
Traditional Rulers and Democratic Consolidation in Nigeria

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Abstract

The traditional rulers are the paramount authority or natural ruler in any given community. They provide a system of administration from which law and order came and provided a stable system of governance. The objective of this paper is to examine the role of traditional institutions in Nigerian Democratic consolidation. The paper which is theoretical in nature basically draws its arguments from secondary data including textbooks, journals, articles and publications. The paper reveals that the current 1999 constitution did not mention the traditional institution at all thereby reversing most of the gains the institution made over the years, traditional rulers possess accurate local knowledge going back many years and may also have good networks of communication with the grassroots through title holders, traditional ruler were accorded with responsibility during colonial rule, they were members of colonial administration apparatus they were given wide power over matters in their domain. The paper concludes that, traditional rulers play a very significant role of informally managing conflict and peacemaking meetings when matters get out of hand, they also serves as advisory role to the local council. The paper recommends that for effective political transformation to be achieved the need to involve traditional ruler which should courts with some responsibility to 1999 constitution they serves as bridge between the government and the people, advisory role to government in administration at both national and sub-national levels and to serves the role in conflict management.

Keywords: Traditional Rulers, Democracy, Administration, Peace Building, Colonial Rule

Background to the Study

The age-long traditional institution is one that has not changed with time. This institution has provided a system of administration from which law and order came and provided a stable system of governance. It is important to point out that the belief among most Western scholars was that pre-colonial African societies had no system of administration: that is, no law, no order, no government, and no civilization. This belief has long been seen as not only very erroneous but grossly subjective (Fatile and Adejuwon, 2009). It has been known that traditional African societies, indeed, had well organized and well established systems of ministration where public order was provided and maintained; where laws were made and implemented; where intercommunal and intertribal conflicts were settled. This shows that traditional institutions have been a significant feature of the people and commanded a large degree of loyalty and respect among them. The general belief is that traditional rulers have no place in a democratic dispensation whereby only the elected are permitted to rule. By their mode of ascension to power legitimacy, exercised by traditional rulers is not generally acceptable (Erero, 2005).

The above argument poses two fundamental questions. First of all, in a developing country like Nigeria where traditional institutions in some parts of the country still exercise much influence over their subjects, can their opinion be totally ignored? This question is more potent when even the elected representatives at all levels of government wide on their influence during election periods (Uche, 2007), when actually traditional rulers are supposed to be apolitical. The second question has to do with the fundamental rights of occupants of traditional positions. As citizens in their own rights, do they have a voice? Voice in the sense of contributing to the democratic process without being accused of partisanship, which will negate the general belief that they are fathers to all.

Fatile (2010) posits that most occupiers of traditional stools across the country are now modern, more educated and career persons in their chosen field before ascending to the stool of their fore fathers. The immediate past Ooni of Ife, Oba Okenade Sijuade, was a successful international businessman. Oba Akiolu, the Oba of Lagos was a lawyer and an Assistant Inspector General of Police (AIG). The Sultan of Sokoto, Alhaji Sada Abubakar retired from the Nigerian Army on the rank of Brigadier General in 2006 and was even the Defence Attache to Pakistan, before his coronation as the Sultan. The Gbong Gwon of Jos, Da Jacob Gyang Buba, was a comptroller General of the Nigeria Customs Service. The traditional ruler of Oko in Orumba North Local Government Area of Anambra State, Obi Prof. Joseph Chike Edozien, is a professor of Nutrition at the Massachusetts Institute of Technology, Cambridge, from whatever way examined traditional rulers they remain relevant. It is the extent of this relevance that this paper seeks to explore.

Methodology

This paper is situated within the qualitative method of social research. The paper, which is theoretical in nature basically extract its arguments from secondary sources of data including existing legal frameworks and other related policies, journals, textbooks and publications. To improve on the reliability and validity of the paper, multiple secondary sources were used to harmonise the risk of error. This was used to analyze written report, journal, articles and other relevant sources of data about the topic.

Conceptual Clarification of Traditional Institutions

By traditional institutions, we refer to the indigenous political arrangements whereby leaders with proven track records are appointed and installed in line with the provisions of their native laws and customs (Orji, & Olali, 2010:402). The essence of the institutions is to preserve the customs and traditions of the people and to manage conflicts arising among or between members of the community by the instrumentality of laws and customs of the people.

