

## Traditional Rulers And Conflict Resolution: An Evaluation Of Pre And Post Colonial Nigeria.

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### Abstract

Non participatory roles of traditional rulers in the present day administration as compared to their roles in managing and resolving conflict in pre-colonial Nigeria is accounting mainly for the decades of social conflicts that is manifesting itself in our socio-economic and political circuit. This development does not only renders traditional rulers and her institutions irrelevant but also creates threats to peace, security and stability in the nation. The paper thereby provides brief clarification of the key concept and overview of the roles of traditional rulers and her institutions in conflict prevention, management and resolution in pre and post colonial Nigeria. The paper further evaluates these roles and recommends that, harmonizing norms and values embedded in traditional institutions, being the epitomy and custodians of mystical, religious and symbol of identity of their local people, with the modern system of governance will go a long way in reducing, if not totally eradicate the recent problems facing the new state, most especially, in terms of access to justice and resolution of conflict.

**Keywords:** Traditional rulers, indigenous conflict resolution, evaluation, harmonization, Nigeria

### 1. Introduction

Socio-cultural norms and values embedded in traditional institutions have remained an integral part of every organised society in Africa. Apart from being the powerful human tool for survival, the defined cultural norms and values also form the bases of existence of every civilized society, as described by Thomas Hobbes, they bring order which in turn makes the society devoid of any state of lawlessness.

In pre-colonial Nigeria, these norms and values formed the bases upon which traditional rulers exercised governance, power and authority or influence over their subjects. Furthermore, these institutions of traditional rulers were virtually the only institutions of governance which played critical roles such as custodians of customary law and communal assets, especially land and resources; guardians and symbols of cultural values and religious practices; dispensing justice, enforcing contracts and also resolving conflicts.

The art of resolving conflict is borne out of a belief that conflict which is inevitable could and should not be left alone, it therefore needs to be put under control by interacting with relevant parties to develop common generalization or principles and practices that would return cordial relationship against violence. During conflicts, traditional rulers therefore undoubtedly played significant roles in managing these conflicts informally and arranging peace-making meetings when matters get out of hand. These governance institutions and structures were controlled by certain unwritten laws which formed part of the general social structure, and, its machinery of enforcing governance was well-organized to manage affairs, administered justice and resolve tension in the society. However, during colonial era, there was a role change as the roles and offices of traditional rulers were either usurped by the colonialist or their subjects.

According to Aidelokhai (2008), traditional rulers before the advent of colonial rule in Nigeria were the political, cultural, economic and social administrators of their various domains. There was a new imposition of European Hegemony over the existing sovereign authority. This new governance arrangement granted the colonialist easy exploitation and control of their territories.

The British system of colonial administration employed the system of indirect rule. Indirect rule is a system of governing colonies through the use of local chiefs or other approved intermediaries and traditional laws and customs with British officials merely supervising the administration( Barr. Abdullahi,2007). The British colonialist through native courts, installed and controlled chiefs by warrant as they believed that African people had to be governed by chiefs in order to maintain the organic unity of the Nigerian society. (Afigbo, 1972)

These native courts gave birth to a constitutionalism, where roles and status were clearly indicated and differentiated. Even though scholars of democracy refer constitutionalism as one of the three principal elements to the practice of democracy in any democratic state, it also states what powers government can exercise and the responsibilities of citizens (traditional rulers inclusive) as a primary element of 'rule of law'. The above description shows that the traditional rulers in colonial and post colonial Nigeria assumed a new status and role which have been enshrined in the various constitutions.

However, in recent times, there exists the loss of direction in governance, thus the prevailing state of poverty, the frequent electoral and post-electoral strife, and the persistence of widespread ethnic and civil conflicts. These have been described as some manifestations of the failure of the State. This is not to say that, conflict did not exist in the pre-colonial era, but pre-colonial Nigeria benefited immensely from the traditional system, as a result, crisis based on tribal, ethnic and religious sentiments were very minimal.

