFC to relax some of the conditions of its loans for Nigerian enterprises. He pleaded with the Corporation to review its policy on commitment fees, front-end fees, and prepayment clauses so that its loans could be more attractive.

In July, IFC decided to invest for three years in small and medium-sized businesses in sub-Saharan Africa. Currently, IFC is contemplating an Africa Enterprises Fund to cater for small investments which do not qualify for its \$1 million minimum investment.

In the last 15 years, IFC's portfolio of investment had grown ten fold now at \$46m, which is 14 per cent of the Corporations world wide portfolio. In Nigeria, it has invested over \$88 million in loans and equity in the last 24 years.

## Coke's gift

**N**IGERIAN Bottling Company, makers of Coca-Cola, in a gesture of social responsibility donated

250,000 bags to Lagos State Government in aid of refuse collection recently. The presentation by NBC's Executive Director, Bashorun Adebisi Adesanya was received by Lagos State Commissioner for Special Duties, Mr. Temilola Kehinde, who thanked NBC for its efforts at helping to keep the State clean.

## Kuwaitis go home

**T**HE clamour of Britons over the acquisition by Kuwait Investment Office of a substantial equity stake in British Petroleum (BP) last October, is yielding some fruit. The Kuwait Investment Office has been asked by the British government to sell off more than half of its 21.7 per cent holding in BP, worth some U.S. \$3 billion, within a year. Britons had accused their government of handing over control of the British oil industry to foreigners.

## Job Guardian

• Pilot In Command: Required to operate a company executive plane. Candidate must have 2000 hours including 500 hours in command. Apply: The Advertiser P.O. Box 632, Lagos.



• Adesanya (left) and Kehinde

## STOCK MARKET WATCH

# Jelly to Lever's elbow

Lever Brothers swallows Chesebrough Industries

THREE years after Lever Brothers Nigeria Limited (LBN) acquired Lipton Tea Nigeria Limited, the local soap giant is at it again. On Wednesday the shareholders of LBN and Chesebrough Products Industries Limited (CPI) met to approve LBN's acquisition of CPI, the Vaseline jelly and Pond's skin cream makers. Both takeovers have a common strand. It is more than just one local giant swallowing up a weaker one. Internationally, the multinational and technical partner to Lever Brothers, Unilever Overseas Holdings Limited, had in each case, taken over the off-shore technical partners of Lipton and CPI, in merger bids.

By extension, it appears that all that is really required is a stamp of approval from the Securities and Exchange Commission (SEC) and the Federal High Court. Significantly, since the acquisition of Chesebrough Pond's International by Unilever in 1986, CPI, the local affiliate, has been supported at both board and management levels by LBN says Chief Rufus Giwa, Managing Director of Lever Brothers.

The SEC had given the go-ahead for the merger after concluding that each CPL share was equal to only 83 percent of Lever Brothers' share. In the voting that was held last week during a court-ordered meeting, only 14 out of the 4,469 shareholders present, cast their ballots against the take over. That is not surprising because Chesebrough International holds 40 percent of CPI's share, in addition to those directors who had earlier recommended the merger, holding another 14.2 percent.

But the take-over may be a welcome change for CPI shareholders. Since 1986, they have not received dividends

from CPI's profits and none is forecast for this year. But that is only part of the story. In 1985, CPI paid a whopping 45 kobo per share at a time many companies could not afford 30 kobo. It might well be that it's changing fortune can be attributed to the lack of the usual support from the technical partners.

However, Lever Brothers has paid a total of 49.5 kobo per share in the past two years and is expecting to dole out 33 kobo per share this year. Assuring CPI shareholders that the merger was the only way to return to recoup their investment, Dr. Akinola Akingbehin, Chairman of the Board of CPI said: "The company was highly exposed to banks in the last two years; together with the harsh economy which led to non-payment of dividends within the period".

Also, while a CPI shareholder would give up 100 shares to receive 83 stocks of Lever Brothers, the implied loss of N8.50 — since they are at 50 kobo per value — will be more than made up for by LBN's profit and asset profile. Lever Brothers' net assets for 1987 was N46 million compared to CPI's N16 million. With LBN's turnover of N363 million and after-tax profit of almost N42 million, CPI appears dwarfed with its N35 million in sales and a paltry N2.4 million in net profits last year. Again, in the SEC's view, Lever Brothers share is worth 180 kobo while CPI's is fixed at N1.50 in the market.

The takeover puts LBN in a better stead to sell its *Astral* and *Cherish* cream brands. CPI had made a mark in that field. A. J. Seward, a division of UACN which produces these creams for LBN, would have to lose a bit of business as CPI becomes an arm of Lever Brothers as a personal products division.

At the stock market, investors are waiting for the paper work to be done. Trading in LBN shares was suspended last August pending the outcome of the merger. It closed then at 175 kobo. When it comes back to the market on November 30 with its new, enlarged size, stockbrokers estimate that former CPI shareholders would have cause to be happy to associate with the soap and toothpaste giant and see it close-up.

By Herbert Ojeh with report from Chukwuemeka Onyedikam

## THE AFRICAN GUARDIAN ECONOMIC INDICES

### LEADING CONTRIBUTORS TO AGM INDICES OCTOBER 10, 1988

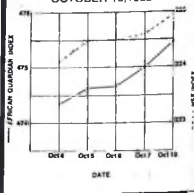


Unilever	8.00
First Bank	2.01
UACN	1.77
UAP	0.54
AFRICAN GUARDIAN	0.48
AFRICAN GUARDIAN	0.48
AFRICAN GUARDIAN	0.48
AFRICAN GUARDIAN	0.48
AFRICAN GUARDIAN	0.48



SUMMARY OF SUPPLY & DEMAND STOCK

### GUARDIAN & NSE INDICES OCTOBER 10, 1988



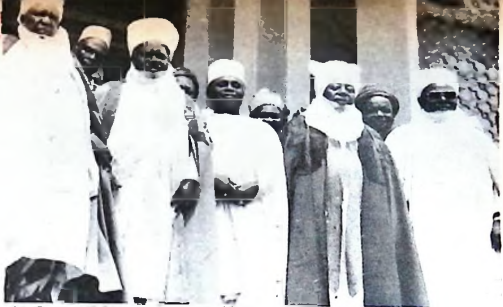
### Leading price gainers October 1st — 10th

Stock	Price Gain (K)	Closing Price (K)	Traded Shares	Dividend (K)
Delta Glass	+10	67+	0	0
NTC	+5	181+	1165	40
Van Leer	+5	85-	0	17.2
Food Specialities	+4	220+	1140	40.0
Golden Guinea	+3	56+	0	3.0
Ng. Breweries Ltd	+3	204+xd	3557	17.0
Wapco	+2	115+	100	12.5
NCR (Ng)	+2	182+	0	44.0
Guinness (Ng) Ltd	+2	143+	3952	46.16
Inter Plants	+2	105+	1050	15.0
Chnstiab	+1	54+	0	5.0
Alpnot	+1	117+	0	15.0
Poly Products	+1	58+	0	7.5
Ng Textiles	+1	106+	0	3.0
P.Z. Industries	+1	251+	608	40.0
UNTL	+1	107+	150	20.0
P.Z. Industries	+1	58+	7749	4.0
A.G. Leventis	+1	92+	1300	10.0
Nigerian Hoechst	+1	156+	1850	36.0
Total	+1	183+	2910	26.0
Glaxo	+1	156+	1850	30.0
Julius Berger	+1	81+	0	8.0
Cufis Ltd.	+1	53+	300	0.0

• Giwa: Another addition to the fold



# Sharia: Man or God's battle?



Ado Bayero with Islamic elders: A need for religious tolerance.

## The politics and the intrigues

**T**HERE was more than a touch of *deja vu* to the incident that took place on Tuesday, October 12, at the International Conference Centre, Abuja. That morning, members of the Constituent Assembly's State Judicature Committee (Committee 16), arrived at the centre, took the lift to the second floor, then filed into their meeting room, just behind the press gallery. At 10.30 a.m. the Committee Chairman, Justice Umaru Kalgo walked in and the meeting started.

Thirty minutes later, the meeting was effectively over. Eighteen of the Committee members stormed out, their faces like thunder. The meeting went on, but it was at best a half-hearted proceeding that a disenchanted Kalgo presided over.

Ten years ago, at another place and time, a similar walk-out, its consequences just as far-reaching and distressing, took place. It was also a Constituent Assembly and the same volatile issue was involved: the Sharia. But there is a difference. In 1978, Moshood Abiola and others who took abrupt leave were moslems. Last Tuesday's protesters, led by Moses Antse, a Reverend gentleman who represents Gboke East, Benue State were all christians.

Apart from the Sharia issue which it shares with the General Provisions Committee (3), Committee 16 also has among others, the High courts and the Customary courts on its agenda. But because of the great, negative publicity it has generated, other issues on the

agenda might as well not be there. Committee 16, for good or ill, is known as the "Sharia Committee".

Sharia or Shariat, the body of laws moslems believe was divinely revealed to the Prophet Mohammed, is in the eye of a political and legal storm that shows no sign of abating. As in politics, the Constituent Assembly provides the best possible instrument for measuring the pressure and the heat of this battle by moslems to get their religion an extensive mention in the Constitution and the efforts of christians to remove all traces of it.

Predictably, both parties are armed with many and varied reasons to support their stands. The Grand Khadi of Kwara State, Abdulkadir Orire who is also a member of Committee 16 says that "Sharia has been with moslems in this part of the world since 1468... Sharia since then has been the lone voice for the rule of law in most of the northern states. It was there in the 1960, 1963 and 1979 Constitutions. Why should it not be there this time?". Adds Umaru Suru, a retired army captain (Dakin Gari Constituency, Sokoto State) also a member of Committee 16: "The Christian members came with preconceived ideas. They refused to listen to reason."