Traditional institutions are the custodian of their people's norms, cultures and practices. In most African setting, just as it is obtainable in the Niger Delta, selection of persons into the offices of traditional institutions is hereditary or by selection or election by the instrument of relevant traditional methods. The mode of selection of the occupant of traditional institutions varies in Africa in general and in Nigeria in particular from ethnic groups to ethnic groups or communities to communities. Traditional institutions are symbols of indigenous peoples' rights, privileges, laws, customs and traditions which include but not limited to paramount rulers and their councils. The traditional institutions in the Nigerian context is inclusive of the chiefs-in-council, elders-in-council, title holders who may be appointed based on their contributions to the growth and development of their communities with or little no executive, legislative or judicial powers.

In African traditional setting, just as it is obtainable too in the Niger Delta communities, the traditional institutions are charged with legislative, executive and judicial functions. They make laws, execute them and interpret and apply the fundamental laws, customs and traditions of the people for the smooth running of their communities. Conflicts are usually managed and resolved based on the customs and traditions of the people. Traditional institutions have different approaches to conflict management and resolution, depending on the community. What is suitable in one community may not be to another. Boege (2006:6) agrees with this position when he argued that traditional approaches vary considerably from society to society, from region to region, from community to community. Boege (2006) further affirms that “ there are as many different traditional approaches to conflict transformation as there are different societies and communities with a specific history, a specific culture and specific custom even in the global south” just like any other.

Theoretical Framework of Analysis

The importance of theoretical framework in research cannot be over-emphasised. Nachmias and Nachmias (1981) stated that a theory is a logical deductive statements consisting of a set of interrelated concepts from which testable propositions can be derived. In their own submission, White and Clark (1990:31) conceive a theory as “a set of proposed explanations logically or systematically related to each other that seek to explain or predict a phenomenon”. It is in the light of the above, that this paper has adopted both the dependency theory and African renaissance theory as our combined theoretical framework of analysis.

Dependency theory in this regard, is apt in explaining the problems that militated against the traditional institutions of governance from living up to their traditional responsibilities of conflict management and resolution as was obtainable before the advent of colonialism. The theory, therefore, is of the view that Africa and indeed Nigeria's underdevelopment and by extension the failure of institutions like the traditional institutions was as a result of the integration and incorporation of the continent and indeed the country into the periphery of global capitalist system to play subservient role to international capital. The proponents of this theory have argued that the issues that border on the failure of Africa as a continent and Nigeria as a country can only be explained within the context of bourgeois hangover of colonialism and imperialism. An extrapolation of classical Marxist theory, dependency theory is espoused in the works of Lenin and Luxemburg in the 1910's and 1920's (Lee, 1983 cited in Onah & Nyewusira, 2006:59).

Lenin and Luxemburg have argued that what today is known as “underdeveloped” countries can only be explained within the framework of the influences on production relations and capital formation process in the so-called “advanced world”. According to Nweke and Nyewusira (2009), dependency theory was propounded by Third World scholars and put together in the sixties by eminent writers such as Luxemburg (1964), Frank (1969), Santo (1970), Cockroft et al (1972), Rodney (1972), Samir Amin (1976), Cardoso and Faletto (1979), Offiong (1980), Ake (1981), Ndoh (1995) and the like. There is a strong contention by the dependency theorists that Africa has continued to be dominated economically as well as politically by external centres of power. Most noticeable is economic, political and cultural dependence of the continent upon America and Europe (Matunhu, 2011:68). In his own submission, Rodney (1972) has argued that the political independence of Africa from colonialism did not alter the dependency arrangement rather it deepened it. He said the end of colonialism has not deterred the imperialists from dominating Africa. Akani (2010:124) further adds that it is plausible for one to argue that the intractable problems in Africa of late are a precipitate of the merciless looting, imposition of assumed complex and disorientation of the continent. African traditional institutions in this regard were not left out as part of the institutions destroyed by imperialism and colonialism in Nigeria in general and in the Niger Delta in particular.