A number of questions in this regard prove relevant. What mechanisms did traditional rulers use to cushion the escalation of crisis in the pre – colonial Nigeria? Have these mechanisms been enshrined in the Nigerian constitutions? Were they (traditional rulers) given constitutionally backed roles in the post colonial Nigeria, even till the present 1999 constitution? By answering the above questions, this paper seeks to examine the roles of traditional rulers in conflict resolution in the pre and post colonial Nigeria. This will help us to know whether the mechanisms employed during pre-colonial era to cushion conflict have been eradicated or enshrined in the constitution.

The findings of this study is work in progress and does not state that traditional and "modern" systems of governance are competing against each other but rather seeks to illustrate how to integrate the two systems more effectively in order to better serve citizens in terms of access to justice and resolution of conflict.

This study will therefore make use of the secondary sources of information such as internet, journals, articles as data sources.

The first section of this paper will be an exposition of concepts and literature reviews. The second section will elucidate the mechanisms employed by traditional rulers in resolving conflict in pre colonial traditional Nigeria. In the third section, the paper will examine the roles of traditional rulers during colonial and post colonial eras. While the fourth section forms the body of analysis. The concluding section charts some policy suggestions for improving the work of traditional rulers in the present dispensation.

## 2. Conceptual Clarification

Before evaluating the roles traditional rulers play in the resolution of conflicts both in pre and post colonial Nigeria, it is necessary to understand some key concepts in this study.

Oxford Advanced Learner's Dictionary, 7th edition, defined conflict as a situation in which people, groups or countries are involved in a serious disagreement or argument. Stagner (1967: 16) sees it (conflict) as: "a situation in which two or more human beings desire goals which they perceive as being obtainable by one or the other, but not both; each party is mobilizing energy to obtain a goal, a desired object or situation, and each party perceives the other as a barrier to that goal". Bamikole (2008) describes it (conflict) as "the differences in the interests of people or between groups of people, which could be material, religious, ethnic, ideological and any other thing that make people, fight one another". It may provoke wars that result in depopulation and devastation. At the move to cushion these effects, hence, a need for its resolution is necessary.

Wikipedia therefore conceptualised resolution of conflict as the methods and processes involved in facilitating the peaceful ending of conflict. It could also be described as measures attempting to resolve the underlying incompatibilities of a conflict, including attempts to get the parties to mutually accept each others' existence (Peter, 2002). Furthermore, it helps parties develop common norms, rules and regulations on utterances, attitude, actions and aspirations to allow peace to reign, rather than for violence to reign (Akpuru-Aja, 2009:21). As it is unarguably true that, when conflict arises, in most cases, its resolution is mapped out by certain designated people. The pre-colonial Nigeria tagged these people as traditional rulers. Therefore, there is need to give a clear definition of a traditional ruler.

Traditional rulers can be described as individuals or groups of individuals who occupy communal political leadership positions by immorality and are through the consent of community members granted authority and legitimacy to direct the affairs of particular ethno-cultural or linguistic groups in an ordered manner (Egwurube, 1988). Dasuki Committee report (1988) regards a traditional ruler as "the person who by

virtue of his ancestry, occupies the throne or stool of an area and who has been appointed to it in accordance with the customs and tradition of the area". Thus, a traditional ruler is a person who by tradition occupied the highest social and political positions in their respective societies over a given politically recognised area.

### **3. Traditional Rulership and its Conflict Resolution Mechanism in Pre-Colonial Nigeria**

Indeed, there is no gainsaying that, traditional rulers have certain elements as the basis of their authorities other than tradition. This makes them different from other leaders in the world. The pre-defined Nigerian communities had them (traditional rulers) as virtually the only people with authority to govern their subjects. In that period, traditional rulers managed affairs, administered justice and resolved tension in their different localities with certain unwritten laws. This unwritten laws found their root in firsthand experience passed on through stories, myths and legend, folklore, rituals, or songs from generation to generation and formed part of the general social structure which in turn bred order, development, peace and stability in these localities.