But Moses Adasu, a Catholic Reverend Father (Vandeyika West, Benue State) retorts: "We are opposing the inclusion of Sharia, not Sharia on its own. In this country moslems have been practising Sharia for many years. They've had Alkali and Area Courts.

We couldn't care less what they did there. When the moslems walked out in 1978, the christians could have thrown Sharia out but because of christian reconciliation they allowed islamic personal law to be included. We believe now that it was a mistake. Its inclusion contradicts the secular status of Nigeria..."

Last Tuesday's walkout provided evidence, if any was ever needed, that views such as these have little hope of ever meeting. But each side also proffers evidence to show that the religious grass is greener on the other side, that in practice the other religion has a far better deal. For instance, Lateef Adegbite, a nominated member from Ogun State says: "I didn't believe the attitude of christians is a good one. Just as we have conceded a work-free Sunday to the christians, they should allow us the wherewithal to worship our God the way we should."

To the christians in the assembly, the issue is not so cut-and-dried. Antse, apart from issues of doctrine and belief, foresees the problem of "a dual legal system for a republican constitution. It is also economically unviable because the state will be financing courts that do not serve all Nigerians. Infact the Sharia courts that have been established now hear few cases. Even muslims prefer other courts. We envisage that they (the muslims) will ask for a separate Sharia Court of Appeal and a Supreme Court."

Apart from the rhetorics of assembly

members, some of whom have an eye on the Third Republic, other factors are responsible for the considerable anger and bitterness that have attended the Sharia issue. One of these is the deletion of the word "personal" from the term "Islamic personal" by decree 26 of 1986. To many Christians and the Christian Association of Nigeria (CAN) the decree amounted to a surreptitious attempt to extend the jurisdiction of Sharia. In the 1979 Constitution, the jurisdiction was limited to such issues as inheritance, marriage, guardianship and so on. However, the draft Constitution produced by the Constitution Review Committee (CRC) recommended what many Christians consider a troubling proviso: that jurisdiction be extended to non-moslems who "have requested in writing the court that heard the case in the first instance, to determine that case in accordance with Islamic law."

Adegbite says there is nothing sinister about the measure taken by the Babangida administration: "The amendment involves all matters not covered by criminal law but which are not under the civil law. It was done to avoid conflict."

What is the place of a body of law which, like the Ten Commandments has its source (supposedly) from the divine and a secular set of statutes that has its basis in man's experiences? Put another way, can divine Sharia be reconciled with secular laws? As Pius Ogbewi, assembly member from Ika, Bendel State said in his address before Committee 16 during the debate on the Sharia, "The Constitution is not an instrument for the attainment of spiritual perfection and (therefore) the Sharia Court of Appeal should not be used as another

jihad to islamise the country." Ogbewi went ahead to say that enshrining Sharia in the Constitution would contravene section 35, subsection 12 of the draft constitution which says that "in this subsection a written law refers to an Act of the National Assembly or a law of a state, any subsidiary legislation or instrument under the provisions of a law."

Ubale Jakada Kiru, from Kiru Constituency, Kano State does not consider this or any other reason tenable. To him it is a matter of faith, inplacable faith. According to him, the Koran variously describes any moslem who does not subscribe to the Sharia as "rebel", "unbeliever" and "oppressor" and, therefore, it impinges on life in the hereafter.

But perhaps the most recurring argument of the anti-Sharia lobby is the charge that a constitutional provision recognizing the Islamic legal system would be one more step in the march to islamize the country. This is a highly emotional charge, made often. As Antse puts it: "The demand for Sharia is not an isolated thing. It is part of a grand design to islamize this nation..."

But Kiru is categorical that "(Sharia) does not amount to the total islamization of Nigeria. No non-muslim has been subjected forcefully to the application of the Sharia..."

Antse says that he has evidence that precisely that has happened. He cited in his address before the committee the cases of Matthew Sheman Vs Fulani; Jonathan Vs Mallam Mohammed Gana (1984), Daniel Ndakotsu Vs Yakafa etc, all instances, according to him, of how Christians are compelled against their

will to be tried in Sharia courts. But the most heart-rending of his examples is that of "non-moslem women of Jereng in Gongola State who are asked to stand up in the market while selling in order to be identified as infidels and to avoid buying from them."

Like Kiru, Orire says there is no substance to these allegations. "Sharia can never affect non-moslems... there is no evidence whatsoever of non-moslems who have been dragged before Sharia courts."

Whatever the truth is, one thing is definite. Because of the Sharia issue, the work of the assembly has come to a virtual stand-still. And there is a fear that the activities of the two committees deliberating on the issue — 3 and 16 — will negatively affect the entire work of the Constituent Assembly.

The curious thing is that Committee 3 has voted on the Sharia issue, rejecting it by a 15 to 11 margin. Committee 16 has also put the issue before its members; there was lack of consensus. Ordinarily, the matter should be thrown to the general house for a final decision. In fact another committee which had similar contentions and lack of unanimity in its deliberations, the Federal Capital Territory Committee (17), simply collapsed the different views of members and dispatched them to the assembly's general house.

But Committees 16 and 3, because of the weight of Sharia issue are precipitating a different reaction. Neither the individual moslem members of the committee nor, in fact, government want to leave anything to chance. Religion, they seem to be saying, is too delicate an issue to be trusted to the general house where things are, at best, uncertain. The earlier a compromise is reached the better. Obviously, out of this kind of reasoning, the 17 moslems in Committee 16 acted. On September 9, a day after the inconclusive decision on the Sharia issue was taken, they wrote Aniagolu requesting a clarification on whether "our job was to improve on the draft or 'expunge' any and all sections we may like." They also enquired, "if expunging sections is part of our assignment, what are we to do with the remaining sections which are dependent on an expunged section?"

Aniagolu replied through Justice B.O. Kazeem. The crux of his four-page reply written in long-hand was that since the assembly had a mandate to 'improve on the job of the CRC, anything done to further this purpose, including expunging and replacing any



Islamic youths in a protest march: Is violence compatible with piety?

section, was in order. Naturally, the christians were pleased with the decision. But the problem of working out a compromise was not solved.

The most drastic of the decisions proffered on the issue was made by a member of the committee, Umaru Suru. His recommendation was, in effect, a call that rather than let other parts of the body be infected by a tumour, the affected part of the body should be amputated. Suru called for the dissolution of Committee 16 "as a security measure and as an economic measure... (to) save us from carrying coal to Newcastle". Calling the attempts to expunge Sharia "a direct challenge or invitation to hostility in this country," Suru declared that "even if the whole country would be melted, the moslems would never accept this."

When the assembly reconvened on October 4 after the acrimony that attended the voting on the Sharia, the air was thick with tension. In fact, before they left for their 10-day break, many members were heard, half-jokingly reminding their friends, "Don't forget to bring something for protection when we get back." And one member was spotted with a sheathed dagger on the resumption day. There were speculations about others who were said to be totting guns. When a journalist put the question to Aniagolu, the chairman said security in the Assembly would be tightened. Even though he was not specific on measures, it is likely that members would be frisked on their way into the assembly chambers. A metal detector was installed late last week at the Conference Centre as part of the security measures.

Because of these developments, the most far-reaching of the efforts made so far to resolve the impasse was initiated on October 6, by Aniagolu. A committee of elders set up by the assembly chairman summoned christian and moslem members of both committees 3 and 16 separately. Also known as special committee and crisis committee, it has Justice Buba Ardo (rtd), the assembly's deputy chairman, as its chairman.

Others in the committee are Lateef Adegbite, Onwuka Kalu, Ango Abdullahi, Olufemi Olatoye, Solomon Asemota, Haroun Adamu, Alexis Aniolo (chairman of committee 3) and Umaru Kalgo (chairman of committee 16). The committee handed copies of two documents to members of the two groups with an instruction that they go through them and get their responses ready the next Monday.



• Ogbawi: Constitution not an instrument for spiritual perfection

The two documents, one four pages, the other six, are a study in how interests can be delicately balanced. After stating the basic arguments of both groups on their "no compromise" positions, the elders noted that "religious strifes are known world-wide to be ferocious and remorseless and capable of destroying a whole nation". Then it went ahead to make a recommendation that the 1979 provisions be retained, with modifications. On why the issue was not taken to the house as provided in the guidelines, the elders declared that "this situation might get out of hand if the present stalemate in committee 16 is passed on to the Constituent Assembly."

Aniagolu got the responses of the christians in committee 16 through its chairman, Kalgo. They had only one answer for him: no dice. Expressing the views of some of his colleagues, Ellis Dokubo, from Rivers State said that it was a matter of integrity. The christians had taken a well-thought out decision and to go back on it implied they did not do their homework in the first place. Then he went ahead to articulate a more mundane worry. Apart from the question of integrity, the christians were aware of rumours that Saudi Arabian money was "floating about". Any change in their position could be misinterpreted.

But Antse believes that it goes even beyond the question of integrity and principles held dear. How the state and religion should relate, for example, were also involved. One by one, all 19 christian members stood up to make the same or similar points.

The next day, the moslems had their opportunity. Their message, through two of their representatives was just as



• Oriso: Moslems have never dragged non-Moslems to Sharia courts

implacable: Sharia must stay. In the process of arguing their case, the christians say, the speakers resorted to "insults, telling us terrible things to our face". This led to the walk-out.

