Multiconstitutional Democracy for African Countries: an Essay on African Political Philosophy

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Abstract

The African countries are currently undergoing integration problem. This is because the colonial masters lumped different ethnic groups together without due consideration of their different and diverse ideologies. As they were leaving the continent, they left behind constitutions that do not address the multi-ethnic realities of these countries. And this has made mutual co-existence, peace and development difficult to achieve. To confront this problem, this paper believes that the African political constitutions ought to be restructured to reflect the multi-ethnic nature of the African countries.

Keywords: Constitution, Africa, Authority, Democracy, Multiethnic

1. Introduction

Many African countries are a medley or mismatch of diverse ethnic nationalities. They are made so through the inglorious decision of the colonial masters. The result of this subterfuge is that many of the ethnic nationalities which were actually strange bedfellows in terms of ideology were brought, willy-nilly, to form social political entities. This tactless arrangement has led to incessant conflicts that ultimately scuttle efforts at development at all levels.

However, it is no longer necessary to be bemoaning and bewailing this. The colonial masters had left the shores of the continent many decades ago. The African leaders, who took over the mantle of leadership from them, ought to have acted fast to provide the necessary leadership that could have chiseled out the negative effects arising from having mosaic of ethnic nationalities as countries. With the ethnic conflicts witnessed already and still raging in and ravaging many African countries, it is clear that the African leaders have scarcely provided the appropriate leadership that could foster co-existence and enhance development.

Nevertheless, though African leaders are to blame for their ineptitude and lack of industry in the provision of adequate leadership in the continent, an objective observer is confronted with the grim reality. And this enervating reality is that the political structure on the ground under which these leaders work is not appropriate to help those of them who make sincere efforts to contribute meaningfully to the development of the continent.

In this paper, we wish to examine a political structure that would be suitable for the multiethnic nature of the African countries and which would enable the African leaders achieve development for the people. This is what I have chosen to call multiconstitutional democracy. It is a type of constitutional arrangement that embraces the different constitutions and the ideological similarities and dissimilarities of the major constituting ethnic nationalities within a country. Nigeria will be used as an example to illustrate how this idea of multiconstitutional democracy can work out. Nigeria is to be used for the demonstration because it is the giant of Africa and has the greatest population of the black people in Africa. But before embarking on this project, we would like to examine the importance of authority. This is to be drawn analogically and essentially from the nature of things.

2. Importance of Authority

In teleological argument, it is said that everything has an end and everything moves inexorably towards its end. The end can be arrived at easily or with difficulty depending on the means chosen for the end. In things that are composed, particularly living things, there is always a dominant part that serves as a directive principle. The means to be chosen to arrive at the end is dependent on this dominant part. This is as it is in nature.

In his *Politics*, Aristotle underlines this point succinctly as he says "…in every composite thing, where a plurality of parts, whether continuous or discrete, is combined to make a single common whole, there is always found a ruling and a subject factor, and this characteristic of living things is present in them as an outcome of the whole of nature" (Aristotle, 1990).Aristotle has a number of examples to buttress this point of view. He notes that in the constitution of animal, the soul governs the body; in the soul of man, the intellect rules the emotion, and in human beings, man rules the woman. Aristotle was not alone in this conviction that a dominant part rules the other parts in the things that are composed. Aquinas shares this view for he maintains as well that in all things that are ordained towards one end, one thing is found to rule the rest.   Thus in the corporeal universe, by the first body, i.e. the celestial body, the other bodies are regulated according to the order of Divine Providence; and all bodies are ruled by a rational creature. So, too, in the individual man, the soul rules the body; and among the parts of the soul, the irascible and the concupiscible parts   are ruled by reason (Thomas Aquinas, 2012).

However, while Aristotle uses his argument to justify slavery, Aquinas uses his own to underline the importance of political authority.

This idea that a part rules the rest in things that are composed, that reason, for instance, rules emotion and desire, plays a significant role in Plato's politics. In his political theory, he derived the three constituent parts of a state as a political entity, namely, the Guardians, the Auxiliaries and the Businessmen analogically from the three parts of the soul, namely, the rational, the spirited and vegetative parts. And for him, just as the rational part of the soul rules the spirited and the appetitive parts, so must the Guardians govern the Auxiliaries and businessmen (Plato, 1935). The authority of the Guardians is necessary if the state is to achieve its end.