This does not presuppose that these communities were outrightly peaceful and orderly, as every community, at that time, had witnessed one form of conflicts or the other as a result of divergent interests arising from the difference in languages and traditions. However, these (conflicts) were put under control by traditional rulers who were seen as the living representatives of their ancestors and believed to possess their authority from the spirits of the Supreme Being or God. It is interesting to note that, the vast knowledge of custom, myths and the history of the communities; and the skills as orators as well as the social capital which the traditional leaders had as leaders of these community/ies, empowered them to put conflict to a conclusive resolution. The resolution which has the primary objective of moving away from accusations and counter accusations, to soothe hurt feelings and to reach a compromise that may help to improve future relationships of the conflictual parties. This objective in that era was achieved through traditional approaches which were holistic, comprising also social, economic, cultural and religious-spiritual dimensions. This is in accordance with the entirety of traditional lifestyles and world views in which the different spheres of societal life were hardly separated. What must be keenly noted by conventional mechanisms is the salience of traditional practices such as the use of rituals, symbols and interpretations of myths to bring conflicts to an end, (Brock – Utne, 2001).

Furthermore, the conflict parties can directly engage in negotiations on conflict termination and in the search for a solution, or a third party can be invited to mediate; in any case the process is public, and the participation in the process and the approval of results is voluntary. It is carried out by social groups in the interest of social groups (extended families, clans, village communities, tribes, brotherhoods, etc.); individuals are perceived as members of a (kin-)group, they are accountable to that group, and the group is accountable for (the deeds of) each of its members. (Boege, 2006). Above all, in the pre-colonial Africa, the use of these mechanisms to settle and to mediate all sorts of conflicts as well as violent hostilities helped to maintain a semblance of order and stability in an otherwise hostile environment created by social relations. For example, in the Eastern Nigeria, among the Igbo people, the Family Head, The Umuada, The Village Tribunal (Amala), Age Grades, Titledmen (Chiefs), Oracles, according to Nwazie(1991), are the six indigeneous legal institutions that had authorities to serve as mediators, facilitators, negotiators, and peace makers over their domain, especially, when the issues are conflict ridden. He further explained that the family head mediates certain marital disputes, cases of delinquency, boundary disputes between households and presides in the resolution of other cases between family members. If a member defies the family head or a leadership crisis arises, the married daughters(Umuada) of the family or village are invited to resolve the dispute or to force compliance with the decision. Moreso, matters affecting outsiders or threatening to disrupt a family and intra-village disputes are usually referred to the Amala (village tribunal) which was composed of 10 to 15 lineages. Finally, If the facts of a case are unclear or the offender's identity uncertain, Ibo resort to an oracle. Divination is used to identify mysterious causes, heal diseases, and manage both individual and group conflict. When defaulter is found among the conflicting parties as revealed by the diviner who sees beyond the ordinary and explains the supernatural aspect of events, he is sanctioned. Sanctions are confined to the social realm (shaming, stigmatising) and the supernatural (cursing, sorcery) – if one does not want to take recourse to violence. Parties have the power to reject any settlement that they are not happy with. Hence conflict solution is based on voluntary consensus and agreement. Everybody has to agree to a solution, including god(s) and the spirits of the ancestors. In other words: Traditional conflict transformation is consensus-based. The fundamental principles that guide the consensus based (decentralized authority) systems include curbing the concentration of power in an institution or a person and averting the emergence of a rigid hierarchy. (Legesse, 2000; 1973).

Subsequently, in Northern Nigeria, among the farming communities, according to Jacob (2010), there is a hierarchy of village elders, ward heads, Village Heads and District Heads who can be called on to resolve

disputes. If the damage is serious, then a more senior leader is called upon to settle the problem. The main problem with traditional authorities in his view is that their interest in these matters varies from one village to another. Some take action to set up court-like procedures, with witnesses, site inspection and independent assessment of costs. Others make arbitrary judgments, and people commonly accuse them of taking bribes. In some areas, the pastoralists are said to win all cases because they are wealthier than farmers and can pay more. Elsewhere, judgements are said always to go in favour of farmers.