But the Elders Committee is far from popular. The moslems, for instance, say that it is not representative of the interests of their religion. According to them, predominantly islamic states such as Sokoto, Borno and Katsina are not represented on the committee. The christians, according to Antse, do not see any basis for a committee of that nature because neither the decree setting up the assembly nor its guidelines have any provision for the committee. Apart from that, they say, the committee includes strong pro-Sharia advocates, Adegbite and Ango Abdullahi. "We look at the so-called Elders' committee as illegal... the committee went beyond its limit by actually drafting another version of a constitutional provision", says Austine Samson, a Reverend Father representing Etinan 1, Akwa Ibom State.

Even the committees' recommendations have not found favour with both camps. The moslems, for example, claim that the christian view-point was given greater prominence by the elders' committee. The christians say that the "concessions", such as limiting the jurisdiction of Sharia courts, made on the 1979 constitution are far from adequate.

Last Wednesday, both groups held another meeting with the Elders' committee. There it was decided that another committee, more representative of both religious and interest groups be set up. However, according to Buba Ardo, most of the old members will be retained.

Whatever decision is reached in the end, it will certainly have consequences that will reflect on the success of the Third Republic and religious co-existence in Nigeria.

By Paul Nwabuluku in Abuja



■ Danjuma: Nigeria cannot afford the luxury of a religious war



■ Aguda: Keep Sharia at the state level!

## Face to face with a grim fate

*The fears, arguments and backlash*

■ IN 1978 as Nigerians levered into feverish preparation for a new go at democratic governance, one senior military officer read the country a rare sermon. He warned that Nigeria could not afford a second fratricide, and said it would be so much the worse if religious differences became the source of another war. Speaking with the wisdom of experience and the conviction of a prophet, he said that religious wars have a way of never ending.

That wise officer was Lieutenant-General Theophilus Danjuma, then Chief of Army Staff in the exiting Obasanjo regime. Foreboding signs were everywhere in evidence at the time he made his pronouncements. Nigerians were debating a new constitution and passions frequently soared to alarming levels. But on no issue was the disagreement as sharp as the status of the Sharia, the Islamic system of law. Those who wanted it enshrined in the constitution threatened to rain fire if they were not obliged their desire. These were — predictably — Muslims. Those who opposed the Sharia said, in effect, let the heavens fall, but no Sharia. Predictably, this was the Christian position.

The atmosphere was tense, full of ominous portents. The pro-Sharia lobby in the Constituent Assembly staged a dramatic walk-out when it dawned on them the Christians were not about to be impressed by the case. A six-letter word was causing Nigeria sleepless nights and

uneasy days. The heart of the nation pounded at a manic pace, everybody held their breath and many feared that a bloody religious face-off was on its way.

But the apocalypse was deflected, a compromise snatched, and peace was bought at the cost of half of what each side had desired. Section 240 (1) of the 1979 Constitution provided for the setting up of a Sharia Court of Appeal for 'any state that requires it'. This was considerably shy of what the lobby had wanted: a Federal Sharia Court of Appeal. But it was also substantially greater than what the Christians had desired: no mention whatever of Sharia. In any case the two contending religions managed to accommodate themselves and the throttled march to nationhood continued, but with visible limps.

Ten years later, however, Nigeria has come full circle again. A new child has seized inter-religious affairs and the country appears finally ready to keep faith with the grim fate Danjuma warned against in 1978. The source of the heart-rending chill is, again, the Sharia. The occasion is the making of a new constitution, the mandate of the Constituent Assembly in Abuja. The agenda which threatens to torch up the whole country if not well handled is the thorny one of what to do with the Sharia. The stakes are as high as in 1978. Some Islamic fundamentalists came to Abuja with the burden of elevating the Sharia beyond its status in the 1979 con-

stitution. Some Christians came determined to do battle by wholly expunging the Sharia from the new constitution. The game is becoming dangerous and the nation's teeth is clattering in dreadful contemplation.

The greatest danger is the resurrection of old prejudices, charges of bad faith and the full dress emotional steam of the current encounter, the Christian Association of Nigeria (CAN) has taken a position. It said after a meeting two weeks ago that any provision which will subject all the citizens of our beloved nation to the judicial demands of any particular religion, or legalise the use of public funds for the judicial system of a particular religion, at the expense of the common good of the citizens of our country should not be given room in the constitution now works. Christian members of the Constituent Assembly appear to be listening closely. They are determined to give no quarter.

But Justice Bashir Sambo, the Grand Khadi of Abuja — religious host to the Constituent Assembly members — has served notice that the deletion of the Sharia would be an affront to unity. He said in the *Sunday New Nigeria* of 9 October, that Muslims are not prepared for less than what they had in the 1979 constitution. Those opposed to this, he said, are ignorant and selfish.

Others have stated their case with more drama. Alhaji Hassan Sani Kon-tagora, publisher of *Hotline* magazine,

and member of the Constituent Assembly had described how he would react if Sharia fails to sail through. 'I'll never sign a constitution without Sharia', warns Hassan. 'Sharia is indispensable to the lives of moslems. That body of law defines a moslem's total life down to the detail of how he must meet with his wife in bed', explains the publisher. And he adds: 'If the Sharia is not in the constitution it means Hassan Sani as a moslem had been removed from the constitution and I can't sign it'.

His resolve is neither excessive nor quotic. Many other members of the Assembly who are pro-Sharia are threatening not to sign a constitution denuded of the Sharia. If they eventually carry out their threat, the constitutional document will be left many signatures poorer and the country will have a profound political problem. For now, a stalemate in the assembly is almost certain.

Less impassioned parties are, however, trying to break the ice of the present problem. The Committee of Elders at the Constituent Assembly is already moving with uncommon desperation for elders to heal the wounds that threaten to leave the two lobbies irreconcilable. The elders have so far met with little

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### **'The fact that the dog is sent not to bite does not mean it has no teeth**

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success but they are far from giving up. The *New Nigerian* also carried a front page editorial on Monday October 10, on the Sharia issue. Captioned "The Sharia Impasse", the editorial hoped that the anti-Sharia lobby is acting "without outside pressure" but "perhaps because of ignorance". The *New Nigerian* argued that no non-muslim has been subjected to Sharia law against his will in the ten years that the 1979 constitution had been in existence. The paper asked the government to 'tread cautiously but firmly; and see to it that justice is done to all religious groups'.

What constitutes justice in the matter is indeed what most well meaning Nigerians are seeking to determine and pursue. But for some — especially those who are in the thick of the present tussle — the search for justice is clouded by cheap sentiments and sometimes poli-

tical goals. Perhaps neither the christian zealots nor the partisans of islam have had sufficient patience to understand the position of the other camp and to treat it with adequate sympathy. But some are not engaged in the heady exhibition of untrained emotions by the madding crowd.

Dr. Akinola Aguda, a leading Nigerian jurist, wades in with measured words on the Sharia controversy. He says islamic law 'now governs only that part of the law called personal law. It is no longer applicable to criminal law — at least not in the last hundred years now. He thinks that christians and other non-moslems should have nothing to fear on this account.

Even so, Aguda is worried by the activities of some extreme right moslems in the past five years. These, he says, have been 'agitating for a reversal of what the position has been for a century. That is what is alarming — that these people are talking of reviving islamic criminal law! But he is re-assured by 'the majority of islamic scholars and practitioners in the country who do not support the re-introduction of islamic criminal law'. Aguda favours leaving Sharia judicature in the hands of state governments rather than elevating it to the federal level.

Like Aguda, Mr. Rufai Ibrahim, editor of the *Analyst* magazine is not drawn to cheap sectarian demagoguery on the Sharia issue. He says the first task for those shouting about Sharia is to show 'how the rights of Nigerians would no longer be trampled upon in the courts. He is worried by the political undertones of the Sharia debate. He fears that many political aspirants 'are using the issue of sharia to catch votes in the forthcoming elections'.

However, for many of those who oppose or propose Sharia, it is a matter of faith. Mr. Femi Abbas, an islamic scholar who works with *National Concord* says it is impossible to apply the penal part of the Sharia. Alhaji Liad Tella, also of the *Concord* echoes Abbas's views. 'The question of Sharia being harsh or not is immaterial', he says. 'The moslems want it, so let them have it'.

Alhaji Abdulkadir Orire, the Grand Khadi of Kwara State is an enthusiast for Sharia which he describes as 'the handbook given to the consumer of a product by the manufacturer. If the consumer does not follow the rules, he'll miss the benefits. Orire is confident that Nigeria's contribution to international jurisprudence is likely to come from Sharia. His reason: "The Sharia has be-

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### **'Sharia is the handbook given to the consumer of a product by the manu- facturer. If the consu- mer does not follow the rules, he'll miss the benefits**

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come part of us after more than 500 years. The Nigerian culture has got into it". He cites the example that lawyers are now allowed into Sharia courts which did not use to be the case. The Grand Khadi explains that "this is one of the concessions made for a more just society".

But some islamic scholars are wont to disagree. In an important book, *In the path of God: Islam and Political Power*, Daniel Pipes says Sharia laws are 'administered in only one forum, a court with a single judge'. He states that there are no lawyers, no multiple-judge courts, no appeal courts. Liad Tella remarks that 'there is no question of reviewing Sharia. It is God-given and it is encoded in the Koran?'

Leading moslems have sought to clear misconceptions about the scope of Sharia they want enshrined in the Constitution. Alhaji Baba Alkali Ba'aba says he is quite content with the provision making it optional for states to set up State Sharia Courts of Appeal. Ba'aba, a legal practitioner, thinks the moslems in the Constituent Assembly have not done enough to explain things 'to their Christian brothers.' Shettima Mohammed Abani, the Grand Khadi of Borno State, testifies that in his 36 years as an Islamic judge, "no person who does not believe in the Islamic faith has been tried in the area court." Even so, he wants a court "created at the federal level manned by people learned in islamic matters to hear appeals from state sharia courts.