The importance of authority as directive principle can be sieved from Leibniz *Monadology*. According to Leibniz, every substance is composed of infinite number of monads. A monad is a basic unit of every substance. It is independent and self-contained. It is the source of its own movement. Having said this, Leibniz maintains that in any substance there is always a dominant monad without which the substance cannot be for "Without the dominant Monad, the body would be mere indeterminate quantity, without form, if not 'void', a chaos of pure difference. The dominant Monad is the unity implied in a specific or definite aggregate, the unity in virtue of which an aggregate or compound is one thing as distinct from other things" (Gottfried Wilhelm Leibniz, 1985). If we apply Leibniz's claim to a state or a country, it follows that without authority a state or a country is "indeterminate quantity, without form…a chaos of pure difference."

Many modern philosophers underscore the importance of authority through their social contract theories. The hypothetical state of nature as described by these philosophers is one in which there is no legitimate human authority. Because there is absence of authority the life of man is "solitary, poor, nasty, brutish and short" (Thomas Hobbes, 1904). The implication of this, in other words, is that the life of man would cease to be "solitary, poor, nasty, brutish and short" if there is a suitable authority.

Hence, authority is a *sine qua non* in any political set up. It serves as a directive principle which helps a socio-political entity realize its goals and objectives. Now if authority is a directive principle, it means it has to be exercised following appropriate guideline that would lead to the realization of the end in view. This guideline is what is known as a constitution. Now we examine whether the present African constitutions are adequate for the realization of African project.

3. The Inappropriate Nature of the Present African Constitutions

Authority in a civil society is exercised within a constitution which is a political guideline or arrangement. Aristotle classified constitutions into six types, namely, monarchy, aristocracy, constitutional government, tyranny, oligarchy and democracy (Aristotle, 1990). Monarchy, aristocracy and constitutional government are regarded as the good constitutions. This is because in these constitutions the leaders place the interest of the people before any other consideration. Of these three good constitutions, monarchy was described as the best. The perverse forms of the constitutions are tyranny, oligarchy and democracy. The leaders in these constitutional arrangements serve their own interests instead of serving their subjects. The best of these bad forms of constitution is democracy.

Aristotle was thinking of the state as homogenous and not as heterogeneous entity when he was classifying the constitutions. At the time of his writing, each of the Greek city states had its own constitution.

As a philosopher he gathered the constitutional practices of the city-states and through painstaking analysis arranged them in their order of importance and relevance in the achievement of the ends and objectives of the state.

Just as the states in the ancient Greek had their constitutions, so had the African ethnic nationalities their own constitutions before the arrival of the West. Some were monarchical or aristocratic; others were democratic or oligarchic etc. These ethnic nationalities were forcefully lumped together without due regard for their different constitutions and the long lasting rivalries that had existed between them. This singular act opened up a Pandora's Box. Things have not been the same after this merger.

Nigeria, which we now use for the most part as an example to illustrate the uncoordinated nature of the merger, consists of more than 250 ethnic groups (Chinua Achebe, 2012). The three major ethnic groups out of this number are the Hausa-Fulani, the Yoruba and the Igbo. They all had their respective constitutions or political structures before their merger. The Hausa-Fulani were oligarchic, the Yoruba were aristocratic and the Igbo ultra-democratic. These as well as the rest of the ethnic groups with different shades of political arrangement were dumped together in 1914 to become what is now known as Nigeria. That tactless exercise made Nigeria a hotchpotch of ethnic groups and stirred hornets' nest at the time. But there was not much that could be done then to effect a reversal of the exercise.

However, after the Independence, the country decided to take its destiny into its hand. It introduced a French parliamentary system of government oblivious of its multiethnic nature. It was a colossal failure. It was like a square peg in a round hole. It was abandoned soon after and the American Presidential system of government was adopted. This has not faired any better for the nation's leadership failed to adopt in totothe idea of Federalism which serves as fillip to American democracy. Besides, the multiethnic nature of the American society is in most part artificially constructed[1]. But the Nigerian constituent ethnic groups are moored on claims to common blood and ancestors. And so the present practice of the American form of democracy has not and cannot satisfy the democratic aspirations of Nigerians. There are loud cries of marginalization and demands for secession. This is now a hobbyhorse. The Movement for the Actualization of the Sovereign State of Biafra (MASSOB) is at the vanguard of this call. The Niger Delta youths are restive and speak of emancipation. The Arewa Consultative Forum (ACF) and the Afenifere are not happy with the state of affairs in the nation. Things are clearly in topsy-turvy. In the face of abject poverty, few Nigerians are strikingly rich. The unsuitable nature of the present Nigerian constitution is what makes it possible to witness this unfortunate scenario. The Achilles' heel in the present constitution is that it fails to take into cognizance the multiethnic nature of the country.