Matunhu (2011:69) has also lent credence to the foregoing, when he stated that: to succeed in the improvement operation, the metropolis destroyed the traditional, pre-capitalist structures of Africa in order to pave the way for super exploitation and appropriation of surplus value. Mission education curriculum was the main instrument used to destroy the pre-capitalist social structures in Africa. Matunhu (2011) has further argued that the educational system brought about mental impoverishment of Africans by emphasising the importance of African value and culture at the same time while glorifying those of the whites. There is no doubt, therefore, that dependency theory in this respect becomes apt in explaining that imperialism, colonialism and neocolonialism led to the destruction of existing traditional institutions in Africa which facilitated the failure of the institutions in living up their traditional responsibilities of conflict management and resolution in their domains.

African renaissance theory on its own offers a complimentary role in the explanation of the way out of the problem posed by neocolonialism in Africa and indeed in Nigeria as held by dependency theorists. Writing on African renaissance theory, Matuhun (2011:71) has opined that the theory is founded on African values and norms which are the very building blocks of African life. The strength of this argument lives in its ability to be adaptable to change and innovations provided they are initiated within the social and value systems of the average African. Unity, communalism and shared purpose for Africa become the basis for thinking of a true African life. His proposition remains that removing Africa from the apron of poverty and underdevelopment must be informed and embroiled in the African values like 'Ubuntu in South Africa, 'Humwe' in Zimbabwe, 'Harambee' in Kenya and 'Ujamahaa' in Tanzania. He contended that the model rejects the main stream growth (modernity) and dependency paradigms because they exacerbate poverty and fail to appeal the African value system. According to him, like other alternative models, it emphasises a social force that opposes and transcends the growth and dependency paradigms. He further argues that "Africans had their own way of dealing with crime, deviance and conflict ... in the name of modernising Africa, the people of the continent lost their identity and development path".

The African renaissance theory is a social movement built on the pursuit of the issue of injustice, inequality and sustainability from a collective or communal approach. It is all about redeeming Africa's past identity and values with a view to bringing about the continent going back to chart a new course to its greatness. The theory mainly advocates for local solutions, pluralism, community-based solutions and reliance on local resources (Matuhun, 2011). Contributing to this theory, Korten (1990:4) has said that 'transformation' for future depends on achieving the transformation of institutions, technology, values and behaviour consistent with ecological and social realities in Africa.

The combined theoretical underpinnings adopted in this paper offer better explanations to the issues raised that Africa's integration and incorporation into the periphery of global capitalism politicised and hence weakened the traditional institutions of governance in living up their traditional responsibilities of conflict

management and peace-building as was obtainable in the pre-colonial societies (dependency theory). Moreover, to get Africa to the part of prosperity, there is therefore the need to think of local solutions based on collective communal approach in managing her own affairs (African renaissance theory). Both theories of dependency and African renaissance are quite apt in explaining both the failure in the role of traditional institutions of governance in managing social conflicts in Nigeria's Niger Delta communities and the need for a reinvigoration and restoration of African values with a view to bringing back local or community-based approaches to conflict management and peace-building in the face of globalisation challenges.

Pre and Post Independence Administrative Roles of Traditional Institution

Prior to colonization there existed a system of indigenous traditional administration which varied from one part of the country to the other. In the Northern part of the country the Hausa/Fulani practiced a highly centralized system of government where the emir is both the political and religious leader. The Emir had the responsibility of making laws, enforcing them and maintaining peace and order in his emirate. As the religious leader, he was expected to ensure that the provisions of the Islamic and Sharia laws guide the conduct of the affairs of the emirate (Fatile & Adejuwon, 2010). Nevertheless, the Emir had a number of advisers who assisted him in the day-to-day administration of the emirate. Notable among these were: *SarkinFada* – The spokesman of the Emir and organizer of palace workers; *Waziri* – The Prime Minister; *Galadima* – The Administrator of the capital city; *Madawaki* – The commander and Head of the Army; *Magaji* – Officer in-charge of the treasury; *Sarkin Dan Doka* – Inspector General of Police Force; *SarkinRuwa* – Minister incharge of Water Resources, among others (Erero 2005).

