

Nicol, C.W., FROM THE ROOF OF AFRICA. New York, Alfred A. Knopf, Inc. 1971. 361 p. \$10.00

No one who lacks an appreciation of the dilemmas illuminated by this book is qualified to say anything about law and development.

As he appears in the book, the author is an idealistic, brash, emotional, violent, naive, talented, strong-willed young Welsh man. In 1967 the Imperial Ethiopian Government put him in charge of establishing and developing a game park in the remote Simien Mountains, protecting the all-but-extinct Walia Ibex, and sundry related tasks. This job dropped him into the center of a feudal society whose people had no understanding of his ideals or the goals he was supposed to achieve. They did understand that the Emperor had ordered that the Walia should not be killed, but they could not see any good reason for that order, and Nicol could not persuade them that their burning of the trees and farming of the Walia's habitat had any relationship to the order. The people attributed the drying up of the land to an ancient curse rather than to the destruction of vegetation. They could not see any beauty in nature. Although Nicol won their admiration and respect by his courage and feats of physical prowess, he was never able to persuade the Simien people that the steps he wanted to take for the protection of the Walia and its habitat were anything more than a foreigner's eccentricities. The local police and courts seldom administered so much as a slap on the wrist to poachers and others who interfered with his work, because they were relatives or friends, or relatives of friends, of local "big men". The bureaucrats in Addis Ababa who had sent him out rarely bestirred themselves from their comfortable quarters to help him. On the occasions when his threats of resignation and demands for assistance brought some attention from the distant central government, the bureaucrats' instinct for compromise resulted in leaving the park's opponents more than enough loopholes to carry on their opposition. Eventually, he did resign, after serving only two of the three years for which he was hired.

If this sounds like a depressing tale, it is. But it is told with verve and with an unwillingness to despair that shows through even in the Epilogue, where the author recites enough hopeful developments to indicate that he still believes that the Walia and the Simien may yet be saved. The book offers an excellent picture of a dedicated public servant struggling for progress against entrenched forces of traditional leadership and bureau-

cracy -- a foreign expert trying to communicate with a people who cannot make sense of the objectives which he is hired to achieve.

One dilemma which the book confronts but does not resolve is the proper role, if any, of foreigners in the development of an underdeveloped country. After Nicol had been in the Simien for only a few months, he had a conversation with a young school teacher, who told him he must stay for ten years. Nicol protested that his Ethiopian assistant was competent, and the job could be turned over to him in much shorter time than ten years: "Ethiopians must take over from us. That is the plan. You don't want us here all the time, telling you what to do, interfering, meddling, making social blunders, annoying people with our blunt manners." The school teacher pointed out, however, that it is extremely difficult to persuade competent young Ethiopians to live in the countryside, far from the comforts of the city, and that any Ethiopian who did take the job would be ignored by the bureaucrats in Addis Ababa: "Once you go, they will forget him and the park.... We have been sent for education by our country, and when we want to change things, use what we have learned, then we either lose our jobs or get sent to some out-of-the-way place. Or maybe we land in jail." As Nicol concluded, "It was not only the knowledge of the foreigners that Ethiopia needed, it was our drive, insistence, and general immunity from social and political connection. If I raved about somebody important, all they could do to me was to ignore me, give in, or kick me out." Because of the foreigner's power to reach the international press and public opinion, the government is very reluctant to follow the last course and, when faced with a threat of resignation, may even be moved from the first course of action to the second.

Thus, it may well be that a national leader, being unable adequately to control his bureaucracy and local officials, will decide to hire foreigners for some jobs even though there are technically competent persons among his own people. His officials will know that the foreigners are not subject to the usual pressures which can be applied to their countrymen and that many foreigners will not hesitate to complain if mistreated. Unlike the complaints of most citizens, the foreigner's complaints may well reach top government officials.

On the other hand, it often seems that the hiring of a foreign expert is intended as a substitute for meaningful action. Con-

sidering Nicol's lack of success, his hiring apparently fell into this category. The World Wildlife Fund and other segments of international public opinion have agitated for measures to protect the Walia Ibex. An adequate program to accomplish this goal would be expensive and would antagonize the people who want to farm the Walia's habitat. Much easier to let some foreign government pay one of its nationals to go out to the Simien and draw the wrath of the local people upon his head, rather than the Ethiopian government's. The employment of the foreigner, establishment of his position, and provision of some game guards and other employees, creates the appearance of concern for wildlife conservation and efforts to save the Walia. (It is just too bad that he was not good enough to accomplish the job. After all, they were supposed to send us the best man available. If they didn't, his own government must be at fault, not the Ethiopian government.)