The Chief Imam of Diobu Central Mosque in Diobu, Port Harcourt, Alhaji Abdul Salami Arikenuola concedes that the Sharia should be optional. However, he also wants a constitutional provision "making it applicable to all parts of the country." But Alhaji Fatai Aremu Oso, a lawyer and moslem, is not impressed. He says Sharia is "purely Islamic" and in a heterogenous socie-

# Sharia: What it is not

*In spite of differing views, Sharia exists as a body of laws*

**T**O non-moslems, the Shariah evokes the ugly spectre of amputation of the limbs of thieves, beheading of adulterers and public flogging of other social deviants. These seemingly severe and primitive forms of punishment, touted by non-moslems as their main grudge against the application, or as some claim, misapplication of the Shariah are just but one side of a highly complex but all embracing judicial system.

Islam is not only a religion which demands absolute submission and loyalty, it is a way of life based, according to adherents, on the commandments of Allah contained in the Holy Koran and the *Sunnah*. Every moslem is under obligation to submit entirely to the will of Allah by living his or her life according to the tenets of Islam. In the process, the moslem must observe at every turn, the distinction between right (*halal*) and wrong (*haram*.) To observe right and

redress wrong, the Shariah which is the *corpus juris* (body of law) of Islam must be the only channel available to a moslem for adjudication and resolution of conflicts whether personal, state, social, political or economic. But then, what is this all embracing system which is the plank under which the practise of Islam rests and which moslems believe the grundnorm is God Himself?

Abdur Rahman Doi, in his book 'Shariah: The Islamic Law', traced the source of Shariah primarily to the *Koran* and the *Hadith*. Other sources of Shariah according to Daniel Pipes in his book *In The Path of God: Islam and*

*Political Power*, are the consensus of the *Ulama* (Islamic Clerics) and reasoning by analogy (discretion). Sharia, Doi writes, covers all facets of justice from family relations, to crime and punishment; inheritance and disposal of property; the economic system and international relations. It also prescribes sanctions against criminal activities, social mischief, political treachery, economic misdemeanour, and even the conduct of war and the treatment of prisoners of war.

Shariah is an Arabic word for the "Path" to be followed; literally, it means "the way to a watering place". Abdur Rahman Doi writes that "It is the Path not only leading to Allah, the most High, but the Path believed by all moslems to be the Path Shown by Allah... through prophet Muhammed". He adds that "In Islam, Allah alone is the sovereign and it is He who has the right to *ordain* a Path for the guidance

of mankind."

"Thus," he writes, "It is only the Shariah that liberates man from servitude to other than Allah" and "this is the only reason why Muslims are obliged to strive for the Path." The *Koran* in chapter two, verse 19, puts it succinctly: "We made for you a law, so follow it and not the fancies of those who have no knowledge." Prophet Muhammed, according to the *Sunnah*, enjoined moslems to administer justice according to the Book of Allah (*Koran*). Says Muhammed as quoted in *Family Law Reform in the Muslim World* by Tahir Mahmood: "We have sent down to thee the Book in truth, that you might judge between men, as guided by Allah; so be not (used) as an advocate by those who betray their truth."

This absolute mandate or commandment, has been the major plank in which clamour for the application of Shariah by moslems, is founded. Perhaps the most controversial issue regarding the application of Shariah is the procedure for administering justice.

But moslem judges are enjoined by the prophet to rely on their discretion in the absence of Koranic injunction or the



• Diouf: Senegal is at peace with Islam

## The good, the ugly

*In other lands, sharia pacifies or provokes*

**O**F present-day moslem nations, only Saudi Arabia has consistently had the Sharia as the law of the land, secular as well as religious. Then came Pakistan. And later Iran, after the 1979 revolution led by Ruhollah Khomeini, an Islamic clergy and jurist.

In Riyadh, Islamahad and Tehran (the Saudi, Pakistani and Iranian capitals), there have been little, in fact virtually no popular clamour for a replacement of the legal systems. The reason is simple: nearly all Saudis, Pakistanis and Iranians are practising moslems.

Even so, not all predominantly moslem nations are governed under the Sharia. Indeed, those who adopt the Sharia in its entirety are in a

clear minority. There is Senegal, for instance, which though 75 per cent moslem, has almost a completely Westernised judicial system. Egypt, (90 per cent moslem), still resists the clamour by Islamic fundamentalists for the introduction of the Sharia. The old moslem legal and judicial system in Turkey (98 per cent moslem) was swept away in the early years of the birth of the modern republic, and a new Western system adopted, based on the Swiss civil code, the Italian penal code, and German commercial law.

Other examples abound. What Iraq, Jordan, Libya, and other mostly moslem states have done is, evolve a system that combine some features of the Sharia, and

# Clothing the nation

**C**LOTHING is one of the three necessities of life coming next only to food and housing. For any country to be able to clothe its citizens, the government of such a country must come up with realistic policies that will not only encourage the setting up of such industries whether by public or private citizens, but must also guarantee the continued survival and protection of such industries in the face of environmental threats from local and foreign contingencies.

The picture of event in this industry is not quite different from what obtains in the other sectors of the country's economy. One of the major difficulties plaguing the industry is high cost of production. And the immediate effect of this phenomenon is high price which is somehow unattainable by the majority of the citizenry. Besides the very high cost of production, a consequence of non-availability of raw materials, labour and overhead cost increase, do not allow textile mills in the country to compete favourably in the international market.

The industry, which still relies heavily on foreign supplies for more than 60 per cent of its raw materials input, had its cost structure worsened by the heavy depreciation of the naira.

The *African Guardian's* recent survey of the goings-on in the industry revealed that the under-supply situation has encouraged mass importation of various types of fabrics which currently attract duties ranging from five to over 30 per cent. Maximum production capacity of fabrics in the country is estimated at about 600 million metres a year but current actual production in the industry does not exceed 450 million metres. Present consumption rate is put at 1,500 million metres per annum.

Observation revealed that the current production capacity in the industry, apart from cost factors, does not augur well for export plans, though a number of our millers would want to go into foreign markets. However, the emphasis in the industry is on how to increase production capacity to meet home demand. Therefore, it would be fool-hardy to go into the export arena. The high cost of textile materials in view of the liquidity squeeze has forced many customers to look elsewhere for their clothing materials.

To an average Igbo man, the word '*Okirika*' is synonymous with used clothes, otherwise called second-hand clothes. Many an Igbo man, rich or poor, patronises these clothes. Today, however, *Okirika* is no more a preserve of the Igbo people. Its demand has permeated several parts of the country. In Lagos, for instance, the term *shakers quality* or *mile-two-coat* are derogatory words meant to ridicule persons who patronise second-hand clothes. Across the country, a range of second-hand clothes abound: three-piece suits, single jackets, trousers, sweaters, under-pants, T-shirts, cotton and silk shorts as well as French-suits; and these are sold in most popular markets. Interestingly, used-clothes markets have continued to thrive despite government ban. A survey of the trend in the second-hand clothes market shows that there has been a boom in recent times. As would be expected, more than 90 per cent of the stock is smuggled in from across the borders.

Although the second-hand clothing business trend is



■ Textile materials on display

generally seen as a device to overcome hard economic situations by the populace, experts are wary about the possible consequences of the continued patronage of second-hand clothes. Aside from the harmful effects it has on the economy, since it is illegal, some skin diseases have been attributed to them. Dermatologists say that such diseases as crawl-crawl, yaws, eczema and ring-worm could easily affect any one who wears already infected second-hand clothes. According to their observation, these diseases may have been transferred into the garments by the first-hand owners. Consequently, the period of transportation from sources serves as incubation period for the diseases which only need another human contact to multiply. As it is, though the depressed economy has given rise to demand for used clothes, this in turn, could lead to an epidemic of skin diseases.

Another major problem in the nation's textile industry, the experts unveiled, is the resistance of the textile market to prices of textiles. Like most industries, prices have gone up in recent times because of the foreign contents of Nigerian textiles, which is put at a little above 60 per cent. Also the purchasing power of the consumers has been highly eroded by the economic recession. Industry watchers, however, believe that prospects are quite bright for the industry. They are of the view that with the second look at the harmonised tariff structure, the industry should be given adequate protection to expand. The depreciating naira, they added, should be checked to reduce the cost of production. More important is the need for a protective law that will shield this vital industry from foreign domination.

By Tawo Toyin Rotimi and Tunde Akinola

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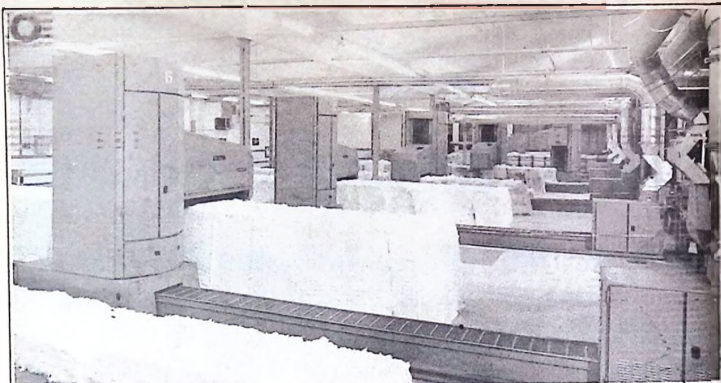
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**S**UNFLAG (Nigeria) Limited was incorporated by the Bhardwaj family as a Nigerian private limited company in 1961. The main business activity is the manufacture of knitted fabrics and ready-made garments. However, the manufacture of ready-made garments did not begin until 1974 when the company acquired 24 high production sophisticated sulzer looms. At present it operates 74 looms, manufacturing 30,000 metres of variety fabrics daily at its Iganmu, Lagos factory. Fabrics manufactured include woven shirting/ suitings, printed furnishing materials, dress materials, cotton/nylon knitted material. The company produces about two million metres of cloth monthly.