The Emirs, he further explained, could also help in forming professional and tribal associations. Each association could freely elect its own chairperson. The different chairs elected one representative as member to the Emirate Council. A conflict resolution mechanism can be set up at three levels:

- Low level committee, comprising of village head, Fulani and farmer leaders. They can resolve the issue at their level, mostly by mediation and payment of compensation.
- Middle level committee, comprising District Head, Sarkin Fulani and branch chair of the Farmers Association. Very few issues pass this level without being resolved.
- High level committee, comprising the Emir, the Galadima (who also represents the Chairs of Associations) and other members of the Emirate Council. The verdict here is final and the conflicting parties must adhere to it.

Since the establishment of these mechanisms, both in the Eastern and Northern Nigeria, individuals and communities in these regions have been living peacefully with one another. (Jacob, 2010)

However, the arrival of the colonialists who created a nation, named Nigeria, led to the change in status and roles of these traditional rulers. These colonialists thereby brought the different Nigerian political systems under centralized states and used traditional rulers as intermediaries between the colonial state and the local people. As intermediaries between the colonial State and local peoples, chiefs were expected to maintain peace and order within their communities. Consequently, these chiefs (traditional rulers) were assigned constitutional roles. Therefore, in the next section, we shall not only attempt to identify these roles assigned to them (traditional rulers) during her colony but also look at their (traditional rulers) constitutional roles after the colonial rule was abolished vis –a – vis their roles in different Nigerian constitutions.

#### **4. Roles of Traditional Rulers in the Colonial and Post Colonial Eras.**

The colonial Nigeria experienced the influx of the British. As the British do in any country they make colony, they employ the system of indirect rule in governing their colonies. The system of indirect rule involves the use of local chiefs or other approved intermediaries and traditional laws and customs with British officials merely supervising the administration (Barr. Abdullahi, 2007). Indeed, during the colonial era in Nigeria, the British used this system in governing Nigerian communities. For example, in the northern Nigeria, according to Roger et al (2006:14), the British created a political coalition between Native Authorities and the provincial Administration as follows: A district head is the most senior administrator and community leader in his area, responsible for the maintenance of law and order, and collection of taxes and other revenue. District heads are expected to initiate development at local level and to mobilise people to undertake communal works. They are also charged with educating people concerning government policy. Heads derive their authority from the councils and local government, and are appointed, disciplined and paid by the former. Village heads work under the district heads and are expected to tour frequently and acquaint themselves with the feelings of the people. They must keep their councils and local government informed of local developments, submitting regular reports on a range of matters. District and village heads perform the role of traditional rulers in their respective communities, and command wide respect for this. Subsequently, they further explained that the judiciary, the Native Authority police and the prisons were under the direct control of traditional rulers; and they had the full support of the colonial authorities in maintaining law and order. Likewise in the South-western Nigeria, the local chiefs such as Obas and his chiefs were used as intermediaries during the colonial administration. The Oba and his chiefs that were mere representative of the British often presided over local courts and settled local matters, applying customary laws with the full support of colonialists (Adeola, 2011). The above description of the role of traditional rulers in Nigeria during the colonial period shows that, change occurred and traditional rulers assumed a new status.