Other African nations share Nigeria's fate. The Democratic Republic of Congo which has been ravaged by wars has more than 200 ethnic groups, of which the major ones are the Mongo, Luba, Kongo and the Mangbetu – Azande (Hamitic). Sudan which fought civil war for years before the separation of the South from the North had 19 major ethnic groups and about 597 other minor groups. Mali was created as a country with the following ethnic groups – Bambara, Dogons, Fulani, Bozo and Bobo.Liberia which fought gruesome civil war is composed of 16 ethnic groups. Rwanda which has three ethnic groups, namely, the Hutu, the Tutsi and Twa, was devastated by political strife which began in 1959 and which burgeoned and snowballed into a genocide in 1994. The constitutions of these countries and many more were framed in utter neglect of their multiethnic nature. And for this reason, these countries go through integration and development challenges. To address this issue of inappropriate constitution of the African nations, it is necessary to examine the different traditional structures of authority and how they can be harmonized.

4. The Traditional Structure of Authority

There was organized system of government among the Hausas in the Northern part of Nigeria even before their conquest by ShehuUtman Dan Fodio in 1804.

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[1]Roosens, a Belgian anthropologist notes that Glazer and Moynihan who made extensive studies on ethnic groups in New York and North America subscribes to Barth's point view "that ethnic self-affirmation or the ignoring or minimalization of ethnic identity is always related in one or another way to the defense of social economic interests. Many people change their ethnic identity only if they can profit by doing so" (E.E. Roosens, 1989). In Africa, one can hardly change from one ethnic group to another.

They were organized in six kingdoms each of which was under a king or Emir. When they were vanquished by the Fulani under Utman Dan Fodio, their already existing political structures were kept intact.

The only exception was that the Emirs were no longer of the Hausas but rather of the Fulani extraction. These were appointed by the Sultan of Sokoto. The position of the Emir was, however, hereditary since the Sultan made the appointment from the dynasty whose duty it was to produce the Emirs. The dynasty was made up of influential and wealthy families. And so the Hausa-Fulani structure is Oligarchic in nature. Nevertheless, the Emirs did not enjoy absolute powers even though they were said to be autocratic. Contributing to debate in 1951 in a Northern House of Assembly, Sir Ahmadu Bello was quoted as saying "…I just want to assure the House, and the few extremists, that the Fulani Government was based on democratic and religious footing. Nothing was done without consultative bodies and if at all, there is any deterioration in the system, that has been brought about by modern times" (Samuel N. Nwabara, 1963)

The Yoruba people, as well, had an organized structure of authority in place before the advent of the West. An illustration with Ife kingdom lends credence to this. An example with Ife is *ad rem* because Ife is regarded as the spiritual home of the Yoruba people (John Erero, 2005). Central to Ife is the Ile Ife. Ile Ife is a place where the palace of *Ooni,* the king of Ife is located. Ile Ife has six quarters each of which is headed by a chief known as *Ihare*. These serve dual function. They govern their quarters and serve as members of *Ooni*'s cabinet. This means they represent their quarters in the *Ooni*'s cabinet and implement the decisions made at the cabinet meeting. Apart from these chiefs, there are also village heads known as *Baale*. They are appointed by the *Ooni* and they are responsible to him. The function of *Ooni* is rotational. It rotates among the four kingdoms of Ife.

There are some salient points to be noted in the traditional structure of authority of the Yoruba people. First, it is founded on justice since the position of *Ooni* is rotational. Second, it is participatory since the heads of the quarters of the four kingdoms of Ife are members of *Ooni'*s cabinet. No quarter, therefore, can justifiably cry of marginalization. Third, there is room for dialogue and debate.