Bhardwaj family's worldwide experience in textile has been responsible for the success of the **Sunflag (Nigeria) Limited**. Other subsidiaries include **Terry Towel Unit**, a company that specialises in the manufacture of 3.6 million pieces of Terry Towels annually. There is also **Spintex Mills (Nigeria) Limited** which commenced commercial production of cotton, polyester/viscose yarns since 1982 at a cost of ₦15 million. **Seronwood Industries Limited** is another subsidiary of Sunflag with 15.6 per cent equity shares, and management control since 1986. The complex has all the necessary equipment for manufacturing plywood, furniture and sawing and treating timber and raises

logs from nearby forest concessions.

**Sunflag Agro (Nigeria) Limited** another subsidiary is a ₦10 million farming project in Rabba, off Mokwa, Niger State. The farmland is about 4,521 hectares. Crops grown on the farm include cotton which supplies the mills with the needed raw materials. Maize, rice and cowpeas are also planted.

The Group can also boast of a **Blanket Manufacturing Company (Nig) Limited** established at Kaduna in 1980. On the employment side, Sunflag Nigeria Limited has a total of 2,300 employees on its list with a cordial management and staff relationship which has enhanced its growing textile and agro-allied technology.

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## SCOA Textile

SCOA textile wholesale distribution is made through eight branches located throughout Nigeria: Lagos, Onitsha, Kano, Ibadan, Abu, Maiduguri and Sokoto. This division receives goods from nine suppliers in Nigeria and participates in the Nigerian Textile mills in which the company has taken a 15 per cent investment, together with additional financial support.

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prophet's Sunnah. In his life time, the prophet was said to have questioned a newly appointed judge on how he would dispense justice. The judge had replied: "According to the Koran"; and the Prophet pressed on. "If it is not in the

Koran?" The judge replied: "I will try to recall what you have said". "But if I was silent?" "Then I will have to use my own intelligence", the judge replied. The Prophet was said to have certified him a "fine" judge.

Although discretion plays a significant role in the administration of justice according

to Shariah, "there is an explicit emphasis on the fact that Allah is the lawgiver and the whole *Ummah* (Islamic nation) is merely His trustee," says Doi. It is because of this principle. Doi adds, that

"The *Ummah* enjoys a derivative rule-making power and not an absolute law-creating prerogative." Every moslem he says who is "capable and qualified to give a sound opinion" on matters of Shariah, is entitled "to interpret the



Justice Bello: Should Shana have a seat at the Supreme Court?

law of Allah when such interpretation becomes necessary." But where an explicit command of Allah or his prophet already exists, "no moslem leader or legislature, or any religious scholar can

form an independent judgement; not even all muslims of the world put together have any right to make the least alteration in it."

It is perhaps this strict adherence to Shariah that makes it an unattractive venture to non-moslems. Apart from the question of procedure, equally controversial is the stern punishment prescribed under the Shariah. Islamic scholars have enumerated 500 legal injunctions in the *Koran* that cover marriage, divorce, the period of retreat after divorce, fosterage, contracts, loans, deposits, weights and measures, oaths and vows, punishment for crime, wills, inheritance, equity, fraternity, liberty, justice to all, principles of an ideal state, fundamental human rights, laws of war and peace, judicial administration and lots more.

The Shariah is very stern on crime and punishment as handed down without pity since in an Islamic society, crime against the society is seen as crime against Allah. Crimes are seen, as manifestations of human selfishness, avarice, revenge, caprice and egoism. The penal or criminal law in Islam covers both torts as well as crimes and there is no distinction between the two, and a crime committed in another land can ultimately be punished if the criminal is extradited to his homeland since the offence is seen as not just against society but against Allah. Under Shariah, it is interesting to note that theft of food, fruit, grass or forest wood, is not punishable since it does not constitute a crime.

By Abdul Oroh.

Westernised codes. Iraq, as a pointer, has a judiciary which combines French, Islamic and revolutionary elements. The country has civil, religious and special courts that deal with civil litigations, matters relating to personal status and national security, respectively.

As it is, world leaders who have fallen into trouble on the question of the Sharia, are those who, for one reason or the other, got overzealous. In other words, they tried to introduce the Islamic judicial system in countries which, though predominantly moslem, have sizeable non-moslem populations. Here, the former Sudanese leader, Field-Marshal Gaafar Mohammed el-Nimeri immediately comes to mind. He had a reason for his action: to court the Sudanese moslem fundamentalists, particularly the Moslem Brotherhood, led by Mohammed el-

Tourabi (current Sudanese Justice Minister).

Nimeri's mistake, however, was that he ignored the fact that only about 73 per cent of the Sudanese population were moslems (others are christians and animists). Thus, there arose the situation in which some christians (from the South) had their right hands amputated for stealing (as required by the Sharia law). Still, the Sharia was supposed to be strictly for those who profess Islam.

More recently, Bangladesh President Hussain Mohammed Ershad seems determined to tread Nimeri's controversial path. A few months ago, despite street riots (by the estimated 14 per cent non-moslems), Ershad had the country declared an Islamic state. The fear now, despite his assurances, is that the Sharia system may soon be clamped on all moslems and non-moslems alike.

By Emenike Okorie



Khomeini: Revels in Islamic fundamentalism

ty like Nigeria "it definitely amounts to infringing on other people's freedom to follow a religion of their choice."

The echoes of suspicion that the Sharia is one step in the grand design to islamise the country accounts for much of the christian opposition. Even so, there are degrees of this opposition. Pastor Charles Abidun Bada, the spiritual leader of the Celestial Church is quite content with an emphasis that sharia is only for moslems.

Other christians demand more. Bishop Titus Ogbonyemi would want equal recognition given to christian ecclesiastical courts as to sharia courts. Ogbonyemi, the chairman of the northern zone of CAN says christians are opposed to the use of public funds on purely religious courts. Mr. Daniuma Byang, author of a pamphlet, *Sharia in Nigeria; a Christian Perspective*, challenges the notion that only moslems are tried under the legal system. He lists four cases in Niger State alone where christians were dragged to Sharia Courts where the "judgements are bound to be discriminatory." He says that in Sharia courts, the testimony of a moslem male is twice the weight of a non-moslem male and four times the weight of a non-moslem female.

Byang also suggests that the christian population in Nigeria has now outstripped that of moslems. The population of moslems, he argues, had shrunk to 45 per cent by 1986, down from the 1963 figure of 47.2 per cent. Against this decline, christians had become 51 per cent, up from 34.5 per cent in 1963.

Reverend Father Thomas Tizhe



• Tizhe: If the moslems want Sharia let them have it



• Gumi: The wounds he has created will take time to heal.

Kamhasaya, Vice-Chairman of Borno State Chapter of LANC, dreads the prospect of conceding sharia to moslems. "Only God knows what they will do with it," he remarks. He is unhappy that the Nigeria Pilgrims Board which should serve all religions "has been hijacked by the moslems." Father Kamhasaya shudders "to think of what will happen next if Sharia is included in the constitution." He reels off a proverb: "The fact that the dog is sent not to bite does not mean it has no teeth."

Reverend Martin Okoro Ogbonnewo puts his opinion squarely. He notes that "moslems and christians had been living together in peace and Sharia had always



• Ogbonnewo: Suspicion between moslems and christian has created mutual distrust.



• Bada: Sharia is a moslem affair

been with us. But some events in the recent past have made moslems and christians to suspect one another. Everything has become a matter of the mind, trust and confidence."

The events Ogbonnewo refers to are known to most Nigerians. Early in January 1986, a foreign agency report carried the terse news of Nigeria's admission into the Organisation of Islamic Conference (OIC). Christians became apprehensive of the full implications of the news. Nerves were set on edge.

The swirl of religious disaffection set off by the OIC issue is still to settle. Rufai Ibrahim says: "the government could be blamed for creating the atmosphere for religious controversy to thrive." He sees no reason why the government insists on getting involved in some religious matters, like funding pilgrimages. Sheik Abubakar Gumi confounded the scenario when he told a magazine in 1987 that "the two party system will not be south against north but Islam against Christianity." His clinching assertion that moslems would not accept a christian leader put the christians on permanent alert. This is the source of the current imbroglio. Gumi's indiscretion has created a festering sore which the federal government may find itself called upon to heal. The words of the great Islamic sage, Uthman dan Fodio, ring reasonably: Conscience is an open wound which only truth can heal

By Okey Ndibe with reports from Debo Adesina, Diji Ojukwu, Abdul Orah, Ransome Emenari, Primus Khanoba, Eddie Williams and Patrick Udoaka

## An innovative era

In a remarkably consistent fashion, Mikhail Gorbachev has sought in these past three years to institute bold economic reforms together with far-reaching political measures designed to augment the democratisation of social life in the Soviet Union. The *perestroika* programme has come to incorporate unique systematic endeavours aimed at eliminating over-all stagnation in society through the transformation of outdated features of social organisation.

Secondly, it has been an attempt directed toward the objective of bringing about a democratic way of organising the work and industry, based on the autonomy of enterprises, liberalisation of economic decision-making and self-financing, and the seeks to impart to socialism the most contemporary forms of current scientific and technological revolution and introduction of human rights and the practice of citizens being actively involved in the state's resolution of political questions.

The ultimate significance of the Gorbachev reforms has to be that at the same time they can be said to represent a concrete stage in the advance of the Soviet society, they can also hardly be construed to mean ardent revisionism or a deviation from the existing ideological direction. What we actually have, in specific terms (that is), is reformism within an ideological order, aimed at consolidating the order or, correcting distortions inflicted upon socialism in the post-Leninist era.