However, this newly assumed status that traditional rulers attained during colonial period changed at the collapse of indirect rule. Their status as administrators were replaced with advisers in their different

communities. This dramatic change eliminated their most significant powers although their prestige was probably less affected. Furthermore, their roles (traditional rulers) have continued to change as it has been embedded in the various constitutions. For instance, in different constitutions such as Richards Constitution(1944 - 1951), Macpherson Constitution(1951) and Lyttelton Constitution(1954), according to Iworah(2007), their roles were upheld. As either members or nominees to Houses of Assembly and Houses of chiefs, they participated in making policy with governors in their regions. However, these roles changed as the Independence Constitution of 1960 came into existence. Although, Council of Chiefs in Northern Region and Minority councils in the Eastern and Western regions helped in fostering the participation of traditional rulers in these regions, their position in the federal and regional legislature were eroded in favour of appointed chiefs. (Iworah, 2007). Furthermore, the Republican Constitution of 1963 ushered in fresh roles for them(traditional rulers) as members of the parliament with reference to Section 69, Sub-section 1, 2, 3, 4, 5 of the 1963 constitution which reads ;

- (1) Parliament shall have power to make laws –
  - (a) for the peace, order and good government of Nigeria(other than the Federal territory) or any part thereof with respect to any matter included in the legislative lists; and
  - (b) for the peace, order and good government of the Federal territory with respect to any matter, whether or not it is included in the legislative lists

These roles were reduced to mere advisory in the latter constitution of Federal Republic of Nigeria (that is, 1979 constitution). A situation whereby they (traditional rulers) were allowed to only remain relevant as members of the Council of State at the federal level, and the Council of Chiefs at the state level without any administrative roles. These powers(traditional rulers) are as contained in Part I of the Third Schedule of the 1979 constitution which is as follows:

- A council of chiefs shall comprise a chairman and such number of persons as may be prescribed by Law of the House Assembly of the state
- The Council shall have power to advise the Governor on any matter relating to customary law or cultural affairs, intercommunal relations and chieftaincy matters
- The council shall also have power to advise the Governor whenever requested to do so on – (a) the maintenance of public order within the state or any part thereof; and  
(b) such other matters as the Governor may direct

Furthermore, their roles also diminished in the subsequent Nigerian Constitution of 1999 as no role is ascribed to them.

## **5. Evaluating the Role of Traditional Rulers before, during and after Colonialism in Nigeria.**

There is no community in the world that achieves development, order and stability without defined norms and values embedded in its institutions and exercised by its leaders. According to the findings of this study, pre-defined Nigeria had traditional rulers as its leaders who exercised governance, power and authority or influence over their respective communities. Exercising these power, authority and influence which had its root in tradition, in turn, helped them (tradition rulers) in the aspects of managing affairs, administering justice and most especially resolving conflict. Suffice to say, the pre-colonial Nigeria benefited immensely from these roles played by the traditional rulers, as a result, crisis based on tribal, ethnic and religious sentiments were very minimal.

These roles of traditional rulers changed during the colonial era. As it is done everywhere Europeans form colony, they inculcate their religious ideas and values and other forms of ideology such as democracy into the system of governance of their subjects which in turn erode the domestic policy-making process of their subjects. The colonial Nigeria was not an exception of this. According to the findings of this study, the domestic policy making process embeded in various institutions of governance in the pre-defined Nigeria were altered radically by the British who imposed their hegemony by assigning roles to traditional rulers in the bid to penetrate their subjects. According to the findings of this study, these roles were different from their initial roles in the pre-colonial period as the traditional rulers ruled in accordance to the directives of the British. Afigbo (1972) asserts that the British instituted Native Courts and installed chiefs by warrant that controlled them. He also explained that, many warrant chiefs solely constituted colonially backed usurpers of power and had little legitimacy beyond the fact of being installed by colonial state. The implication is that, the domineering roles played by traditional rulers in the pre colonial era became weakened as their(traditional rulers) authority was seriously undermined with lost of prestige from their subjects.