Given these two possible reasons for his presence in a developing country, as well as the third possibility -- that he is really supposed to serve just as a technical expert -- it is very hard for a foreigner to know how to behave. He cannot be expected to prostitute his ideals and the ideals of his profession. Yet, short of that, he really has no right to meddle in local politics. The problem is that his very presence and performance of his job inevitably affects the internal political balance. Every expression of his views, even on a very technical subject, is likely to have political effect, for it is likely to bolster the position or program of one political faction or another. Not only do these problems pose a dilemma for the foreigner, but also do they create a dilemma for the African government trying to decide whether to hire a foreigner to do a particular job.

Another dilemma illuminated by the book is wrapped up in the catch-phrase "rule of law, not of men". At no time during Nicol's tenure in the Simien was there any legal authority for the establishment of a park. His own authority was founded on unpublished instructions of the vaguest sort from the government. Even when violations of the written law occurred, they were dealt with by some rough-and-ready justice that took little if any account of the law. Truly, he was in an environment where men ruled, not law. Despite this demonstration, his Anglo-Saxon background is so strong that he kept looking for the legal establishment of a park as an event which would make a great deal of difference to his work. The true meaning-

lessness of this step is shown in the Epilogue, where Nicol notes that the order establishing the park had finally been published in the official gazette. "However, although this was encouraging, it seemed that the situation in the park was deteriorating. More land had been plowed up, more forests destroyed, and, almost daily, rifle shots were heard around the escarpment where the Walia were living." The irony is that what was published in the official gazette carries no legal effect beyond attributing a name to the area within the defined boundaries. It does not legally affect what happens or is allowed to happen either inside or outside those boundaries.

Thus, for all Nicol's concern with law, no progress would have been made on the Simien park if he had waited for legal authority. And, even though Ethiopia boasts a legal code -- the Fetha Negast, or Law of the Kings -- many centuries old, the local residents in the Simien would not have cared what the written law said. They have much more respect for the word of the "big man", and really the word of their local big man means more to them than the word of the Emperor far off in Addis Ababa. Like the ward leader in the American city, he is present and he knows their situation and what they do.

In such a society it seems hard to bring about any progress except by working through "big men" and using their power and legitimacy in the eyes of the people. It seems almost worthless to spend time drafting and passing laws and training persons to be lawyers. These apparent facts pose a real dilemma for those of us who are lawyers and who believe that rule by law is in many ways superior to rule by men. It is hard to argue that education is the answer, for education about law appears irrelevant to many students in a society where law does not rule, and it is difficult if not impossible to convince them to take law seriously. Even if the students come to believe in the rule of law while in school, the cold bath of reality they receive after graduation tends to disillusion them.

The third dilemma is related to the other two: it is the dilemma of democracy. Nicol was hired and sent to the Simien in order to establish a park and protect the Walia Ibex. Yet, the people who lived in the park and its vicinity did not want the park and were uninterested in protecting the Walia. Indeed, it is unlikely that a national referendum, if held, would have shown any significant popular support for his goals. When, and

to what extent, is it right for foreign governments and foundations, or even leaders of a national government, to insist on a course of action which is opposed by those most directly affected? The same problem is faced daily in the United States over issues such as highways, parks, busing and zoning. On the one hand, those of us who advocate democracy believe that the people's will should prevail; on the other hand, many of us find issues from time to time on which we believe that the people's present desire is contrary to their long-term best interests or to morality. We also find difficulty in deciding which people have a right to participate in the decision-making process. Is preservation of the Walla, for instance, an issue of world-wide significance, so that foreigners have a right to take part in that decision? Is the Alaskan oil pipeline, or race relations in the United States, an issue in which the rest of the world, or some of it, has such a stake that they ought to be allowed a voice?

A final episode from the book is the best illustration of the irony and difficulties of the author's situation. The only native of the Simien who shared Nicol's goals was an old hermit who lived in a cave. This hermit knew nothing of the science which formed the basis of much of Nicol's thinking. Rather, he believed simply that the animals and the trees belonged to God, and it was not right for man to destroy them. The people of the area had great respect for the hermit, and it is possible that he could have persuaded them to be much more cooperative with Nicol. But it was only a few days before his scheduled departure that Nicol learned of the hermit, through a letter carried by one of the game guards. In response to questioning, the game guard revealed that he had been carrying the letter for a year before remembering to deliver it.

William H. Ewing

Ewing & Cohen
Philadelphia