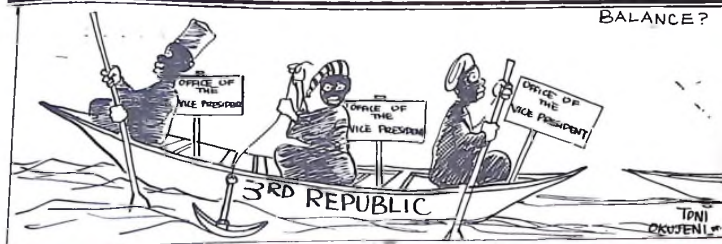
Therefore, we cannot share the views of those who presume that the Gorbachev reforms are the sign of the long-awaited failure of socialism, as a relevant historical mode. It is certainly hasty to draw the conclusion that they (the Gorbachev reforms) constitute a transition from socialism to capitalism. The Soviet leader has not done anything with his reforms that has tended to go beyond the logic of the application of the principles of management science (which, at any rate, are universal) to industry and work. Nor have such reforms tended in any way to introduce disruptive contradictions into the internal dynamics of both the ideology of the state and the existing socio-economic organisation. In short, the Soviet leader has not altered the fundamental platform.

Rather, his have been pragmatic attempts designed to reform socialism scientifically. But they are also attempts that are, on the whole, timely. The Soviet society was only recently faced with the crises of political rigidity and industrial backwardness. Socio-economic stagnation characterised the Brezhnev era. The closed-society system was still a dominant feature during the time of Nikita Khrushchev. Autocracy and open brutalisation marked the reign of Stalin.

In other words, the Gorbachev era has been unique and innovative. It has tended to inject dynamism into a system that had otherwise been rendered unwieldy, tended to pass on new forms and qualities to socialism, deepen the practice of socialist democracy, and advance the growth of the humanitarian character of the Soviet society. In this respect, Gorbachev, more than any other Soviet leader since Lenin, has been responsible for the restoration of the original ideals and practices of socialism, particularly in the sense in which these ideals and practices reflect the democratic, dialectical and scientific traditions bequeathed by Lenin.

Therefore, much as we necessarily wish to emphasise the fact that his leadership in this moment of historical advance is the reflection of the ascendance of the leading tendency in the Soviet Union, we cannot but commend his foresight and courage. His resolute attachment to *perestroika* and *glasnost* is truly selfless and is, no doubt, part of the energies sustaining their integrity and application.

Conclusively then, the lessons to be drawn from the Gorbachev reforms are critical. They show, once again, that change is inevitable, that it can be made constructive and managed politically and socially. Conversely, dogmatism has been shown to be inherently retrogressive. Gorbachev's visionary leadership in this and other areas is, of course, exemplary. But it is instructive that such a quality of mind and of action did not fall into his character from heaven. It reflects a conscious ideological direction, made realistic. Therefore, leaders who hope to acquire visionary leadership without ideological practice and discipline, really hope in vain. In fact, if anything, it is the fact that Gorbachev does not prove, through his reforms, that ideology is dead. He only eloquently shows that an ideology that is guarded with uncritical purism will decay from want of dialectical nature.



# Law as forward vision



*"Law is a quest for a rational mode of organization of individual, societal and property relationships and proper regulation of conduct... The people die a little whose laws petrify at an anterior stage of development."*

BY ISI OMOIFO

THE Bible has many commanding personalities, one of whom is Moses, who doubles as liberator and law-giver. *Exodus* tells the story of how this leader of men (and women) took the Israelites out of Egyptian captivity, en route Canaan, the promised land.

The exodus can be seen as a movement in time and space and above all, in the cortical region of the brain. The Israelites were departing from a condition of slavery to a land where all can be free. Along the way, hearts grew faint; the imagination began to balk at the prospect of long, uncertain wanderings; the people slid back into old habits.

The blood of Egypt came pounding back in their veins. Egypt at the time stood haughtily at the peak of achievement. And one must not forget, this was most likely the time of Rameses II, the master builder and conqueror who extended ancient Egypt to its outermost limits. The Israelites spiritually re-crossed the Red Sea into orgies of revelry, idolatry and presumably adultery. Then Moses re-appeared, back from solitude in the heights.

It was a dramatic moment, as the Bible tells the engaging story. Moses stepped down from Mt. Sinai, tablets in hand. They were the Ten Commandments, the word of God which was law. The people ceased whatever they were doing. They felt the power of the man, or the presence of a force behind him or around him, or speaking through him in thunderous accents.

The commandments sought to reorganize their lives, by extension, human life wherever it exists. It laid down both spiritual and ethical canons with respect to man's relationship to the divinity and to his fellow-man. It was a moment of transcendence for the Israelites, swept past the dark Red Sea at the core of being towards glowing ideals.

It does not detract from the significance of that historical moment when the Bible later enlightens us (that the Deuteronomic Code, circa 622 B.C., attempted to purify God's worship from Canaanite (the land of milk and honey!) and other influences.

The stele of the oldest extant body of laws in the world, the Hammurabic Code, is preserved in the Louvre in Paris, far from its home in Babylon. King Hammurabi, 1792-1750 B.C., attempted to integrate into one community Semitic and Sumerian peoples and his code signalled an advance on pre-existing customs and traditions.

The Napoleonic Code, enacted in 1804, touches so closely the Nigerian context it is surprising that its import appears to have been lost on our eminent jurists. The diversity of our own laws may be a concession to the diversity of our peoples. Theoretically, any clan or group claiming different historical imperatives is entitled to the respect of its legal codes no matter the distance from contemporary thought.

Before the Napoleonic Code, Roman Law was operational in Southern France, Customary Law, deferring to feudal institutions was in the north, while marriage and family life largely fell under the ambit of Canon Law.

The French were ill-at-ease with this legal asymmetry and probably felt that a state could only be intelligible with a uniform code and that a territory ought not to present different legal faces depending on point of entry. The Napoleonic code was forward-looking. It abolished the hereditary nobility, affirmed individual rights and freed civil institutions from ecclesiastical control.

In most advanced societies, the law is in a permanent state of growth. Landmark judicial decisions are constantly defining new frontiers of the law and opening fresh pathways of understanding. There seems to have been a tacit agreement that the ink has not dried on the epic story of man. That fresh layers of meaning or sharper perceptions may emanate from continuous and improved observation of the interaction between man, society and the environment.

LAW is a quest for a rational mode of organization of individual, societal and property relationships and proper regulation of conduct. The more profound and humane the laws, the more advanced the society. The higher horizons ascended by the law afford man a further lift in stature. The people die a little whose laws petrify at an anterior stage of development.

In this matter of the law, the opposite direction may actually be taken by some societies. With collected wits, from proud pedestals, they launch into a legal stream flowing backward to the land of the dead like some mythological waters.

What is often sidelined, in the discussion of law in Nigeria, is the state's normative potential. A leader with a capital L, the type envisioned for the Third Republic, or even the Constituent Assembly, could with the benefit of a holistic vision, make a fresh synthesis out of our disparate and disharmonious legal systems viz customary law, sharia law and English Common law.

A general point of interest is whether Nigeria has any will to forward motion — in social and economic organization and in the legal system — or whether it will sink, without any historical sound, into orthodoxy.



• "Give Peace a Chance", a commentary on the South African situation

## Strokes of the brush

Artist searches for solutions through paintings

"**P**RIME message", the title theme of the two-week exhibition by Yisa Akinbolaji, met with approval of art gurus who attended the event. Bruce Onobrakpeya said in the visitor's notebook at the opening: "Promising"; while Akin Thorpe declared it "A good start".

Akinbolaji belongs to a crop of young artists who are slowly but increasingly using the brush and

scapel to paint or design shapes of what we ought not to be or what we really deserve to be.

In the outing, Akinbolaji, 28, a graduate of art from Yaba College of Technology, presented a gamut of 55 titles for viewing at the National Museum, Onikan from September 28, to October 12. The show was sponsored by Western Geophysical Nigeria Limited, Lagos.

The schema of Akinbolaji's works encompass everyday occurrences. "Inferno", a painting of oil on board, shows a burning storey building with the surrounding buildings intact. Half-clad sympathizers cluster in helplessness while a tongue of flame licks a section of the roof.

In "Inferno" and such other works like "Sailing with the Prince", "Basket Butlers", "Pushing the Truck", "The Sower" and "Old Friends Meet and discuss Nigeria", there exists a wide gap between titles and themes. "Old Friends", for example, presents the silhouettes of two men deep in discussion without any evidence that they could be discussing an entity called Nigeria.

Akinbolaji's stronger points may be in such works as "Give Peace a Chance", (a work on Nelson Mandela and the Black struggle in South Africa), "Traditional Healing", "The Spiders Domain", "Naira and Dollar", "Seeking Holy Spirit", "Unemployed", "Kill and Go", "Un-

titled" etc. Probably the most intense work is "Untitled", a painting portraying deep misery. A Kwashiorkor-ravaged child is shown dripping with saliva with an empty bowl by his side. He is beside himself with immeasurable sorrow imposed by forces outside him. In the open doorway, a figure in the garb of a nurse strides towards the child possibly to give help. The painting is a telling commentary on how the society resorts to a rescue effort after great harm has been done, or it could be an affirmation that there is always hope when all appears to be lost.

"Unemployed" is a work done in glowing colours. What appears to be taut nerves and nerve-endings against the background of human shapes tells the anguish which is the lot of the unemployed person.

Akinbolaji does not paint alone; he talks with passion. He sees artists as "silent builders" who, in addition to finding solutions to human problems, also promote the "cultural image of the country". In support of this thesis, he titled the theme of his first exhibition held at this same venue in September 1984 as "SOLUTION".