These downward trends of reduction of powers of traditional rulers have remained from the colonial era to the post – colonial Nigeria state. As a matter of fact, the introduction of a federal constitution in 1954 which brought an end to indirect rule as it was replaced by the new system of local government supposed to be a turning point for the usurpation of traditional rulers authority in Nigeria. However, this may not be entirely true in Nigeria as the British intensified her hegemony by merely replacing her officials with privileged individuals trained in Britain in the 1940s and 1950s with quasi-socialist ideas to manage Nigeria along with traditional rulers. Although, these individuals acted under the auspices of fighting or negotiating for federalism and parliamentarism but the fact remains that their assumption of power did not help the traditional rulers in gaining back their sovereign authority. According to the findings of this paper, these individuals portrayed the traditional rulers as a relic of a former era as the British monarchy and thereby substituted their (traditional rulers) status from being responsible for local administration and governance in their respective domains during the colonial era to advisers of local government as stipulated in the 1976 Local Government laws. Subsequently, as Nigeria fell victims to a series of military coups and the rather haphazard authoritarianism, the situation is however different when the military dictators used them as tools to mobilize peoples support for their(military dictators) programmes. As they(traditional rulers) especially the non – elected ones during first constitution, worked for the military dictators, the traditional rulers derived a kind of prestige in exchange for the legitimacy giving to the dictators. Consequently, after Nigeria returned to democratic dispensation, the focus of both citizens and elected leaders was on the activities of the few traditional rulers who collide with military dictators in looting public revenues for private gain and not on their relevance to the Nigerian society as they did during the pre-colonial era. The implication is that, their roles in most of the constitutions were on advisory ground and not as the royal fathers of their various domain. This has bred failure in governance of the new state.

Therefore, the loss of direction in governance which leads to the prevailing state of poverty; the frequent electoral and post-electoral strife; and the persistence of widespread ethnic and civil conflicts in the new Nigerian state, is the manifestation of the failure of the new Nigerian state. According to the findings of this paper, the new Nigerian State has neglected the cultural norms and values which were embedded in the pre-colonial institutions of traditional rulers. The pre-defined Nigeria had norms and values that existed within its various communities before the arrival of the British. The British replaced these values with theirs without any considerations of the ones they met. According to Dore (n.d.) notes, when policy neglects history, culture, and social context, huge amounts of effort and resources can be wasted on poorly conceived initiatives. Therefore, in the bid to build and strengthen the new Nigerian state, there is the need to recognize traditional rulers and its institutions. This is principally borne out by a growing recognition that capable democratic States must be grounded on indigenous social values and contexts, while adapting to changing realities. This will require among other actions, aligning and harmonizing traditional governance institutions with the modern State especially in the aspect of conflict resolution upon which this paper is focused.

## 6. Conclusion and Recommendations

For the fact that traditional rulers are the closest to the people, and the custodians of the tradition of the people, downplaying their roles in governance of any society will amount to chaos. This is evident in the recent state of poverty, frequent electoral and post-electoral strife, and most especially persistence of widespread ethnic and civil conflicts experienced in Nigeria. The neglect of cultural norms and values embedded in traditional institutions in the modern day Nigerian democracy has in no measure contributed to this. The machinery of enforcing governance which was well-organized in the pre-colonial era to manage affairs, administer justice and resolve tension in the society has totally been eradicated. For instance, looking at the traditional conflict resolution mechanisms in Nigeria, they are generally closely bound with socio-political and economic realities of the lifestyles of the communities. This is because these mechanisms are rooted in the culture and history of the African people, and are in one way or another unique to each community. Therefore, ignoring them in the present day Nigeria will amount to the failure of the state.

However, hope is not lost as harmonizing this(norms and values embedded in traditional institutions which serve as the roles of traditional rulers) with the modern system of governance will go a long way in reducing, if not totally eradicated the recent problems facing the new state. This can be achieved by creating a clear and constitutionally specified role for traditional rulers with transparent mechanisms for either making or approving choices and for demoting or dismissing those who fail in their tasks. In addition to this, these roles must specify more clearly what is expected of them in terms of conflict resolution. Furthermore, governments at the 3-tiers must involve traditional rulers more in local government affairs. The issue of their welfare should also be

considered and be accommodated in yearly budget cycles. That way, the institution of traditional rulers as we know it will preserve its dignity somewhat rather than the sad situation we have presently where some of our royal fathers go around 'begging for bread'.

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