According to Fajonyomi (1997), the administration of justice was based on strict Islamic law, also known as the Sharia. This was carried out by Sharia courts headed by a trained judge called Alkali. Though there were village heads who settled minor disputes, the final decisions in most cases rest with the Emir. In the western part of the country, the administrative system was monarchical under the headship of the Oba (Fatile and Adejuwon, 2010). He was assisted in the discharge of his duties by Yoruba Baales who administered towns and villages and paid royalties to the Oba at specified times of the year. The power of the Oba was not without checks, (Fadipe, 1970:207). In Oyo kingdom for instance, the Alafin (the Oba) wielded much power but was subject to control by the institution of the Oyo-mesi under the leadership of the Bashorun, to prevent an abuse of power. The Oyo-mesi, who were the king makers had the power to force an earring Oba to abdicate his throne or commit suicide in case of irreconcilable difference (Fajonyomi 1997). In the same way, the Oyo-mesi did not wield absolute power because they were also subjected to the control of the Ogboni acting under the authority of religion. As for the administration of justice, the Alafin held sway as he was the supreme judge of the Oyo Empire and there could be no appeal against his judgment (Salami, 2006:71-72).

Fadipe (1970) posits that, the Igbos of the Eastern region of Nigeria are republican and egalitarian in nature because generally they have no kings or chiefs. Major executive, legislative and judicial and administrative decisions are taken on behalf of the people by an assembly of men known as the 'Ohaneze'. The Ohaneze is composed of family heads who hold Ofo title. The Council of elders is assisted by various Age-Grade organizations who perform general functions. These include the maintenance of law and order, serving as army for the defence of the village against external attack, construction and maintenance of roads, prevention of abuse of powers by the council of elders. Of importance is the role accorded to Ozo title holders (Erero, 2005). These are respected and influential men in the village who are often consulted in the day to day administration of their communities. The administration of justice was carried out by the various institutions listed above depending on the nature of the case.

Problems/Challenges of Traditional Rulers

Though the traditional rulers have prominent roles in land disputes resolution, they have not been given a constitutional relevance or recognition to effectively and decisively act on land matters. Lack of adequate training in the area of survey and map hinders them from effectively discharging their duties.

There are no adequate map and survey data in their offices and at their local governments offices that will enable them record and maintain land transactions. Lack of capacity building in all its ramifications that includes human and material to record and maintain such services which a land conflict resolution requires on a continuing basis. Lack of constitutional recognition which will support and give legal backing in the discharge of their duties. The current facilities, human, material and the infrastructure cannot support the proposed SLTR implementation. Many land transactions are not recorded and where the documentations exist they are usually vague and ambiguous. This certainly leads to litigation and end up being a boundary issue depending on the location and the parties involved.

Conclusion

In this paper, the various definitions of a traditional ruler are given. The role of traditional rulers in the sustenance of our democracy cannot be over emphasized. The traditional rulers play a vital role in maintaining law and order in our society. This is achieved specifically by the settlement of land disputes in their various communities as presented in this paper. Land disputes if not properly handled with create problems of unimaginable proportions. By being closer to the people, and by virtue of the respect people have for the traditional institutions, the task of settling disputes has gone a long way in maintaining and sustaining peace in the country. The government both at the federal, state level have found it necessary to effectively use traditional rulers for promoting peace among the various communities. A lot of government programmes are carried out with massive support of traditional rulers in various communities across the country through their enlightenment, mobilization and sensitization drive. However, there are certain challenges being faced by the traditional rulers some of

which have been highlighted above and the prospects and recommendations. Their diminishing authorities notwithstanding, their prestige in the eyes of their subjects are still intact.

Recommendations

Government at all level need to demonstrate readiness to the role of traditional ruler in other to build and enhance local capacity, we need to understand the roles of traditional rulers in the chain of land disputes so as to place land administration in a stronger position, both countrywide and at the local level. Traditional rulers must not abuse their office in order to command public respect. In fact, traditional rulers are the effective access to the people. In most communities, the structure is that the elders and traditional rulers enjoy very powerful position in the communities. This highly influential position can be explored by government to the advantage of the general public. The reliance of the local community and their ruling structure offers great advantage. It is possible to strengthen the local capacity for management and settlement of disputes rather than imposing the formal state legal system.

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