He is a winner of several prizes, the most notable being the 1983 National Painting Competition organised by Mobil Oil Producing Nigeria Limited. No doubt a prolific painter, he requires more formal development to project the potent force he represents. His brush strokes still need a certain deftness, to be able to reach out with a blend of appropriate colours to convey his "prime message".

By Humphrey Bekare



• "The Spider's Domain", one of the works on display

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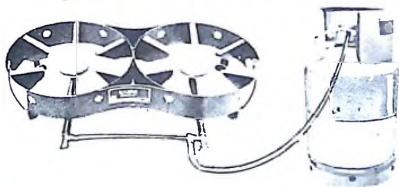
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## Aluko's first love

**T**HAT Seye Aluko veered off from his original profession, civil engineering, to drift into his childhood pastime, photography, shouldn't really surprise anyone. After all, his father, Dr. Timothy M. Aluko, who made a name from writing (remember *One Man, One Wife; One Man, One Matchet* etc.) had deviated from his engineering career too.

Though Seye loves to say, "I'll call myself a photographer till I die", his parents were actually alarmed at the suggestion. So he dutifully persevered in the engineering course that "wasn't so exciting after all because there was little scope for expression". But he survived it with an idea churning inside him itching to be expressed.

Today, Seye, 35, thrives in his photographic career: "It's like being born again," he says. He looks at photography as "a very strong and direct medium of communication". From the "oohs and aahs" expressed from the photographs displayed at the exhibition he held last Saturday, one can hardly disagree with him.



• Aluko - "Born again" in photography



• Bajowa: In pursuit of self-actualisation

## Another star for the General

**W**HEN he does have the time, General Joseph Oluyemi Bajowa (rtd) engages in hunting; one of his hobbies. Five years ago, the ebullient two-star general carried his fetish for adventure a long distance away from the forests. His quarry this time was a B.Sc degree in Business Administration under the Correspondence Open Studies Unit (COSIT) of the University of Lagos. And so, for various reasons that also include "self actualisation", Bajowa, 47, has been on the hot pursuit of knowledge.

If any eyebrows were raised as to his ability to combine his weighty schedule as the Managing Director of the Nigerian Airways with his studies, Bajowa has brilliantly soothed such fears by graduating with dazzling colours. With a total average of B+ (2nd class upper division), he's rated as one of the best 10 students of the course. For one who made a mini-library out of his car, and who took to swotting at any given moment, Bajowa's performance didn't surprise a few. Sums up his teacher: "He never spoke in class. But he's very intelligent and cunning. He'll corner you afterwards and ask you questions that will throw you off your feet."

## A true statesman

**H**IS departure from office didn't leave him with outstanding bank accounts. Neither did he have magnificent mansions to retire into. He even turned down numerous gifts on the ground that he had no where to accommodate them. Dr. Julius Nyerere, former Tanzanian President, was also the

third African leader to have voluntarily stepped down from office. But the energetic 66-year-old frontline nationalist is still very much after a progressive Africa and building Third World links.

Last week, Nyerere, staff in hand, was in Lagos to brief President Babangida on the inter-regional activities of the South-South Commission of which he (Nyerere) is the chairman.

Nyerere was to express amazement over the scale of physical development of Abuja, where the meeting was held. In contrast, Dodoma, Tanzania's proposed capital, due to lean resources, is being developed at snail pace. Let's hope that shrewd Nyerere was not making a hidden snipe at Abuja's million naira monuments.

By Omatayo Afelabi



• Nyerere Working tirelessly for progressive Africa



■ Giwa's study where the end came and (inset) Giwa

## Crime they couldn't crack

*Dele Giwa's death remains a mystery two years after*

**I**N life, he made enormous waves where many would have been content with a mere ripple or none at all. He had class, style, tastes and a personal style, both in the manner of dress and his fine arrangement of words, as he followed the dangerous (more dangerous since his death) profession of journalism.

After him, the features pages of Nigerian newspapers could no longer dare to be the same — there he brought qualities of brightness and breeziness. His bent for investigative journalism led logically to the birth of *Newswatch* magazine, which he co-founded.

Now, two years gone, it seems that Dele Giwa, cut short at the height of his career at the age of 39, continues to make fresh bursts on the Nigerian consciousness even from the grave. Series of legal battles have seen his friend and personal counsel, Gani Fawehinmi, on cyclical journeys from lower to upper courts with the central aim of seeing security chiefs,

Col. Haliu Akilu (Director of Military Intelligence) and Lt. Col. A. K. Togun (Deputy Director of State Security) convicted of the murder.

A spin-off of these battles was the landmark decision by the Supreme Court on December 18, 1987, establishing the right of a private prosecutor in a case where the Attorney-General had declined the function. The right was recently seized upon by Fela Anikulapo-Kuti, another social crusader.

Since he went to court over the Dele Giwa affair in November 1986, Fawehinmi has been in and out of the precincts at least 200 times, for motions, counter motions, appeals, rulings and judgements. Justice E. Akpata of the Court of Appeal noted on September 15, this year that the facts of the case had the potential to be confusing because of one application here and appeal there in the same or similar proceeding. The particular case had to do with the

libel suits filed by Akilu and Togun against Fawehinmi over a fresh 32-page information submitted to the Attorney General linking them with Dele's murder which had been distributed to the press. Gani went to the court of appeal to stop the libel suits pending the conclusion of his own case. He won.

A group calling itself the Society of Concerned Citizens for Justice and Truth joined the court battles mid-stream, seeking an order of mandamus to prosecute Kayode Soyinka, London Bureau Chief of *Newswatch* magazine, who was present during Dele's letter-bomb attack in his Ikeja home on October 19, 1986. The Society did not follow up the order.

The chase for Dele's killers is replete with surprises which never appear to hit target. Eyebrows were raised last month when a civil engineering contractor in Ibadan said in court that a group called Fudu had claimed respon-

sibility for the death of not only Dele Giwa but also Lynda Obasanjo, wife of the former Head of State, General Olusegun Obasanjo.

On Fudu, Fawehinmi said: "Nigerians are too intelligent for that type of trick. It is a puerile diversion. The purported group will fizzle out the manner their predecessor (Society of Concerned Citizens for Justice and Truth) did".

Books and publications following excitedly on the trail of the Dele phenomenon have faced one peril or the other, usually in the form of the official hammer. *Born to Run*, by journalists Dele Olojede and Onukaba Adinoyi-Ojo ran into a crisis of disassociations and would probably have made the banned list but for excisions which the publishers had to make. Gani Fawehinmi's *The murder of Dele Giwa: The Right of a Private Prosecutor* was not so lucky. Copies of the book were impounded in September by the Customs

at the ports when they were being brought into the country. Another case is currently raging over the matter. *Newswatch* magazine, true to Dele's concept of investigative journalism, published the Political Bureau Report in April 1987 before it was made public and the authorities instantly clamped upon it a six-month ban, which was lifted in the last few months.

Since Dele's death by parcel bomb — something that had been linked in the consciousness of the most politically aware with the classic method of elimination by South Africa's secret police, — mock threats to deal with one another through parcel bomb despatch became a common joke, gradually entering the folklore. Newspaper cartoons have portrayed executives insisting that parcel deliverers open the contents themselves.

*Newswatch* magazine which Dele Giwa jointly founded in 1985 with Ray Ekpu, Dan Agbese and Yakubu Mohammed is commemorating the anniversary on Wednesday with a lecture which Nobel Laureate Wole Soyinka is expected to give.

"A holiday will be declared for the staff of the organisation in com-

memoration of his death", said Ray Ekpu, who took over the helm as Chief executive and Editor-in-Chief of the magazine. Ekpu said that the organisation had paid Dele's gratuities to Funmi whom Dele wedded on July 4, 1984, along with the children from different marriages.

He said that he initiated the Dele Giwa Trust Fund, which had raked in private contributions of N102,500 as well as *Newswatch's* contribution of N50,000, as a way of helping the family of a close friend.

The Trust Fund, for which an account had been opened and the registration papers filed, would be used to meet the welfare of dependants and relations including Dele's mother, he said. Ekpu strove to make it clear that the folks at *Newswatch* were meeting obligations with respect to the late ideas-man and prime mover of the magazine. "Apparently, people might think that due to the misunderstanding of last year, we have abandoned our responsibility to the family," he said. As for Dele's cars parked at the company's premises, Ekpu said they would be there until the family decides what to do with them.

Biodun Giwa, one of De-



• Fawehinmi condoles Giwa's mother

le's younger brothers, confirmed that the kids were being maintained by *Newswatch*. "At least, there was a time they were given the sum of N130,000 as Dele's entitlement. This was shared among them, Billy (the eldest of the five kids) received the sum of N13,000". He said that friends and relations had been helping, particularly Chief M. K. O. Abiola, who gives monthly allowances to Dele's mother, who is in their home town, Ugbekpe Ekper in Bendel State. "Although some people are saying that my mother accused *Newswatch* of deprivation, my mother never did. Where there seems to be problems is about his children in the United States," Biodun said.

"Our anger with Funmi," Biodun continued, "is that she is frustrating all the efforts to keep Dele's properties well organized." "She objected to myself or anybody from Giwa's family representing Dele in *Newswatch* until Billy comes of age. Rather, she suggested that Tunde Thomas, a man who Giwa's family regards as an outsider, should represent Dele. Thus, nobody is legally representing Giwa in *Newswatch* now". Pressed for comments, Mrs. Funmi Giwa said: "Could you please leave me alone. I have said that I don't want to talk to the press"

Meanwhile, no headway appears to have been made in tracking Dele Giwa's killers, outside diversions and possibly dead-ends. Inspector-General of Police, Alhaji Muhammadu Gambo said in February that investigations were still on, but all leads followed so far had led nowhere.