The Igbo traditional structure of authority is not like those of Hausa-Fulani and the Yoruba. They did not have kings like these ethnic groups. They were acephalous. But that does not mean they had a disordered society. What they had in place was gerontology. They had a kind of government directed by a council of elders. At the town's level, these elders were drawn from different villages within the town. A town is made up of villages. In each village, there are sections. A section consists of kindred (*umunna*). A kindred is constituted of nuclear families. The council of elders is made up of the elders of the different sections of all the villages of a town. They served as representatives of the people. Due to the ultra-democratic nature of the Igbo people, some people from recognized groups were allowed to belong to the council of elders. These include "Rich influential men, some influential title holders, diviners and priests of important deities"(J.O. Oguejiofor, 1996).

The decisions of the council of elders were based on popular opinion after a long debate. This isa method of arriving at a decision whether in the council of elders' meeting or in the general assembly. In Chinua Achebe's *Things Fall Apart*, the decision to send a delegation to Mbaino asking them to choose between peace and war was made in general assembly after a long discussion (Chinua Achebe, 2008).

There are some similarities in the traditional structures of authority of the Hausa-Fulani, Yoruba and the Igbo ethnic groups. The importance of dialogue or consultation as a necessary element in administration is well accentuated in all of them. Secondly, the representative nature of all the segments of the society is common to them. In spite of these, however, these ethnic groups' administrative structures are dissimilar in some ways. The Hausa-Fulani had a strong leader. Their leadership is hereditary. For the Yoruba the leadership is strong but it is not hereditary. It is rather rotational. And election is based on merit, particularly on competence and good moral life. For the Igbo, authority is not reposed in one man. It is rather defused on the council of elders. The most elderly person chairs the meeting. But he does not possess powers more than others. His position is that of first among equals.

Aristotle notes that "difference of race is a cause of faction, until a harmony of spirit is reached" (Aristotle, 1990). To this end to draw up a constitution that suits multiethnic country like Nigeria which will lead to "a harmony of spirit", there is need to take some features from the ideological stands of the major composing ethnic groups. On the basis of this there is need to create a structure of authority which gives room for dialogue and which makes maximum representation of the ethnic groups possible. These are features common to the ethnic groups as we saw above. These defining features ought to play dominant role in the executive arm of government.

The distinctive aspects of the ethnic groups are also to be incorporated in the making of the constitution. On this account therefore, in drawing up appropriate constitution for the multiethnic entity like Nigeria, there ought to be a Federal Executive Council as the highest authority in the country. As a consequence to this, the usual executive power is not to be reposed in one man. Nigeria has already six geopolitical zones. Those elected from these zones are to be known as presidents and they are to belong to this Federal Executive Council. And so the Federal Executive Council is to consist of six members. One of them, however, is to serve as the head of the council. He should not possess more powers in any way than other members of the council. The council decisions ought to be taken by simple majority. The head of the council simply directs the discussion and announces the decision of the council to the public. The post of the head of the council is to last for one year and it has to rotate among the six political zones. And because there are six geopolitical zones and because the post of the head of government is rotational, the tenure for the co-presidents at the Federal Executive Council ought to be one term of six years.

This all inclusive constitution is founded on justice. That there should be head of government is drawn principally from the Hausa-Fulani's and Yoruba structures of authority, that the head of government be rotational is gotten from the Yoruba and that the co-presidents should have equal powers is from the Igbo. This arrangement is what we have decided to call multi-constitutional democracy.

At the zonal level from which the presidents representing the zones at Federal Executive Council emerge, it is important to have a political arrangement which discourages the practice of the winner takes it all. The arrangement should be such that no one can emerge with absolute votes to represent the zone unless his party forms a coalition with one or more political parties. This arrangement is necessary in order to ensure that the candidate will be compelled to take into account when he is at the national level, not simply the interests of his party or ethnic group but also those of other parties or ethnic groups in the coalition. This is necessary because even though there are six geopolitical zones, there are other minor ethnic groups within them whose interests need to be incorporated in the national project.

Some countries with integration challenges have put in place machinery which discourages the system of the winner takes it all. In Germany, Italy, Belgium, Israel, etc. no party gets the required number of votes after an election. The party with the highest number of votes goes into coalition with one or two other parties. In Belgium, the practice is such that when the party with the highest number of votes shilly-shallies, the other parties with less votes could team up to get the absolute votes required to get the certificate of return. This contributes in reducing the ethnic tension in Belgium.

The idea of multi-presidents is not novel. It is already being practiced in advanced economies like Switzerland and Bosnia-Herzegovina. These countries are composed of ethnic nationalities. Switzerland, for example, is made up four major ethnic groups, namely, the Germans, the French, the Italians and the Romanic people. There are other minor ethnic groups living with them. To take care of the interest of all, Switzerland runs a government which has a Federal Executive Council consisting of seven presidents. The presidents have equal powers. They are appointed by the House of Representatives. One of them, that acts as primus inter pares, chairs the deliberations of the council for one year. This post is rotational. It rotates among the councilors. Decisions are taken by simple majority. Bosnia-Herzegovina has three presidents. Each is from the composing ethnic groups. One is Bosnian, another is Croat and the other is Serb. They serve in rotation as head of government.

In Nigeria something similar to the Federal Executive Council ought to exist at the geo-political zones as well. It is perhaps necessary to give it another name such as Geo-political Zonal Council. Its area of jurisdiction is all the states within the zone. The same power sharing formula at the federal level should apply at the zonal council.

It is to be noted again, however, that the main intention to put the Federal Executive Council in place is due to the multiethnic nature of African nations. That is what informs the idea of adopting some of the defining features of the ethnic nationalities in the formulation of the Federal Executive Council. The intention is not, however, to foster a strong unity that makes ethnic identity or ascription to common origin, tradition and culture to fizzle out. It is not necessary even though it is even impossible to achieve this.

At the state level, the traditional structure of authority and power sharing arrangement should be allowed to prevail. This does not discourage the appropriation of modern democratic principles and institutions from other social groups. Such may include the introduction of executive, legislative and judiciary arms of government in civilized societies. However, these arms of government should rotate among the different parts of the state.

In general, the basic idea behind the call to restructure the present African political constitutions is because of the multiethnic nature of the African countries; it is to have constitutions that would make room for mutual co-existence, peace and development. By implication this would mean to put in place the indigenous constitutions in which not one or two ethnic groups could dominate the others. This is why we called for the institution of multiple presidents at the federal and zonal levels. This, however, has its consequence. The consequence is that it leads to a decentralized structure of authority or what some would call a weak center. This is inevitable and understandable because if the main objective to restructure the present African constitutions is to have indigenous constitutions that embrace the interests of the ethnic groups, there is need to have a weak center or a decentralized structure of authority which discourages the major ethnic groups to aspire to be at the center of government in order dominate others. With this idea of weak center, one can say that where the institution of multiple presidents is not possible for one reason or the other, the weak executive power can rest in one man as an alternative. But then it has to rotate among the six geo-political zones.

5. The Idea of Federalism is African

Each of the three levels of government (Federal, geo-political zone, state) is expected to care for the welfare of the citizens under its jurisdiction. And if it is to do it effectively, it must have the free hand to generate its revenue. And so what Nigeria needs indeed is true federal system of government in which the federating units at various levels of government are allowed to generate their funds for the wellbeing of their subjects.

The idea of federalism is African in content. At different social segments, the Africans generate their funds to executive their projects. Funds are not generated at the highest level of authority and then distributed to other social institutions. The socio-political African institutions are independent. This is a cultural practice that is still in existence. The framers of African constitutions must not be oblivious of this fact.

6. The idea of State Police is African

The multiconstitutional democracy that this paper is advocating ought to adopt the policy of state police. This policy is adequate for securing the much needed security in Africa. It can do so because the idea of state police is close to the way the Africans had always provided security for themselves. Provision of security was a communal affair. Each community ensured that its members and their properties were well protected. The fears that are being felt by some with regard to the adoption of state police will fizzle out if the execution of the policy is placed in the hands of the coalition-parties in government. The governor cannot use the police unduly to his advantage for fear of losing the support of the parties in the coalition.

7. Conclusion

The African ethnic nationalities are facing new challenges which were not there before the arrival of the West. These new challenges require new solutions. The solutions involve the framing of an indigenous constitution that will take into consideration the multiethnic nature of the post African countries. This new constitution ought to be open to adopt other political principles or practices from other countries outside the continent that would enhance its integration and development objectives. The African leaders are expected to make the necessary sacrifices and compromises to ensure the emergence of an indigenous multiethnic democratic constitution for the African countries.

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