"The police will welcome any information that would help them to bring the killers to book," he said. Super detective Christopher Omeben, who heads the Directorate of Intelligence and Investigation, in whose files lies the unsolved murder of Dele Giwa, was out of Lagos headquarters, when this report was being prepared for publication. The call by the board of *Newswatch* Communications for a judicial inquiry into the incident has been ignored. It would appear that the best investigative skills available to the establishment have come to nullity. Even the "African Science" option invoked by the Ugbekpe Ekper community during the burial on November 8, 1986 appears to have conceded defeat, faced with the great force behind Dele's blasted body in the bloom of life.

By Isi Omolofe with reports from Abraham Ogbodo, Augustine Anyanwu and Leonard Onyeneke



• Ekpu: *Newswatch* has not abandoned its responsibility towards Dele's family

# Worries of a writer

## Achebe's essays assail racism

Book: *Hopes and Impediments: Selected Essays*  
 Author: Chinua Achebe  
 Publisher: Heinemann  
 Price: £10.95  
 Reviewer: Okey Ndibe

CHINUA Achebe, in the preface to *Hopes and Impediments*, states that this latest selection from his essays 'represents my abiding concerns in literature and the arts as well as my interest in wider social issues'. Coming fast on the heels of *Anthills of the Savannah*, his internationally acclaimed new novel, *Hopes and Impediments* is bound to arouse stupendous interest.

Even so, *Anthills* is by no means the main reason for an enthusiastic reception of the essays. The publication in 1975 of Achebe's first collection of essays entitled *Morning Yet on Creation Day* was the occasion for the literary world to discover that this consistently fine novelist was also a composer of detectable essays. *Morning Yet on Creation Day* is now out of print, and it is altogether appropriate that a new volume of essays should succeed it.

Achebe recognises that the essays in *Morning Yet* did not quite travel as widely as their pungent message might deserve, and so he has retained five of them in this latest collection. The essays which have journeyed from the pages of *Morning Yet* into *Hopes and Impediments* are the autobiographical *Named for Victoria, Queen of England: The Novelist as Teacher*, *Colonialist Criticism: Thoughts on the African Novel*; and *Language and the Destiny of Man*.

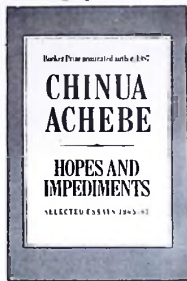
Literary scholars will recall, no doubt, the controversies which followed some of the essays.

Achebe's definition of the possibility of a novelist as teacher created a sharp division between literary theorists and practitioners who hailed his position and others who berated the audacity of his large claims for fiction. The trenchant tone of *Colonialist Criticism*, in which Achebe goes to war against some misguided nations often advertised by Western critics and their beguiled African counterparts, has kicked up quite a swirl too.

Apart from the five essays inherited from *Morning Yet*, the new collection has 10 other essays. In the opening essay, *An Image of Africa: Racism in Conrad's Heart of Darkness*, Achebe breaks new ground in Conrad criticism by establishing how the Polish writer indulged and unannounced racist prejudices in his most celebrated work. Expectedly, the Conrad essay had become controversial long before its appearance in this collection. It has been included in the highly respected Norton Anthology of critical views on *Heart of Darkness*, along with other essays provoked by Achebe's eye-opening statements.

It is, in my view, natural that Achebe should detect in Conrad what other critics have demonstrated a notoriety for not seeing, for

the author of the classic *Things Fall Apart* is a constant, unflinching prober of the impediments to dialogue between North and South. These happen to be the focus (and the title too) of another essay in the new collection. Achebe is pained by the various designs by which Europe has shielded itself from the story Africa has to tell. The African story, like any other, has — Achebe is the first to admit — some unflattering episodes; but it



has its glories too, and is certainly not as dark and ignoble as the West appears to want to believe. Achebe points to 'the problem of dialogue which has plagued Afro-European relations for centuries' and suggests that this will linger until Europe is ready 'to concede total African humanity'.

In his arduous advocacy of the dismantling of cheap racial bigotry, Achebe is kin to James Baldwin, that irrepensible crusader against all forms of racial stupidities; and he is, with Baldwin, the im-

placable foe of the likes of V.S. Naipaul, Joseph Conrad, and Joyce Cary. Achebe regards Baldwin as representing the hopeful side in the march towards a world where prejudice based on colour will have been erased.

And so, Achebe's tribute to Baldwin whom he met 'in the jungles of Florida in 1980' is moving, occasionally drawing one to tears.

Two of the collected essays, *The Truth of Fiction*, and *What Has Literature Got to Do with It?* contain some of the strongest claims for the role of literature in national development. Achebe, whose novels eloquently bear out his theoretic postures, convincingly argues that a sound imagination is indispensable to any meaningful progress.

In *The Writer and His Community*, Achebe turns his sharp mind to the question of aesthetics and the philosophical notions which shape and produce it. Drawing upon the Mbari tradition, he demonstrates how the African sensibility has managed to balance the demands of individualism and the imperative of a broad, community-based vision.

Apart from the tribute to Baldwin, there are three other essays on individual writers. These are *Work and Play in Tutuola's The Palm Wine Drinkard*; *Don't Let Him Die: A Tribute to Christopher Okigbo*, and *Kofi Awoonor as a Novelist*. The essays enrich our understanding of these artists as we view their work — and, in the case of Okigbo, life — through the eyes of a most bewitching novelist and essayist. *Hopes and Impediments* is an invaluable treasure of insights on life and literature.

## Repairs at all costs

**W**HEN one considers the way officials in government or its parastatals go about solving problems, one never ceases to be amazed, over-gasted and flabber-wheeled (apologies to Chief Eleyinmi of Village Headmaster fame).

Take the case of a state government-owned radio-vision corporation in one of the ODU states. A few months ago, the transmitter of the station packed up. With immediate effect and automatic alacrity (apologies to Chief Eleyinmi again), the board of the corporation ordered the station's technical consultants to fix it. The consultants responding to the order, travelled overseas, bought spare parts worth more than \$50,000 (N25 0,000 at FEM rate), came back and discovered that they had purchased the wrong spare parts.

But the ingenious technical team had a bright idea. If the mountain would not come to Mohammed, then common-sense dictates that Mohammed must go to the mountain. They, therefore, decided to change the state television channel to fit the equipment. There was nothing wrong with this idea except that changing the channel is conservatively estimated to cost ₦14,100,000!

## Bold scrambles, no gold

**N**IGERIANS must by now be fed up with that word, Seoul. It is a normal human reaction. No one wants to be reminded of a sad, bitter experience. But it is in the order of things that from the lessons of failure people plot victory.

What then are these lessons? It would appear that the defeat of our sportsmen started right from home. We hear, for instance, that who will lead the contingent was the first major squabble here in Nigeria. Is it Bayo Lawal, the Minister of Sports or Alhaji Adejumo, President of the Nigerian Olympics Committee? In its characteristic deft manoeuvre, the Federal Government settled for a neutral person, Major-General Paul Omu, a member of the Armed Forces Ruling Council.

That was just one hurdle. Now, who would control and disburse the funds? Was it the National Sports Commission (NSC) acting in concert with the Nigerian Olympics Committee or was it the Minister of Sports, Bayo Lawal? The issue, we learnt was not resolved even by the time the contingent left for Seoul. Just in case, however, NSC Chairman, Dr. Samuel Ogbemudia and Sports Minister Lawal were each said to have taken an accountant (disbursement officer) to Seoul. There, the NSC Chairman found there was pretty little he could do since the money was already in the custody of Lawal. At any rate, you can't disburse what you don't have.

More was to come. It was gathered that in Seoul, Lawal ordered that the accountant and some officials from the NSC, along with about 12 technical officials from the Olympics Committee should be sent home. Lawal, presumably reasoned that they had no business being in Seoul. The President of the Olympics Committee, we understand, generously offered to underwrite the expenses of these persons *non grata*.

And throughout the duration of the games, the bickerings persisted. And on each occasion, the kernel of contention was money, money, money!



When the sportsmen asked for their daily allowance of 10 dollars, the 'exchequer' from the minister was not always forthcoming.

And to crown it, could it be true that officials received an allowance of \$210 a day as against \$10 paid to the sportsmen? All put together, it requires little imagination to see why the Nigerian contingent could not bring home even a bronze?

## Seoul-less coverage

**T**ELEVISION, we must admit, has a large dose of make-believe. But even so, there must be a limit to how much it can fantasize, especially when it is covering actual events.

It appears that the Nigerian Television Authority (NTA) does not know where to draw the line. Which is why the network decided to fiddle with the intelligence of its 30 million (?) viewers during the Seoul Olympics. While the games lasted, NTA insisted on giving the impression every evening that football matches and other sporting events which occurred, at least, 12 hours earlier were being beamed live from Seoul. Speaking in the present tense, the sports presenter of the "Seoul 88" programme would dutifully announce words such as "we now join our team in Seoul where the players are just entering the field of play."



On the Saturday Ben Johnson ostensibly broke the world record in the 100 metres event in a drug-suffused performance, the presenter of a "talk show" programme that "rides" the morning on week-ends talked himself into trouble. His offence? The poor fellow, perhaps inebriated by Johnson's performance, divulged prematurely (by NTA's reckoning) the news. To his bosses, that was an unpardonable gaffe. He was promptly fired a query for divulging the "closely-guarded" Olympic secrets. Perhaps, you would appreciate the gravity of the "offence" of the loquacious presenter when you realise that the NTA's daily network news at 9:00 p.m. was not even allowed to announce the results.

We hear this fantastic definition of news was the station's attempt to play up to the commercial sponsors of the programme. And in this game, never mind whether other media had feasted on the news long before NTA's live (?) programmes. Sure, it does remind one of the Ostrich and its beautiful game.



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